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# NATIONAL CONVENTION ON THE EUROPEAN UNION IN THE REPUBLIC OF NORTH MACEDONIA (NCEU-MK)

## CLUSTER 1 "FUNDAMENTALS"

### JUSTICE AND THE RULE OF LAW IN THE REPUBLIC OF NORTH MACEDONIA THROUGH THE LENS OF EUROPEAN STANDARDS AND ASSESSMENT MECHANISMS



PUBLIC POLICY DOCUMENT

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Rule of Law and Judicial Independence*

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**THE RULE OF LAW IN THE REPUBLIC OF  
NORTH MACEDONIA IN THE CONTEXT OF  
THE EUROPEAN RULE OF LAW  
MECHANISM**



**Prof. Dr. Mileva Gjurovska**



# THE RULE OF LAW IN THE REPUBLIC OF NORTH MACEDONIA IN THE CONTEXT OF THE EUROPEAN RULE OF LAW MECHANISM

## INTRODUCTION

This document endeavors to offer a comprehensive and in-depth examination of the rule of law within the European Union. It employs a comparative methodology to analyze diverse patterns, practices, and challenges present in both Member States and candidate countries. This approach holds particular significance for the Republic of North Macedonia and other candidate nations, underscoring the pivotal role of the rule of law not solely as a legal and normative principle but also in its practical and functional dimensions. Furthermore, it highlights that the challenges pertaining to the rule of law are encountered by many Member States, ranging from those exhibiting a significant deviation from democratic principles to those demonstrating robust democratic capabilities.

This document attempts to provide the Macedonian public with a comparative analysis of the current state in both the Member States and EU candidate countries, with a particular focus on the Republic of North Macedonia. The primary objective is to elucidate the Mechanism for the Rule of European Union Law, its implementation, and its significance in the operational framework of the Union, as well as its role in the broader context of European integration.

The Rule of Law Mechanism serves as a fundamental tool of the European Commission for overseeing, preempting, and rectifying systemic deficiencies in the judiciary, anti-corruption measures, media freedom, and institutional transparency.

The term "Mechanism" underscores its instrumental character and diverse range of functions, with its sustained utilization geared towards guaranteeing the uniform enforcement of core principles across the European Union.

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The EU Annual Rule of Law Report serves as a pivotal component within the Mechanism for evaluating the conditions in Member States and candidates. It offers a comprehensive comparative analysis, enabling an examination of the Republic of North Macedonia's standing in comparison to other European nations.

The interest in the Rule of Law Mechanism of the European Union notably surged in the Republic of North Macedonia and other nations in the Western Balkans region during 2023/2024. This heightened interest followed the decision to encompass these countries within the scope of the Mechanism.

The findings of the Rule of Law reports within the Mechanism are presented in a sublimated manner, with supported arguments from pertinent sources and comparative analysis.

The civil sector in the Republic of North Macedonia has demonstrated significant interest in the Rule of Law Mechanism, acknowledging its significance as a crucial tool for promoting the rule of law and enhancing democratic processes. In this context, the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK) has actively engaged in both national and regional endeavors to advocate for its recognition and advancement.

In 2024, a collaborative session took place within the Working Groups on Chapter 23 (Justice and Fundamental Rights) and Chapter 24 (Justice, Freedom, and Security), focusing on the subject: “Fundamental rights, justice, and freedoms from the perspective of the Rule of Law Mechanism of the European Union.” This event garnered significant interest and fostered dialogue among all relevant stakeholders, despite the Rule of Law Report for candidate countries not being published at that juncture.<sup>2</sup>

In 2024, NCEU-MK conducted eight sessions within the three working groups of Cluster 1 – Fundamental Values, concentrating on contemporary matters concerning the rule of law. The discussions engaged over 250 representatives from institutions, the judiciary, civil society organizations, and other relevant entities. Subsequently, more than 60 recommendations were endorsed and presented to policymakers. These consensus-based recommendations serve as a framework for the comprehensive analysis that ensues.

In December 2024, the 7th Plenary Conference of the NCEU-MC took place, with participation from representatives of institutions and nati-

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<sup>2</sup> [13th Session of Working Group 3. Justice and Fundamental Rights – 26 April 2024](#). The theme of the session was: “Fundamental rights, justice, and freedoms through the prism of the rule of law mechanism of the European Union.”

onal and regional experts from the Western Balkans. This gathering facilitated the identification of shared conclusions and enabled an examination of the disparities in the rule of law status across the region, as outlined in the conclusions of this document.

Furthermore, as part of the regional citizens' initiatives in the Western Balkans under the project "Make Justice Rule the Region," supported by the Kingdom of the Netherlands (MATRA), a conference was convened on the subject: "Reflections on the Rule of EU Law Mechanism and its application in the candidate countries of the Western Balkans."

This two-day conference played a significant role in promoting the Rule of Law Mechanism, which was still relatively unfamiliar to the general public in the region at that time. The event facilitated constructive discussions among civil society representatives, judicial experts, and international partners, aiming to enhance the comprehension and adaptation of the mechanism to the local context.<sup>3</sup>

## **1. THE RULE OF LAW – A FUNDAMENTAL VALUE IN EUROPEAN CONSTRUCTION AND EUROPEAN INTEGRATION**

Undeniably, while the European Union does not have a formally defined hierarchy of values, the rule of law holds significant importance as a foundational value with inherent meaning, as outlined in the Treaties of the Union.<sup>4</sup> The assertion that the rule of law is an inherently European concept that is progressively extending globally and attaining constitutional recognition is a viewpoint that has been put forth.<sup>5</sup> The acknowledgment of the rule of law as a fundamental principle for the operation of the Community and the cornerstone for the endurance of its institutions is crucial. The adherence to laws by Member States, as well as those seeking membership, forms the very foundation for fostering mutual trust.

The inquiry "Who will guard the very guards?" (Quis custodiet ipsos custodes) encapsulates a significant question raised by the concept of the

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<sup>3</sup> The objective of the project is to enhance regional networks and foster regional dialogue to facilitate the exchange of best practices and expertise on the rule of law and other pertinent topics related to the EU membership negotiation process. The project partners include the National Convention the EU of North Macedonia, the National Convention - Serbia, and the National Convention - Albania. The project commenced in December 2022.

<sup>4</sup> In Article 2 of the Treaty on European Union, [Official Journal of the EU, C 326/13](#), and Lisbon Treaty (2009) [Treaty of Lisbon, Konrad-Adenauer-Stiftung, 2010](#).

<sup>5</sup> Philip Marsden, [Checks and balances: EU competition law and the rule of law](#), British Institute of International and Comparative Law.

rule of law. This dilemma, rooted in ancient philosophical discourse, persists as a pertinent consideration in modern democratic systems.<sup>6</sup>

The principles of justice, freedom, and security form the bedrock of the legal-philosophical underpinning of the rule of law, underscoring its function as a safeguard against arbitrary authority. The rule of law acts as a barrier against the misuse of authority, ensuring governance founded on adherence to the law, legal predictability, and institutional responsibility. Within this framework, the concept of legality signifies adherence to the rule of law rather than the rule of individuals, and the restriction of state authority by legal constraints.<sup>7</sup>

“In order to avert the transformation of a political majority into a tyrannical force that hinders the preservation of freedom and justice for all, it is imperative to safeguard fundamental rights and uphold the rule of law. The rule of law, democratic values, and the safeguarding of fundamental rights are intricately interconnected, such that the existence of one is inseparable from the other two.”<sup>8</sup>

From a sociological viewpoint, the examination of the rule of law entails assessing the degree to which legal norms are adhered to in daily interactions and determining whether citizens, institutions, and elites perceive the legal system as legitimate. The correlation between the formal establishment of laws and their practical enforcement serves as a crucial gauge of the rule of law.<sup>9</sup>

Analysts have observed that the concept of the rule of law is subject to diverse interpretations and applications, causing it to take on the characteristics of a “chameleon” – capable of signifying everything, yet nothing at the same time. This phenomenon highlights the risk of the term

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<sup>6</sup> Ibid.

<sup>7</sup> Renata Treneska Deskoska, Jelena Trajkovska-Hristovska, Marko Krtolica, Friedrich Ebert Foundation, [Political System](#), 2023. "The principle of legality in the legal-philosophical sense excludes: the rule of personal authority (the cult of personality), arbitrary power, the monopoly of various elites, leaders, informal groups, and extra-constitutional factors of social power" (p. 88).

<sup>8</sup> Koen Lenaerts, [On Checks and Balances: The Rule of Law Within The EU](#), Special Issues, Columbia Journal of European Law, Vol. 29/2 .

<sup>9</sup> Mileva Gjurovska, Sociology, Faculty of Philosophy, 2014, 2nd edition. According to sociologist Max Weber, legitimacy pertains to what is acknowledged and endorsed by citizens, specifically the recognition of laws as the normative framework for conduct within society. In contrast, Emile Durkheim posits that a state of non-compliance with laws indicates either deficiencies in the laws themselves or a lack of authority within institutions to effectively enforce them.

losing its significance due to potential ideological exploitation and over-use..<sup>10</sup>

In political discourse, the rule of law serves as a pivotal benchmark for evaluating the democratic advancement of a nation. Entities like the European Union emphasize the rule of law as a fundamental prerequisite for European integration. Moreover, political figures frequently leverage this concept as a rhetorical tool in public discussions to justify specific reforms or policies. Conversely, in authoritarian systems, there is a tendency to superficially reference the rule of law for symbolic purposes, while in reality, it often takes a backseat to the political agendas of the ruling structures.

The principle of the rule of law includes:

- adherence to laws,
- certainty in legal matters,
- prevention of arbitrary exercise of government authority,
- presence of unbiased and autonomous courts,
- efficient scrutiny by the judiciary, ensuring the protection of fundamental rights, and
- equal treatment of all individuals under the legal system.<sup>11</sup>

The European Union possesses a distinctive legal identity known as the *Acquis Communautaire*, encompassing the collective legislation, legal acts, and rulings of the European Court of Justice that constitute European Union law as such.

In reference to the hierarchy outlined in Article 2 of the Treaty on European Union (TEU) regarding the significance of the EU legal framework and Article 4 concerning the national legal identities of Member States, the principle of subsidiarity as stipulated in Article 3 comes into effect. According to this principle, national laws supersede European legislation in cases where EU decisions do not align with opportunities at the national, regional, or local levels. Central to the European community is the provision for safeguarding national identity, emphasizing the existence of an inviolable national core that must be shielded from Europeanization.

The founding treaties of the European Union establish a detailed regulating framework that expects national judicial systems to adopt and implement, provided they are operating effectively in alignment with the fundamental tenets of the rule of law. Special attention is directed towards en-

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<sup>10</sup> Renata Treneska Deskoska, Jelena Trajkovska-Hristovska, Marko Krtolica, Friedrich Ebert Foundation, [Political System](#). 2023.

<sup>11</sup>Laurent Pech, [The Rule of Laws a Well-Established and Well-Defined Principle of EU Law](#), SpringerLink, Volume 14, pages 107–138, (2022).

sureing the independence and impartiality of judges, prosecutors, and other stakeholders within the judicial system.

According to analyses, the European Union has established its own constitutional framework centered around the Court of Justice of the European Union, which serves to uphold and safeguard fundamental values. The legal architecture of the EU entails that Member States engage in legal relationships that encompass the interplay of two fundamental principles – mutual trust and recognition.<sup>12</sup> Indeed, within the constitutional architecture of the European Union, national courts hold significant importance. They form an integral part of the Union's integrated justice system and are responsible for ensuring the effective implementation of EU law at the national level.<sup>13</sup>

Following the EU's major enlargement in 2004, with the accession of 12 new Member States with different legal traditions, it became apparent that certain states were not guided by the principles of the rule of law. These countries have been criticized domestically and internationally for:

- the capture of public media outlets by individuals or institutions close to government structures,
- arbitrarily diverting public funds to governmental and non-governmental organizations,
- nepotism in state-owned companies,
- violation of single market rules, and
- political intrusion into university curricula.

The most serious problem was addressed to the erosion of the systemic foundations of the state – the separation of powers and the independence of the judiciary, which prompted the European institutions to take rigorous measures to protect the rule of law. In Poland, for example, judicial reforms have led to significant political influence over the selection and appointment of judges and prosecutors, and the Ministry of Justice has been a key factor in staffing. The Judicial Council, instead of protecting the judiciary from political pressures, transformed itself into a body dominated by politically appointed judicial officials.

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<sup>12</sup> Koen Lenaerts, [On Checks and Balances: The Rule of Law within the EU](#).

<sup>13</sup> The legal system of the European Union is a remarkable and distinctive achievement. It harmonizes civil and customary law within the framework of public international law, thereby enforcing a specialized form of administrative law. The legal framework of the European Union effectively integrates various legal cultures and traditions, considering the different stages of economic development, levels of market concentration, diverse approaches to competition, and various practices of abuse. This dynamic structure is continuously adjusted to maintain legal cohesion and uniformity across all Member States. Borrowed from: [Checks and balances: EU competition law and the rule of law](#), Dr Philip Marsden British, Institute of International and Comparative Law, p.1.

Similar problems were observed in Hungary as well as in other Member States, prompting the European Commission to seek appropriate mechanisms to protect the rule of law across the EU. One of the key instruments in this process was the so-called Rule of Law Mechanism, which continuously assesses the situation and provides tools for their improvement.<sup>14</sup>

## 2. THE EUROPEAN UNION RULE OF LAW IMPORTANCE AND THE RULE OF LAW MECHANISM GENESIS

The acknowledgment that the principle of the rule of law serves as a cornerstone of the European Union primarily signifies a legal framework where no individual holds superiority over the law. The integrity and autonomy of the judicial system are crucial for the effective operation of the European single market, while trust and political unity among Member States form the basis for transparency and answerability.<sup>15</sup>

Deficiencies in upholding the rule of law frequently result in challenges to the autonomy of the judiciary, arbitrary or illegal actions by authorities, restricted access to justice, inefficiencies within judicial bodies, and the failure to enforce rulings from superior courts.

The rule of law ensures that individuals in public positions adhere to legal standards and are overseen by impartial judicial bodies. It is founded on the concept of the separation of powers, which serves as a cornerstone for fostering stability and democracy within the European Union.

Before being utilized to enhance the legal system of the EU, the concept of the rule of law presented a significant obstacle for candidate countries undergoing continuous monitoring and assessment in this regard.<sup>16</sup> The complexity of this challenge heightened following the extensive enlargement of the EU in 2004, with ten new countries, predominantly from the former socialist bloc, acceding to the Union. The very subsequent admission of Romania and Bulgaria in 2007 duly emphasized the necessity for enhanced

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<sup>14</sup> Ibid.

<sup>15</sup> Zselike Csaky, [The EU and the Rule of Law: Much Movement, Little Change](#), Center for European Reform, 7 October 2024. As per the judgments of the Court of Justice in 2006, “judicial independence” is recognized as an autonomous concept of EU law. It signifies that judges must be safeguarded from any external influence that could endanger their ability to make independent judgments.

<sup>16</sup> Taken from the Report of the 13th session of Working Group 3, Justice and Fundamental Rights prepared by Alexandra Deanoska Trendafilova – coordinator of this working group. For more details on the new negotiating framework, see: [EU Accession process, step by step](#), October 2022.

monitoring mechanisms to oversee reforms, leading to the implementation of more stringent criteria and robust monitoring measures.

The 2020 New Negotiating Framework outlined the rule of law and justice as pivotal criteria for accession. Consequently, Chapter 23 – Judiciary and Fundamental Rights, Chapter 24 – Justice, Freedom and Security, Chapter 5 – Public Procurement, Chapter 18 – Statistics, and Chapter 32 – Financial Control were designated with special significance in the accession negotiation process. Reforms in these domains were deemed crucial for reinforcing the rule of law, particularly in combating corruption, which persists as a significant challenge in the accession process.

Over time, the rule of law mechanisms, initially set as criteria in the accession framework for candidate countries, have evolved to serve as the blueprint for the EU's internal mechanisms for monitoring and safeguarding the rule of law within its Member States. This evolution has culminated in the establishment of permanent assessment mechanisms, such as the European Commission's Annual Rule of Law Report, which diligently monitors the state of affairs of rule of law in all Member States of the Union.

In 2019, intensified and sustained efforts to establish a dedicated mechanism for reinforcing the rule of law within the EU emerged in response to crises unfolding in several Member States, most notably in Poland and Hungary. During this period, the European Commission recognized the urgent need to address these developments by introducing instruments that would be uniformly applicable across all Member States.<sup>17</sup> The impetus for this initiative was largely driven by rulings from the European Court of Justice, which emphasized that non-compliance with the rule of law has significant implications for the Union's budget. Acting in its role as the guardian of the rule of law, the European Commission began preparations for the development and implementation of a rule of law mechanism, which was subsequently incorporated into the Multiannual Financial Framework (2021–2027).<sup>18</sup>

While the constituent treaties of the European Union establish explicit guidelines concerning the rule of law, there has been a longstanding assumption that all Member States consistently uphold this principle without compromise.<sup>19</sup> Certain occurrences concerning the independence of the ju-

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<sup>17</sup> Molly O'Neal, [The European Commission's Enhanced Rule of Law Mechanism](#)

<sup>18</sup> [Regulation \(EU, Euratom\) 2020/2092 Of the European Parliament and of the Council](#) of 16 December 2020, on a general regime of conditionality for the protection of the Union budget.

<sup>19</sup> Article 2 of the Treaty on European Union (TEU) lays down the foundation that the Union is built upon common values such as democracy, the rule of law, and respect for fundamental rights. Furthermore, Article 19 of the TEU imposes an obligation on national courts to

diciary, the operations of constitutional courts, and the exertion of political influence on state institutions have indicated that the rule of law is not guaranteed.

Following the 2008 economic crisis, significant concerns emerged within the European public. Several Member States faced challenges to the autonomy of their judiciary, characterized by political influence on judges and instances of politically motivated legal proceedings. Additionally, disruptions in the operations of constitutional courts were observed, with some countries experiencing political interferences that undermined the courts' essential role as protectors of constitutional integrity.<sup>20</sup>

The foundation of the new rule of law mechanism was established through the Rule of Law Framework, which was adopted in 2014. Furthermore, the judgments of the European Court of Justice emphasized the importance of national courts adhering to EU legal principles regarding judicial independence and the separation of powers.<sup>21</sup>

The Mechanism was developed through a structured dialogue that involved various stakeholders such as EU institutions, Member States, international organizations, judicial networks, civil society, and academia. These discussions resulted in the consensus that a more robust tool was necessary to safeguard the rule of law within the EU. From 2014 to 2019, the European Parliament, the Council of the EU, and other key institutions conducted regular thematic meetings on the rule of law. This debate extended to all Member States and culminated in the formulation of recommendations that defined three fundamental pillars:

- a) promotion – increasing public awareness of the rule of law;
- b) prevention – early detection and prevention of disturbances;  
and
- c) response – establishing mechanisms to address violations.

In 2019, a dedicated Eurobarometer survey on the rule of law was conducted. The findings revealed that 80% of citizens in the Member States acknowledged the significance of the rule of law, with 57% expressing dissatisfaction with the state of affairs in their respective countries and advocating for specific actions to be implemented across all 17 indicators established to assess the rule of law. The urgency to enhance the rule of law rece-

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guarantee the complete implementation of EU law, with the provision of effective judicial protection by independent courts being a crucial element of the rule of law, as stipulated in Article 19(1).

<sup>20</sup> [Further strengthening the Rule of Law within the Union, State of play and possible next steps](#), Communication from the Commission to the European Parliament, the European Council and the Council, 2019.

<sup>21</sup> [The Rule of Law Framework 2014](#).

ived a rating of 8.51 out of 10 points, indicating a strong consensus on the necessity to reinforce this fundamental principle.<sup>22</sup> The data from the 2019 Eurobarometer survey serve as compelling evidence to support the implementation of appropriate initiatives aimed at enhancing the rule of law across the European Union.

The development of the Rule of Law Mechanism progressed at an accelerated pace.<sup>23</sup> In 2022, the European Union's initiatives to address violations of the rule of law advanced at a swift and progressive rate, with particular emphasis on Poland and Hungary. In Poland, the situation was marked by significant political influence over the judiciary, which compromised the independence of judges. This dynamic was exacerbated by the introduction of stringent disciplinary measures aimed at intimidating judges. Such conditions have been meticulously documented and condemned by both the European Court of Justice and the European Court of Human Rights. Notably, Poland's Constitutional Court in 2023 dismissed all judgments from European courts as unfounded and failed to implement necessary corrective actions to uphold the rule of law. Meanwhile, Hungary faced warnings regarding its lack of transparency in public procurement processes, elevated levels of corruption, and the enactment of various laws that were not in alignment with European standards. This ongoing scrutiny reflects the EU's commitment to ensuring compliance with the principles of the rule of law in its Member States.<sup>24</sup>

## **2.1. The principle of conditionality as a key element in the rule of law mechanism**

The initiation of the development of the so-called Rule of Law Toolbox was marked by the potential use of European funds for financial support. Thus far, support mechanisms for civil society organizations focused on promoting the rule of law and monitoring situations have not been sufficiently effective in addressing new challenges. It became evident that stronger measures were required, including sanctions against countries that lacked the political will for reform. In this regard, the principle of conditionality was reinforced, instituting financial sanctions for non-compliance, which resulted

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<sup>22</sup> [Special Barometer 489, Rule of Law, April 2019](#).

<sup>23</sup> After several unsuccessful attempts to adopt the Rule of Law Mechanism, blocked by Hungary and Poland through the veto, it was finally adopted in 2020 at the European Council meeting. This happened in parallel with the adoption of the EU budget and the Recovery Plan (2021–2027 [Multiannual Financial Framework](#) – MFF) and [Next Generation EU](#) (EU – NGEU).

<sup>24</sup> Eric Maurice, [The Rule of Law: the uncertain gamble on conditionality](#), Schuman Papers n° 660 : The Rule of Law: the uncertain gamble on conditionality, 13 March 2023.

in the adoption of Regulation (EU, Euratom) 2020/2092 on 16 December 2020.<sup>25</sup> This regulation established a general conditionality mechanism to safeguard the Union budget in instances where a Member State violates the principles of the rule of law. It allows for the suspension of payments or implementation of financial corrections when it is determined that the rule of law is under threat. The aim of this mechanism is to ensure the effective management of EU funds.

The conditionality regime is primarily a budgetary measure that addresses the financial implications of a weakened rule of law rather than the direct causes of the issue. This challenge was especially evident in countries where ruling elites permitted close associates to benefit financially, in part due to the allocation of European funds. The mechanism conveyed a clear message to Hungary and Poland, which were the primary motivations for its establishment, as well as to other countries such as Bulgaria, Romania, and the Czech Republic: EU funds are not available without accountability. Furthermore, the mechanism is intended to exert tangible pressure on these states to achieve results that were unattainable through political dialogue or the activation of Article 7 of the Treaty on European Union (TEU).<sup>26</sup>

By establishing the Mechanism, the EU has moved beyond the previous approach of mere declaratory condemnations and recommendations without tangible interventions, thereby exerting direct pressure on governments. This conditioning mechanism has demonstrated its effectiveness, as the financial consequences have become increasingly apparent and difficult to overlook. Analysts note that "the principle of budgetary conditionality differs from other tools because it shifts procedures from the realm of values, which can be influenced by political relativism, to the domain of finance, where corruption becomes more visible through the mechanisms that sustain it." This transition enables a more robust framework for accountability and compliance with the rule of law among Member States.<sup>27</sup>

According to other deliberations, the decision to create new tools to strengthen the principles of the rule of law – prompted by the cases of Poland and Hungary – did not solve the problem of the autocratic mode of governance. In addition, analysts pose even more complex dilemmas: can democracy be strengthened through conditioning and application of non-democratic methods, such as Directive 2020/2092? And are not the EU

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<sup>25</sup> [Regulation \(EU, Euratom\) 2020/2092 of the European Parliament and of the Council of 16 December 2020, on a general regime of conditionality for the protection of the Union budget](#)

<sup>26</sup> Eric Maurice, [Protecting the checks and balances to save the Rule of Law](#), Schuman Papers n° 590, 6 April 2021.

<sup>27</sup> Eric Maurice, [The Rule of Law: the uncertain gamble on conditionality](#), Schuman Papers n° 660, 13 March 2023.

itself and its institutions facing a democratic deficit, where certain political issues are resolved by instruments that can themselves be subject to criticism from the point of view of democratic values?<sup>28</sup>

According to certain opinions, the European Commission's Rule of Law Report successfully identifies systemic problems and drives reforms, but remains a monitoring mechanism, not a sanctions mechanism.<sup>29</sup> The annual report proves inadequate in addressing governments that deliberately subvert the rule of law. Originally, the reports failed to comprehensively incorporate the analyses provided by civil society organizations and the European Economic and Social Committee, both of which could furnish data essential for a more thorough understanding of the circumstances. In response to these critiques, the Commission established a citizens' platform to facilitate dialogue and incorporated representatives from candidate countries into the European Economic and Social Committee.

Per other observations, “Thus far, the European Union has employed this instrument with considerable restraint. It has not yet evolved into a robust mechanism for countering the infiltration of anti-democratic trends. All too frequently, its implementation is swayed by political considerations rather than being guided by empirical evidence from the field.”<sup>30</sup> According to a recent analysis, “The efficacy of the conditioning mechanism remains unevaluated at present. However, it appears that overt assaults on the rule of law merely manifest as symptoms rather than the root cause of the issue, which lies in the consolidation of autocratic regimes and the gradual erosion of democratic principles.”<sup>31</sup>

Evaluations of the rule of law underscore that addressing the repercussions of the emergence of illiberal regimes will require a prolonged effort. Over the years, EU institutions have dedicated substantial time to refining their rule of law toolkit, resulting in the Union being better prepared than ever to effectively confront the regression of the rule of law.<sup>32</sup> “The European Commission, representing the entirety of the EU, possesses a highly effective array of tools at its disposal; however, it exhibits reluctance to deploy them swiftly or assertively.”<sup>33</sup>

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<sup>28</sup> Laurent Pech, [The Future of the Rule of Law in the EU](#), *VerfBlog*, 2023/12/14

<sup>29</sup> [EUROPEAN COMMISSION'S RULE OF LAW REPORT 2024, GAP ANALYSIS](#)

<sup>30</sup> Daniel Freund, [Defending the Rule of Law in the EU](#), *Social Europe*, 4 April 2024.

<sup>31</sup> Maria Skóra and York Albrecht, [Strengthening the Resilience of the Rule of Law through Democracy](#), *VerfBlog*, 2024/4/04.

<sup>32</sup> Nicholas Watson, [Rule of Law Trajectory Can Swing Rapidly in Emerging EU Democracies](#), *Report Finds*, BIRN, March 18, 2024

<sup>33</sup> Jon Henley, [Rule of law declining across EU, report warns](#), *The Guardian*, 18 March 2024.

Notwithstanding the European Commission’s substantial investments in the Rule of Law Mechanism and its associated reports, these efforts garner inadequate media attention across both Member States and candidate countries. In the Republic of North Macedonia, coverage of the report is typically limited to brief government announcements and statements from select institutions, with media engagement remaining cursory. Greater insight is provided by civil society organizations, notably the National Convention on the European Union (NCEU-MC), which dedicated an entire session to the Rule of Law Mechanism in the EU during 2024.

## 2.2. Procedures for identifying violations of the rule of law principles

Detecting breaches of the principles of the rule of law necessitates a comprehensive qualitative evaluation by the Commission. This evaluation must be conducted with objectivity, impartiality, and fairness, considering pertinent information derived from credible sources and reference institutions.<sup>34</sup>

**Table No. 1: Institutions contributing data to a comparative analysis for the appropriate application of the EU governance mechanism.**

Institution/Source	Description of contributions
Court of Justice of the European Union	It provides case law and decisions concerning the interpretation and application of EU law, especially in cases related to the rule of law.
The European Court of Auditors	It publishes reports on the financial management and budgetary implementation of the EU, identifying potential irregularities and instances of mismanagement.
European Commission Annual Report on the Rule of Law	It provides a detailed assessment of the state of the rule of law in all Member States, covering areas such as justice systems, anti-corruption frameworks, media pluralism, and other institutional issues.
EU Justice Scoreboard	An annual comparative analysis that provides data

<sup>34</sup> [REGULATION \(EU, Euratom\) 2020/2092](#) OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (Article 16).

	on the efficiency, quality and independence of justice systems in the Member States.
European Anti-Fraud Office (OLAF)	It investigates cases of fraud, corruption and other illegal activities affecting the EU's financial interests.
Office of the European Public Prosecutor	An independent body responsible for investigating and prosecuting crimes that damage the EU's financial situation, such as fraud, corruption, and cross-border fraud.
Council of Europe – Group of States against Corruption (GRECO)	It provides evaluations and recommendations for anti-corruption measures in the Member States in order to improve anti-corruption capacities.
Venice Commission	An advisory body that gives legal opinions and recommendations regarding constitutional law, electoral issues and the rule of law, including its “Rule of Law Checklist”.
European Networks of Supreme Courts and Judicial Councils	They provide a platform for the exchange of information and best practices between judicial institutions in Europe, with the aim of promoting the independence and efficiency of judicial systems.
Complaints from citizens	They provide a direct source of information on potential breaches of the rule of law, enabling the EU institutions to react to specific cases and take appropriate action.

Source: [eucrim](#), 12 April 2022

The European Union employs a three-stage strategy for implementing the rule of law mechanism, encompassing:

- (1) promotion,
- (2) prevention, and
- (3) response.

The promotion stage concentrates on enhancing awareness of the rule of law through engagement with civil society organizations, media outlets, educational institutions, and political stakeholders. European judicial networks, national parliaments, and collaboration with the Council of Europe play a pivotal role in this process.<sup>35</sup>

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<sup>35</sup> European Judicial Networks.

The prevention stage entails dialogue with national institutions tasked with upholding the rule of law. The European Commission oversees key indicators, including judicial independence, the separation of powers, media pluralism, and the safeguarding of fundamental rights. This mechanism draws on data provided by the Council of Europe, the OSCE, the EU Agency for Fundamental Rights, and the Member States themselves.

In the response stage, measures are implemented should the preceding steps fail to yield positive outcomes.

### 3. THE RULE OF LAW REPORTS AS A STRATEGIC INSTRUMENT IN STRENGTHENING THE LEGAL ORDER IN THE EUROPEAN UNION

Rule of law reports serve as a critical tool for the systematic oversight of democratic principles, judicial independence, and efforts to combat corruption. This instrument is undergoing continuous development and refinement to more effectively pinpoint potential risks and vulnerabilities.

Starting in 2024, alongside Member States, candidate countries have also been integrated into the process, submitting reports aligned with four core pillars:

- (1) judicial independence,
- (2) anti-corruption framework,
- (3) media pluralism, and
- (4) mechanisms for checks and balances.

Institution/Network	Description
European Network of Councils for the Judiciary (ENCJ)	Unites judicial councils from EU member states to promote judicial independence, accountability, and quality.
Network of Presidents of the Supreme Courts of the EU	Facilitates the exchange of experiences among supreme courts to strengthen the rule of law.
European Judicial Training Network (EJTN)	Provides judicial education and expertise exchange in justice and the rule of law.
European Judicial Prosecutors Network (EJPN)	Connects prosecutors to enhance criminal justice and combat corruption and organized crime.
European Network of Judges for Mediation (GEMME)	Works to advance alternative dispute resolution in Europe.
Association of the Councils of State and Supreme Administrative Jurisdictions of the EU (ACA-Europe)	Supports cooperation among supreme administrative courts in EU member states on European administrative law.

National reports are compiled based on standardized criteria established by designated national contact points, ensuring data comparability across countries. This cohesive methodology enables the European Commission to construct an objective and comprehensive assessment of the rule of law's condition.

The judicial system is appraised based on its efficiency, independence, and integrity, encompassing factors such as access to justice, the process for appointing judges, and disciplinary frameworks. Particular attention is given to the prosecution, the digitization of the justice system, and the streamlining of court proceedings.

The anti-corruption framework comprises both preventive and punitive measures, emphasizing transparency, integrity, and the capacity to effectively prosecute prominent cases.

Freedom of the press is evaluated through its independence, the safeguarding of journalists, the transparency of media ownership, and mechanisms designed to preclude political or oligarchic interference in media content.

The checks and balances system ensures an equitable distribution of power through mutual oversight mechanisms, transparent legislative processes, public consultations, and an initiative-taking role for civil society.

The reports provide recommendations derived from a thorough assessment of the rule of law, customized to address the distinct challenges faced by each state. These recommendations offer guidance and support for enacting reforms and rectifying identified deficiencies.

The implementation of these recommendations is subject to ongoing monitoring, with progress assessed in subsequent reports. This iterative process facilitates an evaluation of the measures' effectiveness and the identification of areas requiring further enhancement.<sup>36</sup>

### **3.1. Review of the Rule of Law Annual Reports in the European Union (2020/2023)**

**The 2020 Rule of Law Report** marked the inaugural annual assessment launched by the European Commission within the framework of the Rule of Law Mechanism, offering a systematic evaluation of the state of affairs across all 27 EU Member States. Compiled amidst the COVID-19

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<sup>36</sup> Ibid.

pandemic, the report likely reflects heightened scrutiny of rule of law conditions, influenced by the restrictive measures implemented to safeguard citizens.<sup>37</sup>

The Rule of Law Report determined that Austria, Finland, Germany, Luxembourg, and the Netherlands exhibited the highest levels of perceived judicial independence, surpassing 75%, whereas Croatia, Poland, and Slovakia emerged as notable concerns, with public confidence falling below 30%. In Poland, judicial reforms were deemed problematic, with the Court of Justice of the EU ruling against the Disciplinary Council of the Supreme Court, characterizing it as a tool of political influence. In Hungary, the primary issue centered on the appointment process for court presidents.

The COVID-19 pandemic spurred advancements in the digitization of judicial systems, exemplified by Estonia's introduction of virtual courts, France's development of a digital criminal register, and Spain's trials of automated transcription for court hearings.

In the domain of anti-corruption policies, Scandinavian countries, the Netherlands, and Germany achieved the highest rankings on corruption perception indices, while Hungary, Malta, and Poland elicited the greatest concerns regarding corruption risks. Finland and Sweden made commendable strides by adopting new national anti-corruption strategies. Although rule of law challenges were observed across most European countries, the report concluded that the EU remains one of the global leaders in combating corruption.

Key recommendations included bolstering legal frameworks for the forfeiture of illicitly obtained assets, enhancing the capabilities of investigative authorities, and imposing stricter penalties for corruption. A notable milestone was the adoption of the EU Directive on the Protection of Whistleblowers (2019), which fortified legal safeguards for whistleblowers. Among the positive developments, Slovakia stood out by establishing an independent Whistleblowers' Protection Office to advance institutional transparency and accountability.<sup>38</sup>

**2021 Rule of Law Report.** The European Commission compiled and released the Second Rule of Law Report, maintaining the same foundational

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<sup>37</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS 2020, [Rule of Law Report. The rule of law situation in the European Union](#), COM/2020/580 final.

<sup>38</sup> [Directive \(EU\) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.](#)

indicators.<sup>39</sup> It is essential to recognize the impact of the COVID-19 pandemic on the judicial systems of Member States. The development and utilization of digital tools in the judiciary by countries like Estonia, France, and Spain demonstrate an initiative-taking approach to adapting to the changing circumstances. On the other hand, it is to be noted that Croatia, Poland and Slovakia have not changed their status as countries with low perceptions of judicial independence (below 30%).<sup>40</sup>

Regarding anti-corruption measures, several Member States have made progress, including Denmark, Finland, Sweden, the Netherlands, Germany, and Luxembourg. Notably, Finland and Sweden have introduced national strategies and action plans to combat corruption for the first time. In contrast, Poland and Hungary have been identified as falling behind in this regard.

Slovakia has faced significant challenges in enhancing its anti-corruption legislation, particularly concerning the regulation of property seizures. Nonetheless, there are continued recommendations for countries to bolster the effectiveness of investigations, prosecutions, and sanctions related to high-level corruption to ensure greater legal certainty.<sup>41</sup>

The 2021 Media Pluralism Monitor highlighted concerning trends regarding freedom of expression, journalist safety, and access to information. Measures implemented by governments to address the COVID-19 pandemic have further restricted information access and intensified political pressure on independent media.

Hungary, Poland, and Slovenia have been identified as countries where significant political influence over the media persists, particularly through the use of state resources and controlled advertising funds. Meanwhile, Bulgaria and Malta have encountered issues related to a lack of transparency in media ownership, raising the risk of monopolization. Conversely, Finland and Ireland have made strides by enhancing public oversight of media companies. Additionally, Belgium, Bulgaria, Greece, Latvia, Luxembourg, and Sweden have begun legal reforms aimed at bolstering media independence.

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<sup>39</sup> The report was prepared with written contributions from 235 stakeholders. [Summary of the targeted stakeholder consultation for the 2021 Rule of Law Report](#). The consultations provided over 200 horizontal and country-specific contributions from different EU agencies, European networks, national and European civil society organizations, professional associations and international and other actors.

<sup>40</sup> EU Justice Scoreboard, Eurobarometer surveys, 2021.

<sup>41</sup> [COMMUNICATION from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2021 Rule of Law Report. The rule of law situation in the European Union.](#)

The threats faced by journalists are alarming. In Slovakia and Malta, the criminal cases surrounding the murders of investigative journalists Ján Kuciak and Daphne Caruana Galizia have drawn significant public attention in Europe, exposing systemic risks to media freedom. In Hungary and Poland, there has been an increase in strategic lawsuits against public debates, often referred to as SLAPPs, which are intended to intimidate journalists and deter investigative reporting.<sup>42</sup>

In the section addressing the separation of powers, the Report highlights that in some Member States, political influence affects the election of members to judicial councils and oversight bodies responsible for upholding the rule of law. This situation poses a risk to the constitutional and institutional balance.

**The 2022 Rule of Law Report.** It has introduced new indicators for assessing the performance of public media, alongside an overview of how judgments from the European Court of Human Rights have been implemented.<sup>43</sup> Additionally, for the first time, specific recommendations have been put forth for all Member States.

Despite varying performances among countries, the Report emphasizes that around 40% of key judgments issued by the European Court of Human Rights over the last decade remain unimplemented by Member States, posing serious implications for the rule of law.<sup>44</sup>

During this period, pressure on journalists and human rights activists is increasing in many Member States, and the number of strategic lawsuits against public participation (SLAPPs) is increasing.<sup>45</sup> This practice, along with other abuse of judicial processes, has been observed in Lithuania, Poland, Croatia, Malta, Italy, Ireland, Slovakia and other countries. To

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<sup>42</sup> Ibid.

<sup>43</sup> [Rule of Law Report 2022: Commission issues specific recommendations to Member States.](#)

<sup>44</sup> [The rule of law situation in the European Union.](#)

<sup>45</sup> SLAPPs, or Strategic Lawsuits Against Public Participation, are legal actions initiated by powerful individuals, corporations, or government officials to silence, intimidate, or discourage journalists, activists, researchers, human rights defenders, and civil society organizations from reporting on issues like corruption and abuses of power. These lawsuits are often baseless and serve to exert financial and psychological pressure on the targets. For instance, in Croatia, journalists encounter hundreds of SLAPPs, particularly from politicians and corporations. In Malta, the late investigative journalist Daphne Caruana Galizia faced over 40 SLAPPs before her murder in 2017.

prevent these abuses, the EU strengthened regulation by adopting Directive (EU) 2024/1069.<sup>46</sup>

The 2022 Rule of Law Report proposed various initiatives aimed at bolstering judicial independence, enhancing transparency, combating corruption, and regulating political party funding. Bulgaria, the Czech Republic, and Greece received specific guidelines to improve state advertising practices, and the verification of property returns. France and Croatia advocated for more robust anti-corruption measures, while Poland and Hungary faced criticism for political interference in the judiciary and for imposing restrictions on the civil sector. Malta and Luxembourg were advised to enhance the efficiency of court proceedings, while Denmark was recommended to establish a new legal framework for the financing of political parties.

**The 2023 Rule of Law Report.** The analysis presented in this report builds upon the findings of the previous year's report, assessing how Member States responded to the earlier recommendations. During this period, citizens' perceptions of judicial independence improved in 12 Member States. However, perceptions regarding legal entities, including companies and organizations, exhibited a downward trend across 13 Member States.

Countries like Finland, Denmark, Austria, Germany, and Luxembourg enjoy a high level of confidence in judicial independence, with over 75% of the general public holding positive views. In stark contrast, trust in judicial independence is significantly lower in Poland and Croatia, where it falls below 30%.<sup>47</sup>

The findings from the Corruption Perceptions Index (CPI) indicate that among the top 20 least corrupt countries globally, nine are members of the EU. However, several other Member States continue to score below average in terms of corruption perceptions.

According to data from Eurobarometer 2023, corruption remains a pressing concern for both citizens and the business community across the EU. Approximately 70% of Europeans perceive corruption as widespread in their countries, and 60% express dissatisfaction with government efforts to combat it. Additionally, half of European companies feel that corrupt indiv-

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<sup>46</sup> [Directive \(EU\) 2024/1069 of the European Parliament and of the Council](#) of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings “Strategic lawsuits against public participation”.

<sup>47</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 - [Rule of Law Report The rule of law situation in the European Union](#).

COM(2023) 800 final, p. 8. 4

iduals and businesses rarely face sanctions, while 67% of citizens believe that cases of high-level corruption are seldom criminally prosecuted.<sup>48</sup>

The 2023 report introduces a new approach to making recommendations compared to previous reports. It first evaluates the implementation of past recommendations for each country before proposing new measures for the upcoming period. For instance, it has been observed that Bulgaria has not made progress in aligning the composition of its Judicial Council with European standards; therefore, this recommendation will be carried over to the next year's list of recommendations.<sup>49</sup>

The Rule of Law Reports have spurred the introduction of new initiatives, as outlined in the 2023 Report, aimed at elevating standards and promoting the rule of law within the EU. In this context, the EU emphasizes the significance of institutional dialogue and the active participation of all stakeholders. As a consequence of these efforts, a comprehensive package of measures was adopted in May 2023 to enhance the legal and institutional framework for combating corruption, leading to the emergence of the new Proposed Anti-Corruption Directive.<sup>50</sup> Last year, a proposal for the adoption of the European Media Freedom Act was published, which aims to provide greater protection of media independence, transparency of media ownership, and freedom of journalists within the EU.<sup>51</sup>

**Table 2: Overview of general conclusions on the rule of law situation in the EU (2020-2023)<sup>52</sup>**

Year	Independence and efficiency of the judiciary	Anti-corruption	Freedom of the media	Checks and balances
2020	<b>High independence (over 75%):</b> Austria, Finland, Germany, Luxembourg, Netherlands; <b>Low independence</b>	<b>High scores:</b> Scandinavian countries, Netherlands, Germany;	Political pressure on the media.	Political intervention in the constitutional courts of Poland and Hungary.

<sup>48</sup> Ibid., p. 11.

<sup>49</sup> Annex to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2023 Rule of Law Report, COM(2023) 800 final, p. 1. 2.

<sup>50</sup> [Joint Communication on the fight against corruption, JOIN\(2023\) 12 final, 3 May 2023; and a Proposal for a Directive on combating corruption, COM\(2023\)234 final, 3 May 2023.](#)

<sup>51</sup> [Proposal for a regulation establishing a common framework for media services in the internal market \(European Media Freedom Act\), COM\(2022\)457.](#)

<sup>52</sup> Rule of law trends according to data from the EU Rule of Law Reports 2020, 2021, 2022, 2023 – the sources cited in the analysis above.

	<p><b>(up to 30%):</b></p> <p><b>Poland:</b> The Supreme Court is not independent, with a perceived "intimidation effect" for judges.</p> <p><b>Hungary:</b> the problem of appointing court presidents.</p> <p><b>Slovakia and Croatia:</b> Problems with Political Influences.</p> <p><b>Efficiency:</b></p> <p>Estonia (progress - virtual courts), France (digital criminal record system), Spain (automatic transcription of court hearings).</p>	<p><b>Low results:</b></p> <p>Poland, Malta, Hungary.</p> <p><b>Ongoing reforms:</b></p> <p>Finland and Sweden introduce National Anti-Corruption Strategies of the EU initiative.</p>		
2021	<p><b>Low Independence:</b></p> <p>Problems in Poland in the Constitutional Matter;</p> <p>Hungary (political influence in the appointment of judges).</p> <p><b>Efficiency:</b></p> <p>Digitization of (Estonia, France, Spain).</p>	<p>a new EU directive on the protection of whistleblowers;</p> <p>Slovak established an independent Office for the Protection of Whistleblowers.</p>	<p>Increased physical, online and legal pressures on journalists in some countries.</p>	<p>weakening judicial oversight bodies;</p> <p>The institutional balance is threatened.</p>
2022	<p>New recommendations for judicial reform and greater transparency.</p> <p>Recommendations for the implementation of ECHR judgments.</p>	<p>40% of ECHR judgments in the last ten years have not been enforced;</p> <p>Targeted recommendations for Member States.</p>	<p>For the first time, there was evaluation of strategic lawsuits against public participation (SLAPPs) in Lithuania, Poland, Croatia,</p>	<p>Some countries have failed to implement previous Rule of Law recommendations .</p>

			Malta, Italy, Ireland, Slovakia.	
2023	<p><b>High independence:</b> in 12 Member States (Finland, Denmark, Austria and Germany above 75%);</p> <p><b>Low Independence:</b> Reduction in 13 Member States; Poland and Croatia remain at a low level.</p>	<p>Low levels of corruption in 9 Member States. 70% of EU citizens believe that corruption is widespread; Proposed Anti-Corruption Directive</p>	<p>Draft Law on Freedom of the Media in the EU; Continued threats against journalists and SLAPPs lawsuits.</p>	<p>Strengthened inter-institutional dialogue; Draft anti-corruption directive.</p>

#### 4. THE RULE OF LAW IN 2024: CHALLENGES AND PROSPECTS IN THE EUROPEAN UNION AND NORTH MACEDONIA

The Rule of Law Report 2024 has reaffirmed notable disparities in the application of standards among EU Member States. While 63% of the recommendations from the previous year were acknowledged, a mere 19% were fully implemented, reflecting some progress yet highlighting the necessity for increased efforts in reform implementation.

The rise of new political tendencies in Europe, particularly the growth of right-wing parties, presents a significant challenge to the rule of law, even in nations with a strong democratic tradition. The analysis indicates that the ongoing disregard for the recommendations outlined in the rule of law reports by certain Member States could jeopardize democracy across Europe. Furthermore, the presence of autocratic leadership in some countries may establish a troubling model that could be supported and emulated by other European leaders.<sup>53</sup>

The report highlights that in several emerging democracies, justice systems continue to be politicized, underfunded, and compromised, with Bulgaria and Slovakia being notable examples. Additionally, anti-corruption measures are proving insufficiently effective in countries like Hungary, the Czech Republic, and Romania. Media pluralism faces significant threats in Croatia, the Czech Republic, Slovakia, and Slovenia, undermining the diversity of voices and information available to the public.

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<sup>53</sup> [Rule of law declining across EU, report warns](#), 18 March 2024.

In some nations, there has been a persistent lack of legal and democratic oversight regarding the separation of powers, particularly in Hungary, Bulgaria, and Croatia. Furthermore, civil society and public discourse are experiencing pressure from governmental authorities in Bulgaria, the Czech Republic, and Hungary. Marginalized groups in Slovenia and Croatia are either being neglected or actively targeted for political purposes, raising concerns about the protection of human rights and inclusivity in these societies.<sup>54</sup>

**Table No. 3 - Rule of law in EU Member States, 2024 (Source, Reporting Democracy, BIRN, 2024)<sup>55</sup>**

Country	Justice system	Anti-corruption frameworks	Media environment	Checks and balances	Enabling framework for CSOs	Systemic human rights issues
Belgium	Regression	Progress	No progress	No progress	Regression	No data
Bulgaria	Progress	No data	No data	No progress	No progress	No data
Croatia	No progress	Progress	Regression	No progress	No progress	No progress
Czech Republic	No progress	No progress	Regression	No progress	No progress	No progress
Estonia	No progress	No progress	No progress	No progress	No progress	No progress
France	Regression	No progress	No progress	Regression	Regression	Regression
Germany	No progress	Progress	No progress	No progress	No progress	No progress
Greece	No progress	No progress	No progress	No progress	No progress	No progress
Hungary	Regression	No progress	No progress	No progress	Regression	Regression
Ireland	Progress	No progress	Progress	Progress	No progress	No progress
Italy	Regression	Progress	Regression	No	Regression	Regression

<sup>54</sup> [Rule of Law Trajectory Can Swing Rapidly in Emerging EU Democracies, Report Finds, Reporting Democracy, BIRN, 2024.](#)

<sup>55</sup> [Rule of Law Trajectory Can Swing Rapidly in Emerging EU Democracies, Report Finds, Reporting Democracy, BIRN, 2024.](#)

				progress		
Lithuania	Progress	No data	Progress	No data	No progress	No progress
Netherlands	No progress	No progress	No progress	No progress	No progress	No progress
Poland	No data	No progress	No progress	No progress	No progress	No data
Romania	No progress	No progress	Regression	No progress	No progress	No data
Slovakia	Regression	No progress	No progress	No progress	No progress	No progress
Slovenia	No data	No progress	No progress	No progress	No progress	No progress
Sweden	Regression	No progress	Regression	No progress	Regression	Regression

Following the publication of the reports, analyses have revealed classifications that differentiate Member States based on their adherence to the rule of law. In an earlier analysis, Member States were categorized into five distinct groups:

1. Authoritarian: This category includes Hungary and Poland, which have shown significant deviations from democratic norms.
2. The Worst of the Rest: Only Bulgaria falls into this category, highlighting its critical challenges regarding the rule of law.
3. Hard Fight: This group comprises Croatia, Malta, Romania, and Slovakia, referring to the prolonged and arduous reforms that have yet to produce substantial results.
4. Southern Challenges: Spain, Italy, and Portugal are included in this category, reflecting shared issues related to the rule of law in Southern Europe.
5. Best of the Rest: Ironically named, this final category consists of Member States that do not face systemic challenges to the rule of law. Despite this, these countries still have specific concerns that warrant attention from the Commission.<sup>56</sup>

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<sup>56</sup> Malinka Ristevska Jordanova, [Raportet e para mbi sundimin e ligjit brenda BE-së: io për ngushëllim, por për shembull, Portlab.](#)

#### 4.1. Independence in the judiciary

The 2024 results show a growing number of countries where public perceptions of judicial independence exceed 75%. These countries include Denmark, Finland, Austria, Sweden, Luxembourg, and Ireland, indicating a strong belief in the independence of their judicial systems. Conversely, Poland, Croatia, and Bulgaria continue to rank at the lowest levels regarding perceptions of judicial independence, with their scores falling below 30%. This highlights a significant disparity in public confidence in judicial autonomy across different EU Member States.<sup>57</sup>

In 2024, Albania, the Republic of North Macedonia, Serbia, and Montenegro were incorporated into the Rule of Law Mechanism. Although the specific document does not contain tailored recommendations for these countries, the overarching perception among their citizens indicates that confidence in the independence of the judiciary remains relatively low.

Regarding the independence of judicial councils and the appointment of judges, Hungary has made legislative amendments aimed at bolstering the authority of its Judicial Council. Meanwhile, Spain, Poland, Estonia, and the Netherlands are engaging in discussions about the procedures for appointing members to their judicial councils. In Slovakia, efforts have been initiated to provide protection against the dismissal of Judicial Council members, which is a positive step toward enhancing judicial independence. However, in Italy and Spain, political statements continue to pose a risk to judicial independence, highlighting the ongoing challenges these countries face in ensuring the autonomy of their judiciary.

In accordance with the 2023 recommendations, efforts are ongoing to mitigate political influence in the appointment of judges in countries such as Greece, Finland, and Ireland. Reforms are also being implemented to modify the selection processes for higher courts in Austria and Poland, while enhancing the judiciary's role in appointing senior judicial officials. Nevertheless, further actions are necessary to eradicate political influences in Latvia and Austria, as well as to improve transparency in judicial selections in Lithuania and Sweden.

The trend towards greater judicial independence within the EU is being supported, among other measures, by the autonomous management of judicial budgets, which enhances efficiency and institutional integrity. For

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<sup>57</sup> [The 2024 EU Justice Scoreboard](#). Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions COM(2024) 950

instance, Italy has begun separating court fees from the Ministry of Economy and Finance to bolster the financial autonomy of the judiciary.

Many Member States are actively pursuing reforms to strengthen the independence of prosecutors in response to the 2023 recommendations. In Poland, measures have been introduced to ensure that the prosecution operates independently from the government by separating the roles of the Minister of Justice and the State Chief Prosecutor. The Czech Republic has implemented reforms to its prosecution service that include protections against the dismissal of public prosecutors and other senior officials. In Denmark, the government has proposed a bill to Parliament aimed at limiting the term length of the state public prosecutor. Malta is working to transfer prosecutorial authority from the police to the Chief Public Prosecutor's Office, including developing mechanisms to review the Chief Public Prosecutor's decisions regarding the initiation or termination of proceedings. Spain is reforming the status of its public prosecutor to exclude individuals who have held political office in recent years. A significant topic of discussion remains the executive branch's authority to guide prosecutors in specific cases.

Across the EU, policies aimed at enhancing judicial integrity are being consistently implemented. In some countries, such as Belgium, this includes regular security checks for all judges conducted by specialized security agencies.

#### **4.2. Judiciary independence in the Republic of North Macedonia**

The Rule of Law Report states that candidate countries are working towards greater political independence of judicial councils by implementing constitutional amendments in Serbia and conducting "vetting" of judges and prosecutors in Albania.

The Rule of Law Report for the Republic of North Macedonia expresses concerns regarding the independence of the judiciary.<sup>58</sup> According to the data, only 25% of citizens and 20% of companies consider the independence of courts and judges to be "rather good" or "very good", which shows that a large proportion of citizens and companies feel pressured by the government and politicians.<sup>59</sup> Similar views were expressed by over one-third

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<sup>58</sup> [Commission Staff Working Document 2024 Rule of Law Report Country Chapter on the rule of law situation in North Macedonia](#)

<sup>59</sup> Data from surveys on the rating of the judiciary in the Republic of North Macedonia should be carefully considered – especially when an overview of the methodology and indicators against which the data is collected is not given, as it can thus become an instrument for

of judges who said they had been exposed to attempts at outside influence by the executive or political parties. Additionally, 46% of judges in 2023 reported attempts at influence from colleagues, and 42% reported similar pressure from higher-ranking judges, such as court presidents or judges of higher courts.<sup>60</sup>

In late 2024 and early 2025, the judiciary of the country faced a vigorous media and political campaign aimed at establishing the rule of law and addressing corruption among judges and prosecutors. This campaign created a public perception that the media was effectively exercising an "informal veto," leading to heated discussions regarding the corruption of certain judges and prosecutors. The central theme of these debates and government initiatives revolves around the interpellation of members of the Judicial Council, who are elected by the Assembly of the Republic of North Macedonia.

According to an official statement from the Judicial Council: "Recently, the members of the Judicial Council have been in the public eye, initially due to internal changes in the presidency, resignations, and the election of new members, and subsequently following announcements from the executive branch regarding reforms. The government initiated the process of enacting a new Judicial Council Bill before the New Year, which is anticipated to be approved by June of this year. In the meantime, an interpellation has been submitted in the Assembly against five members of the Judicial Council who were elected by the Assembly."<sup>61</sup> Furthermore, the Judicial Council voiced its concerns about its independence from the processes and decisions of the executive and legislative branches, from which the interpellation is anticipated. The Supreme Court of the Republic of North Macedonia also remarked that: "Any attempt to undermine the independence of the judiciary through pressure of any kind and from any source against the members of the Judicial Council and judges represents a direct threat to the independence, democracy of the State, and the rule of law."<sup>62</sup>

Such initiatives of the new Government, which was voted in June 2024, are due to an institutional crisis that was most prevalent in the

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greater political influence in the judiciary. For example, the Balkan Barometer Survey for 2024 shows that the Macedonian average in terms of the indicator - how the courts work is 2.1 and the average for the region is 2.6, and in terms of the transparency indicator, the Macedonian average in 2023 was 2.1 - the regional 2.3 which is not a significant difference. [RCC, Eurobarometer 2024.](#)

<sup>60</sup> Several senior officials of the judiciary, including the President of the Supreme Court, have publicly criticized the impact on the judiciary.

<sup>61</sup> [Judicial Council: Any attempt to undermine the independence of the judiciary is a direct threat to the independence and democracy of the state](#), Frontline, February 13, 2025.

<sup>62</sup> [Supreme Court of the Republic of North Macedonia Press Release, 13 February 2025.](#)

Judicial Council in 2022/23.<sup>63</sup> Most judges felt that the Judicial Council could not effectively protect their independence.<sup>64</sup>

The Rule of Law Report for the Republic of North Macedonia commended civic initiatives for their role in enhancing transparency within the judicial sector, leading to the adoption of the new Communication Strategy of the Judicial Council (2024-2028). This strategy mandates the regular publication of session schedules, minutes, decisions, and other pertinent documents on the Council's official website. The report also encourages civil society to persist in its efforts to monitor the judiciary regularly.<sup>65</sup>

The Republic of North Macedonia has already adopted codes of ethics for judges<sup>66</sup> and prosecutors<sup>67</sup> as part of efforts to strengthen professional standards and promote integrity in the judicial system.

### 4.3. Efficiency of justice systems

The effectiveness of justice systems is crucial for safeguarding rights, ensuring legal certainty, and fostering citizens' confidence in the rule of law. Lengthy court proceedings and delays in case resolution diminish trust in national judicial institutions among citizens and businesses. One positive trend regarding independence and efficiency in some EU countries is the increase in salaries for judges and prosecutors, as seen in Latvia and Spain. However, low wage levels continue to pose a challenge, resulting in a shortage of skilled court staff and judicial officers. For instance, in Slovenia, the salaries of judges and public prosecutors have remained unchanged

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<sup>63</sup> In some sources, citizen trust was 6%, and some sources operated as high as 2%, however, it was rare for indicators and other methodological procedures to measure perceptions to be made public.

<sup>64</sup> [Commission Staff Working Document 2024 Rule of Law Report Country Chapter on the Rule of Law situation in North Macedonia.](#)

<sup>65</sup> A significant role in increasing transparency in the judiciary has been played by civil associations, which actively monitor the work of institutions and contribute objective analysis. Among them, the All for a Fair Trial association has played a direct role in monitoring the Judicial Council, providing expert assessments and recommendations to improve its functioning.

<sup>66</sup> [Code of ethics for Judges and Jurors.](#) Supreme Court of the Republic of North Macedonia, 2019.

<sup>67</sup> [Code of ethics of Public Prosecutors in the Republic of North Macedonia. Public Prosecutor's office of the Republic of North Macedonia, 2021.](#) In its first version, the PP Code of Ethics came under public criticism for stipulating that prosecutors should not comment publicly on decisions made by the Council and the Head of the Prosecutor's Office. It also included rules on the conduct and dress of prosecutors outside of working hours. See more in: [Code of Ethics for Silence of Prosecutors.](#) Radio Free Europe, 28 July 2021.

since 2012, with the government suggesting a partial increase and the Constitutional Court outlining the procedure for addressing this issue. In Germany, despite efforts to allocate additional resources to the judiciary, judges' salaries remain a concern. A specific issue is the compensation for judicial and prosecutorial administration, which has been highlighted in Lithuania and other countries. Notable difficulties have been encountered in recruiting staff across various sectors of the justice system.

Candidate countries also encounter resource limitations. Serbia is working on the Judicial Human Resources Strategy 2022-2026; however, the lack of appeal in judicial careers continues to be a challenge.

In the Republic of North Macedonia, amendments to the laws regarding the salaries of judges and prosecutors have not resolved the issue of low attractiveness of these professions.<sup>68</sup>

In the Republic of North Macedonia, a critical issue impacting the effectiveness and standard of justice is the absence of interoperability. Currently, the sharing of information, including the validation of personal data, relies on traditional written requests to entities like the Ministry of Interior, resulting in prolonged processing times of weeks or even months. This challenge has been underscored in the 2024 Rule of Law Report, emphasizing the imperative need for digitalization and modernization of data exchange systems as part of reform efforts. Enhancing interoperability will greatly enhance the speed and security of data transmission, crucially aiding in combating corruption.<sup>69</sup>

The legal profession and bar associations play a crucial role in upholding access to justice and safeguarding fundamental rights, such as the right to a fair trial. Efforts are underway in European Union Member States to lower court fees and restore civil legal aid frameworks with the objective of enhancing legal access. For instance, Slovakia is actively pursuing initiatives to broaden the availability of free legal aid to its citizens. Notably,

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<sup>68</sup> Within the NCEU-MC, almost every one of the 16 sessions devoted to Chapter 23 – Justice and Fundamental Rights highlighted the lack of resources to increase the efficiency of the judiciary. During the dialogue, reactions were repeatedly expressed about the reduction of the legally determined percentage of the state budget, which should be 0.8% of the gross domestic product (GDP) of the Budget of the Republic of North Macedonia. Instead, the justice sector receives only 0.28% of GDP, which is 58% less than the legally established minimum. Also, a major challenge to judicial autonomy is the required approval of the allocation of funds by the Treasury of the Ministry of Finance, i.e., the approval of funds for every specific employment of judges.

<sup>69</sup> Presentation by Daniela Aleksovska Stojanovska, Judge at the Basic Criminal Court, Skopje, 15th session of the NCEU-MK on the topic: "Access to Justice: Raising the Efficiency of Court Proceedings and the Quality of Judicial Justice" - 6 November 2024. [Agenda](#).

Finland stands out as a model by reinforcing the National Legal Services Agency, which is dedicated to delivering uniform and top-tier legal support.

It was learned that a law mandating mediation in Bulgaria was enacted with the intended implementation date of July 2024. Regrettably, the Constitutional Court has ruled this legislation as unconstitutional.<sup>70</sup>

In the Republic of North Macedonia, lawyers hold a crucial position within the justice system, yet they are frequently viewed as marginalized and insufficiently engaged in critical reform initiatives. Despite their substantial impact on court proceedings, the legal profession predominantly functions within the private domain, with minimal involvement in institutional judicial strategies and public legal dialogues.

Towards the conclusion of 2024, there is a notable increase in initiatives aimed at enhancing collaboration between judicial bodies and bar associations in the Republic of North Macedonia. These initiatives are designed to elevate the participation of lawyers in the enhancement of the justice system, encompassing their heightened engagement in legal reform endeavors, jurisprudence, and the safeguarding of human rights protection mechanisms.<sup>71</sup>

#### **4.4. Preventing and combating corruption in the European Union and candidate countries**

Corruption poses a significant threat to the effective delivery of public services and undermines the trust of both citizens and businesses in public institutions. This detrimental practice fosters a perception of injustice and jeopardizes the foundation of the rule of law.<sup>72</sup> Indeed, combatting corruption effectively necessitates a harmonious blend of preventive and punitive measures, a robust legal and institutional framework, efficient investigative and prosecutorial mechanisms, and a resolute political determination to enforce anti-corruption policies.

The 2024 Eurobarometer public opinion surveys reveal that corruption continues to pose a significant challenge for both EU citizens and businesses. Around 68% of Europeans perceive corruption as prevalent in

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<sup>70</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS [2024 Rule of Law Report](#).

<sup>71</sup> [Lawyers want to be part of the Judicial Council, 24 February 2025, '24 Hours'](#).

<sup>72</sup> Lord Acton, [Acton – Creighton Correspondence](#), Letter 1 Cannes, April 5, 1887: “Power tends to corrupt, and absolute power corrupts absolutely”

their nation, with 41% indicating a perceived rise in corruption levels. Moreover, 57% express skepticism regarding the effectiveness of their government's anti-corruption endeavors. Within the business sector, 65% of companies view corruption as a widespread issue, and 51% believe that competent institutions are unlikely to detect, report, or prosecute corrupt entities within their country.<sup>73</sup>

The Corruption Perceptions Index (CPI) indicates that a majority of the top 20 countries in the international rankings are EU Member States. However, differences persist among Member States, particularly concerning the prevalent trends observed in recent years.

A key instrument in this struggle is national anti-corruption strategies, which need to provide a coordinated and integrated approach in all relevant policies. All EU Member States have such strategies, but with varying degrees of comprehensiveness and implementation.

In the Western Balkan countries, the adoption of anti-corruption strategies has been impeded by a notable constraint – a lack of political will. In Albania, the current implementation of the strategy predominantly focuses on high-risk sectors such as organized crime, neglecting other crucial areas. North Macedonia encounters a substantial obstacle in the sluggish execution of its anti-corruption strategy. Despite consistent reports underscoring corruption, especially at elevated echelons, as a pressing issue, the advancement in countering it has been meager, exacerbating the erosion of trust in institutions.

In all EU countries, there exist legal frameworks designed to combat corruption; however, several of these frameworks exhibit deficiencies. Recent reports indicate ongoing efforts to enhance these frameworks through the implementation of legal amendments, particularly focusing on augmenting sanctions, notably in cases of bribery, and imposing stringent restrictions on individuals holding public office, as seen in Austria. Moreover, certain nations are broadening the scope of anti-bribery regulations to encompass public officials, accompanied by heightened penalties for corporate entities found engaging in corrupt practices. Noteworthy is Germany's recent enactment of legislation aimed at fortifying measures to counter influence peddling within the ranks of Members of Parliament.

In Bulgaria, as part of the Recovery and Resilience Plan, the Commission for Combating Corruption and Forfeiture of Illegally Acquired Property underwent restructuring, resulting in the establishment of two distinct entities: the Anti-Corruption Commission and the Commission for Forfeiture of Illegally Acquired Property. This restructuring initiative was undertaken

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<sup>73</sup> [Standard Eurobarometer 102 - Autumn 2024](#).

with the objective of enhancing operational efficiency and effectiveness within the anti-corruption framework.

The authorities in Poland are considering the abolition of the Central Anti-Corruption Bureau and the transfer of its responsibilities to the Central Bureau of Police Investigation (CBŚP). This strategic move aims to enhance the coordination and integration of anti-corruption efforts within the police structures.

The effectiveness in combating corruption heavily relies on the capabilities of law enforcement agencies, prosecutors' offices, and the judiciary. Specialized units, skilled expertise, and sufficient human resources are imperative to address the growing complexity of corruption cases. A notable illustration of this is the Romanian National Anti-Corruption Directorate (DNA),<sup>74</sup> an independent specialized prosecutor's office with the authority to investigate and prosecute high-level corruption cases involving ministers, Members of Parliament (MPs), mayors, judges, and prosecutors is crucial. In recent years, this autonomous entity has effectively prosecuted numerous cases, thereby enhancing public trust in the justice system.<sup>75</sup> Nonetheless, legislative amendments were introduced that curtailed its authority, highlighting the imperative need for sustained political backing to uphold the autonomy of anti-corruption institutions, alongside adequate human resources and expertise.

Certain Member States face challenges in investigating and prosecuting cases of severe corruption, characterized by the rejection of sanctions and the lack of conclusive verdicts.<sup>76</sup> In Slovakia, the effective combat against severe corruption is impeded by the inadequate coordination between investigators and prosecutors, along with the misuse of the Public

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<sup>74</sup> [Summary, Preventing and Combating Corruption Activities](#), 2024, National Anti-Corruption Directorate, Romania.

<sup>75</sup> [Romania's Liviu Dragnea Jailed for Corruption](#), Organized Crime and Corruption Reporting Project, May 2019.

The Liviu Dragnea case in Romania is an example of a successfully prosecuted case of high corruption within the EU. Dragnea, leader of the ruling Social Democratic Party (PSD) and speaker of the Lower House of Parliament, was sentenced to three-and-a-half years in prison in 2019 for abuse of office. He illegally provided fictitious jobs in the state administration, where individuals received a salary from the budget but actually worked for the party. Dragnea's sentencing comes under pressure from the EU, conditional on the stripping of many of Romania's privileges, including a ban on visa-free travel to the Schengen area.

<sup>76</sup> In 2020–2021, mass demonstrations took place in Bulgaria, mainly in Sofia but also elsewhere. The protests were an expression of long-standing discontent with endemic corruption and state capture by the then authorities. One of the most famous cases that intensified the public revolt was the publication of photographs in 2020, which purportedly showed the then prime minister sleeping by a night table with piles of money and gold rods. The case did not lead to significant legal consequences. [2020–2021 Bulgarian protests](#).

Prosecutor's powers to terminate investigations and legal proceedings associated with corruption. In Hungary, while certain instances of severe corruption have progressed to prosecution, convictions are infrequent, and the absence of a robust track record in investigating and prosecuting corruption cases involving high-ranking officials and their favorite cronies is a significant cause for concern. This scenario is also applicable in Malta.<sup>77</sup>

Within the European Union, there are instances where reforms in criminal legislation have weakened the efforts to combat corruption. In Slovakia, modifications in legislation have resulted in decreased penalties for corruption, shortened statute of limitations, and the elimination of the Special Prosecutor's Office. Similarly, in Italy, the elimination of the crime of abuse of office and limitations on influence peddling are viewed as hindrances to thorough criminal investigations, amidst a growing trend of political influence and authoritarianism.

For instance, in Montenegro, there is a consistent effort in investigating and prosecuting cases of high-level corruption. However, the absence of trials and final convictions contributes to a prevailing sense of impunity.<sup>78</sup>

#### **4.5. Corruption in the Republic of North Macedonia: New Legislative Arrangement for Impunity**

The Republic of North Macedonia stands out as a concerning example of the erosion of the legal framework aimed at combating corruption, particularly after the amendments to the Criminal Code on 7 September 2023. Transparency International highlights a significant level of impunity regarding high-level corruption, with limited institutional efforts to investi-

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<sup>77</sup> In Malta, the case of the murder of investigative journalist Daphne Caruana Galizia in 2017 highlighted the lack of effective investigations and prosecutions of high-level corruption. Although her research revealed corruption scandals involving senior government officials, many of these cases remained unresolved. Additionally, in 2024, Malta fell to the lowest level ever on Transparency International's Corruption Perceptions Index, which points to the perception of widespread corruption and inefficiency in prosecuting it. [Corruption in Malta](#).

<sup>78</sup> In May 2018, journalist Olivera Lakić was shot in the leg after revealing the complicity of senior Montenegrin officials in cigarette smuggling. Despite the gravity of the case and the strong public interest, there were no significant legal consequences for the senior officials involved. Similarly, persons with alleged links to organized crime were arrested and interrogated in connection with the murder of Kosovo Serb politician Oliver Ivanovic, but the investigation remains unresolved. Mafia-style contract killings are becoming more common in the region, linked to long-standing animosity and power struggles between criminal groups. [Hotspots of organized crime in the Western Balkans](#). The Global Initiative Against Transnational Organized Crime, 2019.

gate cases involving senior officials. The report underscores the lack of accountability for senior politicians, indicating a pervasive culture of political favoritism and partisan influence. Furthermore, the enactment of laws tailored to serve private interests poses a significant challenge, with previous recommendations emphasizing the ongoing entrenchment of state capture and the absence of substantial reforms.<sup>79</sup>

The international community's endeavors to combat high-level corruption included the Przhino Agreement, which outlined recommendations for the establishment of the Special Public Prosecutor's Office (SPO) that commenced operations in 2015. The investigations conducted by the Prosecutor's Office primarily relied on information obtained from illicit wiretapping, specifically audio recordings revealing the participation of then senior government officials in electoral interference, judicial misconduct, and political coercion.<sup>80</sup> The Special Public Prosecutor's Office (SPO) came to a notorious conclusion in 2019 following the conviction of its chief prosecutor for abuse of office and entanglement in corruption controversies. Consequently, the institution was dissolved, prosecutors were reassigned, and ongoing investigations were transferred to the Basic Public Prosecutor's Office for Organized Crime and Corruption. Of the 40 pending trials, merely five cases were concluded, leaving numerous investigations unresolved and creating the perception of a significant setback in combating high-level corruption within the country.<sup>81</sup>

While the executive and legislative branches exhibit a strong verbal commitment to combating corruption, the actual outcomes fall short, highlighting the necessity for enhanced internal governance and heightened institutional accountability.<sup>82</sup> As per the 2024 Annual Report of the State Commission for the Prevention of Corruption, only 22 out of the total planned activities outlined in the National Strategy for the Prevention of Corruption (2021–2025) have been successfully executed, representing a mere 13% completion rate. Furthermore, 55 activities (33%) are currently in progress, while a significant 89 activities (54%) have not even commenced. These statistics unequivocally reveal a deficiency in political determination and institutional dedication towards the continual execution of the Strategy.<sup>83</sup>

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<sup>79</sup> [Corruption and Tailor-Made Laws](#), Transparency International, 2020.

<sup>80</sup> Executive Branch Illegally Wiretapped More Than 20,000 Phone Numbers, [National Integrity System](#): 2024.

<sup>81</sup> *Ibid.*, p.13.

<sup>82</sup> Report of Rule of Law mechanism for North Macedonia – 2024.

<sup>83</sup> [Commission staff working document 2024 Rule of Law Report Country Chapter on the rule of law situation in North Macedonia](#) p. 16.

Upon commencing its tenure, the incumbent government faced critical assessments from the European Commission in July 2024, as highlighted in the Rule of Law Report, indicating profound and systemic issues within the justice sector. The initial months of 2025 witnessed upheaval within the prosecution domain, exacerbating the complexity of the circumstances.<sup>84</sup> In response to criticisms regarding the sluggish handling of high-level corruption cases, the Basic Public Prosecutor's Office for the Prosecution of Organized Crime and Corruption conducted an internal review. The examination uncovered instances of unprofessional and unethical behavior, leading to the initiation of disciplinary actions against a public prosecutor from the Higher Prosecutor's Office.<sup>85</sup>

Nevertheless, the intervention initiatives were instigated in response to significant public and media pressure, particularly following the inclusion of new names, including that of a prosecutor, on U.S. sanctions lists. In a display of resolute political determination to combat corruption and organized crime, the authorities acted by initiating the dismissal of the Republic Public Prosecutor, who was appointed by the previous ruling coalition. The allegations of unlawful appointment of this Public Prosecutor to the Higher Prosecutor's Office by the current Republic Public Prosecutor, however, were not upheld by the Council of Public Prosecutors.<sup>86</sup>

Regarding the initiative to dismiss the Prosecutor, opinions are divided. Representatives from the civil sector have urged the present government to provide a transparent explanation and a well-founded legal argumentation for this action. These developments are occurring concurrently with the dismissal proceedings for five members of the Judicial Council, who were elected by the Assembly, intensifying the ongoing dynamics within the judiciary.

Addressing the corruption risks linked to organized crime and its penetration into public services, particularly within security institutions and the judiciary, is becoming a paramount concern. This issue is gaining relevance

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<sup>84</sup> "The institution is in disarray, pressures from all sides. It is enough that there are poor interpersonal relationships, plus poor results," said Professor Gordan Kalajdzhev. [Authorities with 'robust action' in the judiciary](#), Radio Free Europe, 12 February 2025.

<sup>85</sup> The Republic Public Prosecutor in December 2024 decided to conduct supervision over the work of the Basic Public Prosecutor's Office for the prosecution of organized crime, due to the findings of the annual report, which contained data exclusively on cases related to drug trafficking and migrant smuggling. "When asked by a reporter why there was no information about high-profile cases of corruption among senior officials, the chief prosecutor, as he was leaving, briefly commented: "If so. It's now. Oh, well!" " [Will it be swept "under the carpet" in the prosecutor's office? Deutsche Welle. 5 December 2024.](#)

<sup>86</sup> According to media information, "several hundred cases from the Ministry of Interior and the Financial Police are pending in the Prosecutor's Office, but they are not being prosecuted. [Authorities with 'robust action' in the judiciary](#), Radio Free Europe, 12 February 2025.

not only for the Republic of North Macedonia but also for the Member States of the European Union.<sup>87</sup> The reports highlight key areas of concern, specifically focusing on corruption in relation to drug trafficking and the operations of organized crime syndicates, which present a significant challenge to upholding the rule of law.

#### **4.6. Conflict of Interest and Integrity of Senior Government Officials and Members of Parliament**

The concept of conflict of interest holds significant importance within EU regulations, especially in cases involving fraud and misuse of the Union's budget. In recent times, there has been a notable trend towards broadening the scope of this regulation to encompass additional domains. This expansion aims to bolster transparency, accountability, and integrity in the administration of public funds.<sup>88</sup>

The term "revolving doors" signifies the potential for corrupt practices when individuals transition from the public sector to the private sector, carrying confidential information or influence that may be exploited for personal gain. Conversely, the reverse scenario, where individuals from private enterprises or lobbying groups join the public administration, can lead to the formulation of policies that prioritize the interests of their previous employers over the public good.<sup>89</sup> The private sector exerts an undue influence on public policies through former officials in this manner.

To mitigate this risk, numerous countries have implemented protective measures, including:

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<sup>87</sup> [Commission staff working document 2024 Rule of Law Report Country Chapter on the rule of law situation in North Macedonia](#)

<sup>88</sup> - [Regulation \(EU, Euratom\) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union.](#)

- [Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement.](#)

- [Directive \(EU\) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law \(PIF Directive\).](#)

- [Council Regulation \(EU\) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office \('the EPPO'\).](#)

<sup>89</sup> One of the most controversial cases of "revolving doors" in the EU is related to José Manuel Barroso, former president of the European Commission (2004–2014), who in 2016, two years after leaving office, became president of Goldman Sachs International. The move raised concerns about potential conflicts of interest and led to an ethics investigation by the European Commission, as well as a petition with over 150,000 signatures to introduce stricter rules for "revolving doors." [Deutsche Welle, 9 December 2016.](#)

- Implementation of cooling-off periods, which restrict immediate employment in associated private sectors.
- Emphasis on transparency by publicly disclosing new commitments post-departure from office.
- Enforcement of sanctions for breaches of conflict-of-interest regulations to uphold ethical norms and safeguard the public interest.<sup>90</sup>

While the European Union consistently emphasizes the integrity of judges and prosecutors, there is a growing awareness regarding the integrity of senior government officials and Members of Parliament (MPs). However, the level of interest in this matter is relatively less pronounced and lacks a structured approach. Several Member States have implemented distinct integrity regulations, with some having already formulated codes of conduct for individuals holding prominent public positions. These initiatives aim to enhance transparency, accountability, and public confidence.

After a significant corruption scandal in December 2022, involving several Members of the European Parliament (MEPs), the European Union acted by establishing the EU Ethics Body.<sup>91</sup> The objective of this document is to define "common, clear, and transparent" ethical standards for all politicians within the EU institutions. These standards will encompass crucial aspects including the acceptance of gifts, the organization and disclosure of meetings, declarations of interests and assets, secondary activities, and commitments after leaving office.

The ethics body will serve in a purely advisory capacity, with a primary focus on promoting ethical guidelines and facilitating the exchange of best practices within the EU institutions.<sup>92</sup> Investigations into corruption and fraud will persist under the oversight of specialized entities, namely the EU Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO).<sup>93</sup>

The disclosure of property and interests by public officials serves as a fundamental mechanism for enhancing transparency and accountability within the public sector. It is a crucial requirement for fostering integrity and

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<sup>90</sup> In France, there is the High Authority for Transparency in the Public Sphere (HATVP), which assesses whether former officials may work in certain private sectors. In Portugal, there are strict waiting periods, and in Germany the federal government can ban passage to the private sector for up to 18 months.

<sup>91</sup> [Corruption scandal: MEPs insist on reforms for transparency and accountability.](#)

<sup>92</sup> [Body for Ethical Standards: MEPs support deal between EU institutions and bodies](#), 22 April 2024, News European Parliament.

<sup>93</sup> Alberto Alemanno, [The EU interinstitutional body for ethical standards: A legal and policy analysis](#), Wiley, 26 August 2024.

combating corruption. Many member states have established regulations mandating individuals holding political and executive positions to disclose such information. However, there exist notable disparities in the extent, transparency, accessibility, as well as the efficacy of verification and enforcement mechanisms across different jurisdictions.

In North Macedonia, public officials are mandated to submit property declarations in accordance with the Law on Prevention of Corruption and Conflict of Interest. This submission is facilitated through the electronic platform of the State Commission for the Prevention of Corruption (SCC). While these declarations have the potential to serve as a robust tool in the fight against corruption, their actual effectiveness is currently constrained.

The primary shortcomings arise from an inadequately efficient verification mechanism for ensuring data accuracy and from the predominantly preventive nature of the SCC. While the Commission possesses the authority to conduct investigations, compile reports, and alert the relevant authorities in instances of confirmed irregularities, it lacks the mandate to enforce sanctions.<sup>94</sup>

Research indicates that several officials submit declarations of assets with insufficient or incomplete data without encountering legal repercussions. Civil society and the media outlets frequently raise concerns regarding the disparity between politicians' living standards and their declared assets, yet concrete criminal investigations are seldom initiated. The implementation of systematic lifestyle checks as a potential indicator of corruption or asset concealment is underdeveloped and infrequently executed, thereby weakening the preventive and oversight functions of anti-corruption transparency mechanisms.<sup>95</sup>

An additional issue pertains to the diversity of individuals whose property status is required for reporting. In certain countries, only spouses and children are mandated to disclose their assets, while in others, extended family members are also included. Furthermore, the range of positions obligated to fulfill this reporting requirement varies, encompassing senior officials, directors, committee chairpersons, and advisers. For instance, in Romania, extending this obligation to the second tier of government would

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<sup>94</sup> Borche Davitkovski, Gordana Lazhetikj, Ana Pavlovska-Daneva, Divna Ilikj-Dimoski, Konstantin Bitrakov, [Anti-Corruption Law](#), Faculty of Law "Justinian I" p. 203.

<sup>95</sup> In the Republic of North Macedonia, the State Commission for Prevention and Combating of Corruption undertakes significant initiatives to strengthen the integrity of public officials. Key documents covering this area include: [the Integrity Persons Handbook](#) (2022), [Guidelines for the Implementation of Integrity Policy](#) (2021), [Integrity policy for the State Authorities and Public Sector Institutions](#), [the Integrity Concept of North Macedonia](#) as well as many other documents adopted by the Government and relevant ministries.

entail approximately 300,000 declarations of assets, significantly complicating the monitoring and verification processes. This illustrates that despite the presence of mechanisms aimed at enhancing transparency, the actual implementation poses a distinct challenge.

A significant challenge in assessing property status lies in the discrepancy between the declared value and the actual worth of the property, as well as the purchase price. This disparity complicates the objective evaluation process and creates opportunities for the concealment of wealth.<sup>96</sup>

In various countries within the region, there exist notable disparities in the timing of public disclosure of declarations of assets. For instance, in Croatia, these declarations are accessible for one year following the conclusion of the mandate, whereas in Serbia, they are available for three years. Conversely, in North Macedonia, such declarations are no longer accessible immediately after the term ends. This divergence significantly complicates the investigative process and restricts public visibility into the property holdings of former officials.

Despite the technical feasibility of integrating data from institutions such as tax administrations, cadasters, and central banks, the practical implementation of these mechanisms remains rather constrained. Inadequate verification procedures, deficient institutional cooperation, and restricted access to critical information serve as substantial barriers to effectively combatting pervasive high-ranking corruption.

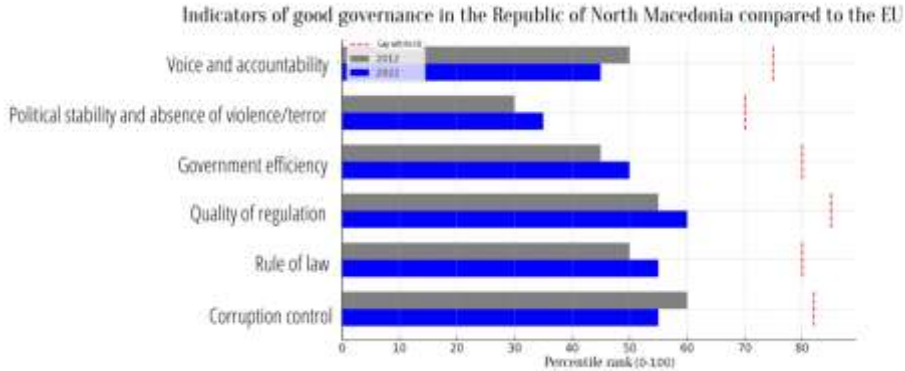
In countries within the SEE-9 region, the sanctions imposed for failing to comply with the requirement to submit declarations of assets are often perceived as merely symbolic and lack the desired deterrent effect. The fines for the late or non-submission of declarations of assets typically range from €200 to €1,000, an amount that many officials view as a manageable expense, leading them to consciously disregard their legal obligations. Furthermore, even in cases where investigations are initiated, individuals facing prosecution seldom encounter tangible consequences due to the sluggish implementation of punitive measures or the absence of commensurate repercussions. Moreover, the oversight institutions tasked with monitoring and enforcing compliance lack the necessary resources to effectively conduct their supervisory and punitive functions.<sup>97</sup>

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<sup>96</sup> In Hungary, there have been cases where luxury two-story villas have been reported as "wine cellars" to avoid tax liabilities and regulatory oversight. In Bulgaria, the "Apartmentgate" scandal exposed abuses in the purchase of properties at drastically lower prices by senior government officials. Although a few have resigned, corruption investigations remain limited, ROLLING BACK STATE CAPTURE IN SOUTHEAST EUROPE, [Seldi](#), 2023.

<sup>97</sup> Ibid. p. 5

**Graph No. 1. Indicators of Good Governance in the Republic of North Macedonia**



Source: World Bank, 2024<sup>98</sup>

## 5. MEDIA FREEDOM AND PLURALISM

A free and independent media plays a crucial role in democracy by serving as a vital mechanism for government oversight, promoting transparency, and ensuring accountability. Political interference or any form of pressure on the media undermines media freedom and infringes upon citizens' rights to access and share information.

The EU Rule of Law Report 2024 highlights the concerning trend of increasing control of the media landscape by large media conglomerates. This dominance poses a significant threat to media pluralism and editorial independence.

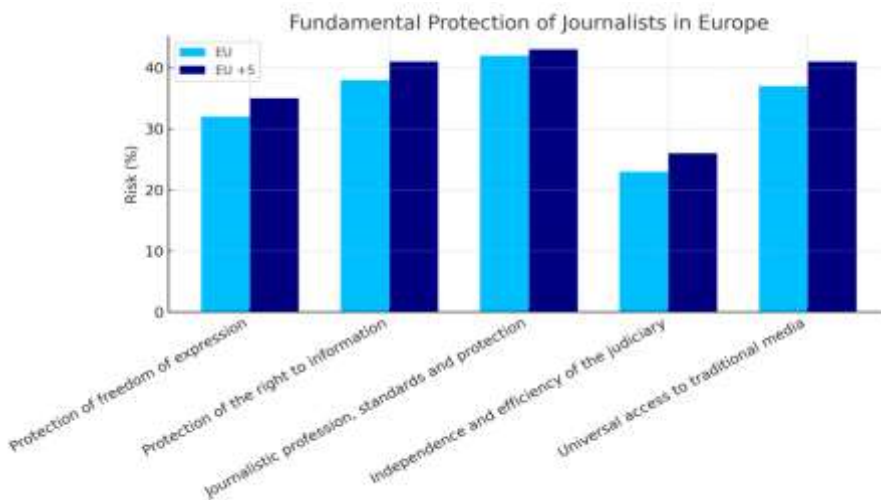
To uphold clear regulations and safeguard the public interest, the EU has implemented additional regulatory measures in the media sector. These initiatives include measures to shield journalists from Strategic Lawsuits Against Public Participation (SLAPPs), which are abusive legal actions intended to intimidate and silence individuals or organizations engaging in public discussions of significant social importance.

<sup>98</sup> Presentation by [Joana Madioska](#) at the 4th session of NCEU-MC Working Group 6 “Anti-Corruption”, held on 10 September 2024 with the title: “Data we trust: A prerequisite for a stronger economy and an effective fight against corruption”.

The regulatory framework within the European Union (EU) is delineated by Directive (EU) 2024/1069<sup>99</sup>, which incorporates several pivotal safeguards. These encompass the authority vested in courts to expeditiously dismiss evidently baseless claims, the potential for indemnifying defendants in instances of groundless claims, and the imposition of sanctions on claimants engaging in such practices. It is important to note, however, that this Directive exclusively safeguards against judgments issued within the EU and does not extend to those emanating from third countries.<sup>100</sup>

The European Union's framework for safeguarding media pluralism includes the following key components: transparency in media ownership information, equitable allocation of state advertising, and autonomy of public media outlets.<sup>101</sup>

**Graph No. 2: Security media risk of EU Member States and candidate countries (Source: [Monitoring Media Pluralism in the Digital ERA, 2024](#),**



Center for Media Pluralism and Media Freedom)

<sup>99</sup> [Directive \(EU\) 2024/1069 of the European Parliament and of the Council of 11 April 2024](#) on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (“Strategic lawsuits against public participation”)

<sup>100</sup> For example, Green Peace International, facing baseless lawsuits filed by Energy Transfer, filed a lawsuit in a Dutch court alleging that the company was using the legal system to silence them. The process is still ongoing, but the Directive brings a new dimension to baseless lawsuits for public discourse. [Financial Times, 11 February 2025](#).

<sup>101</sup> [European Media Freedom Act, Regulation \(EU\) 2024/1083](#) of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA relevance)

The graph offers a comprehensive depiction of the security risks linked to media freedom and pluralism within the European Union, encompassing candidate countries as well. The data indicates that each Member State encounters varying levels of risk concerning these indicators. However, candidate countries exhibit a higher degree of vulnerability to these risks.<sup>102</sup>

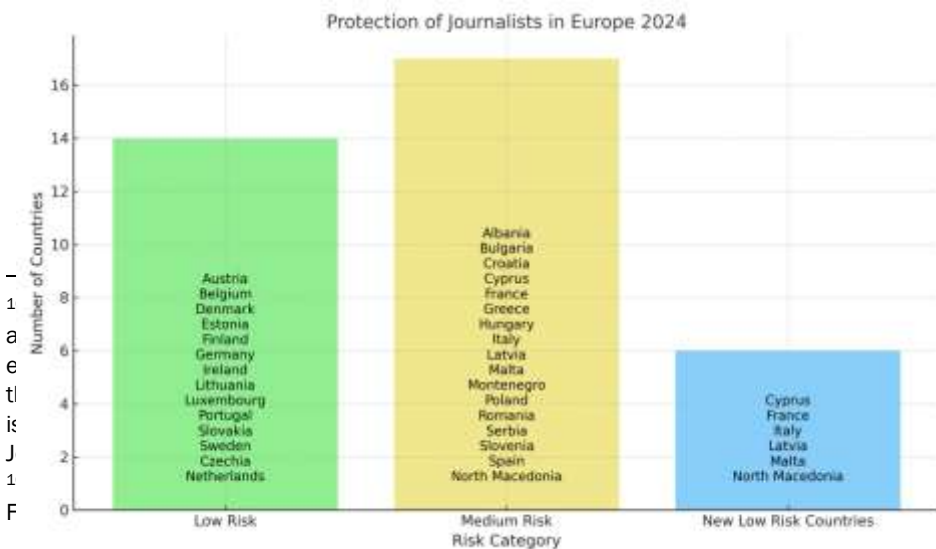
Based on the findings of the Rule of Law Report 2024, the safeguarding of journalists in European nations is currently assessed to be at a moderate level of jeopardy, notably heightened in the realm of digital security. In the year 2024, the security threat faced by journalists stood at 37%, marking a three percent escalation from the preceding year.

The list of low-risk countries comprises Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Lithuania, Luxembourg, Portugal, Slovakia, Sweden, and the Netherlands.

The countries with a medium risk level include Albania, Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Italy, Latvia, Malta, Montenegro, Poland, Romania, Serbia, Slovenia, Spain, and the Republic of North Macedonia.

Based on the data provided, several countries experienced an enhancement in media pluralism in 2024, thereby moving them closer to the category of low-risk countries. These countries include Cyprus, France, Italy, Latvia, Malta, and the Republic of North Macedonia.<sup>103</sup>

**Graph No. 3. Protecting journalists in Europe 2024** (Source – Based on data from [MONITORING MEDIA PLURALISM IN THE DIGITAL ERA, 2024](#))



Enhancing the autonomy of national media regulators is crucial for promoting media pluralism. In the European Union, this aspect is governed by the Audiovisual Media Services Directive (Directive 2024/1083).<sup>104</sup>

Media ownership plays a critical role in ensuring media pluralism, as it directly affects editorial policies. The European Union has already initiated efforts to enhance transparency in this area.

According to the Rule of Law Report (2024), Ireland, Greece, and Spain have made commendable progress in establishing online registers for media ownership. However, concerns remain regarding the independence and impartiality of media regulators in Hungary, Slovenia, Croatia, Bulgaria, and Poland, where there are no safeguards in place to prevent political interference in their appointment and operations. While Greece is recognized for taking initiatives to strengthen its media regulator, there are still recommendations for improving resources to ensure its effective functioning.

To facilitate the implementation of these recommendations aimed at improving the conditions within regulatory bodies, Regulation (EU) 2024/1083 is particularly significant. This regulation, which will come into effect on 8 August 2025, aims to enhance transparency standards within the media landscape.

In the Republic of North Macedonia, both print and electronic media are required to disclose their ownership to the regulatory authority, while digital media continues to operate under a self-regulation model.<sup>105</sup> In Serbia, the initiatives aimed at enhancing the transparency of media ownership have not yet been fully completed, while there are ongoing concerns regarding the political and economic influences on the media landscape.

### **5.1. State media advertising**

Financial resources for the media are essential for ensuring media pluralism and freedom. State advertising refers to the funds allocated by public institutions and state entities at both national and local levels for promotional campaigns, media advertisements, and public information messages. Without clear and transparent allocation criteria, these funds can be

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<sup>104</sup> [Regulation \(EU\) 2024/1083](#) of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act) (Text with EEA relevance).

<sup>105</sup> [Audio and Audiovisual Media Services Act](#), Official Gazette No. 184, and all amendments and additions during the past 10 years.

misused for political influence, favoring media that support government agendas while financially suppressing critical outlets.

The European Media Freedom Act mandates Member States to establish clear criteria and procedures for state advertising allocation and to publish detailed information annually on the funds so spent.

In 2017, the Government of the Republic of North Macedonia made the decision to abolish state advertising in private media outlets. However, in 2024, a shortened legislative procedure was used to reintroduce state advertising within the framework of a law aimed at harmonizing national and European legislation.<sup>106</sup> Media associations, who were against the reinstatement of this law, raised concerns regarding the potential promotion of clientelist and corrupt practices. They emphasized that such actions could have significant implications on media independence and freedom of expression.

In accordance with the law, both the state and municipalities are required to finance media campaigns with 0.1% of their revenues, equating to approximately 3-4 million euros annually. These funds are to be distributed as follows: 65% to national television, 25% to satellite television and radio, and 10% to regional media. The MRT public service remains financially reliant on the state, which designates 0.5% of the budget for its operational needs. It is noteworthy that online media platforms do not receive budgetary support but obtain funding through election campaigns.

A notable exception is the 2018 Electoral Law, which permitted political parties to receive budgetary allocations for media representation. Consequently, over €8 million was earmarked for this purpose during the 2020 and 2021 elections.<sup>107</sup>

## 5.2. The right of access to information

The right of access to information from public institutions is pivotal for promoting transparency and accountability, particularly for civil society and journalists. Nonetheless, the implementation of this right varies significantly among EU Member States and enlargement candidates.

Austria is currently initiating steps to constitutionally ensure this right, while Estonia, Luxembourg, Bulgaria, and Finland are making invest-

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<sup>106</sup> In February 2024, the Assembly adopted the [Law on Audio and Audiovisual Media Services](#) reintroducing state advertising in the media, Official Gazette of the Republic of Macedonia, No. 184/13, 13/14, 44/14, 101/14, 132/14, 13/16, 142/16 and 132/17.

<sup>107</sup> [Clientelism as a Modus Operandi. Media Ownership Monitor. North Macedonia. 2023.](#)

ments in digitized systems and proactively publishing data. Conversely, progress has been limited in Spain, Poland, Germany, Greece, Romania, and Malta, where challenges such as administrative obstacles, delays, and selective disclosure persist. In Italy, legal constraints hinder access to judicial information related to criminal proceedings.

It is worth noting that there are countries classified as "full democracies" where media freedom is notably high, such as Sweden, Finland, the Netherlands, Denmark, and Ireland.<sup>108</sup>

In an endeavor to achieve a harmonious blend of transparency and safeguarding personal data, Directive (EU) 2024/1640 concerning the prevention of money laundering, on which an interim agreement was reached by the Council and the European Parliament in January 2024, establishes a requirement to demonstrate a "legitimate interest" in accessing information. Consequently, designated entities, including journalists and representatives of civil society, will possess exclusive rights to access information pertaining to the ownership framework of companies, financial transactions, and other pertinent data.<sup>109</sup> This provision is a response to past legal disputes concerning public access to information regarding the beneficial owners of companies and financial transactions. In a previous ruling in 2022, the Court of Justice of the EU determined that unrestricted public access to this information infringes upon the right to privacy. Through this directive, access is now restricted to entities capable of demonstrating a "legitimate interest". This provision enables investigative journalists and civil society organizations to uphold scrutiny over suspicious financial activities while safeguarding the personal data of individuals.

In candidate countries, while the right of access to information is legally ensured, journalists and civil society organizations often encounter challenges such as avoidance of publication by institutions, formal refusals, or prolonged response times in practice. This indicates the presence of administrative hurdles and the absence of penalties for institutions that deny data provision.

According to the 2024 Media Freedom Index by Reporters Without Borders (RSF), the Republic of North Macedonia has been ranked 36th out of 180 countries, showing an improvement of two positions from the previous year. It falls within the category of 17 countries with a satisfactory level

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<sup>108</sup> [RSF's 2024 index: in countries where press freedom is at risk, so is democracy](#), Reporters Without Borders.

<sup>109</sup> [Directive \(EU\) 2024/1640 of the European Parliament and of the Council of 31 May 2024](#) on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849

of media freedom, referred to as "flawed democracies." Based on this data, the Republic of North Macedonia leads the region, surpassing Montenegro (40th), Slovenia (42nd), Croatia (48th), Kosovo (75th), Bosnia and Herzegovina (81st), Serbia (98th), and Albania (99th).<sup>110</sup>

In spite of the favorable advancements, the European Commission highlighted in its October 2024 report that the legal framework regulating the media in North Macedonia is not entirely in line with European legislation, notably the European Media Freedom Act. This underscores the necessity for additional reforms to achieve full compliance with European standards.

## 6. SEPARATION-OF-POWER CHALLENGES – CHECKS AND BALANCES

The principle of separation of powers stands as a cornerstone of democratic governance and the rule of law. It plays a pivotal role in maintaining a delicate balance among the various branches of government and in averting the undue concentration of authority by implementing oversight and control mechanisms. Ongoing efforts to enhance the legislative process are evident in numerous Member States, such as the reduction of expedited legislative procedures, the enhancement of digital platforms for unrestricted access to legislation, and the refinement of impact assessments and public consultations (e.g., Czech Republic, Ireland, Portugal).<sup>111</sup>

Nevertheless, certain Member States persist in practices characterized by the excessive utilization of expedited procedures in enacting laws and the absence of consultations with relevant stakeholders. For instance, Spain's enactment of a law concerning the institutional, political, and social normalization of Catalonia sparked controversy and garnered attention from the Venice Commission for evaluation.

In certain Member States, such as Hungary, a notable trend is the frequent amendments to laws, leading to heightened legal uncertainty and apprehensions regarding arbitrary government actions. These concerns are viewed as hindrances to the smooth functioning of enterprises within the single market.

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<sup>110</sup> [RSF's 2024 index: in countries where press freedom is at risk, so is democracy](#), Reporters Without Borders.

<sup>111</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2024 Rule of Law [Report The rule of law situation in the European Union](#).

To enhance oversight and ensure a system of checks and balances, several countries are undertaking constitutional reforms. For instance, Italy is revising its Constitution to promote greater government stability, Bulgaria is aiming to restrict the president's authority over interim administrations, and Lithuania is empowering the Judicial Council to lodge constitutional complaints against legislation impacting the judiciary.

Efforts to enhance the quality of the legislative process hold significant importance. In Croatia, Cyprus, and Luxembourg, ongoing initiatives aim to reinforce legislation regarding the impact of public consultation assessments. However, additional measures are imperative to augment public engagement in the legislative framework.

Independent human rights institutions, ombudsman, and equality bodies play a crucial role in maintaining checks and balances. Certain countries have bolstered these institutions by assigning new responsibilities and allocating increased financial resources. For instance, Bulgaria and Cyprus have expanded the powers of the Ombudsman Office, while Poland has augmented the budgetary allocation for its operations.

As of 2022, reports now encompass data on the implementation status of key judgments from the European Court of Human Rights (ECHR), serving as a pivotal indicator of the rule of law's efficacy within a nation. The compliance levels with these judgments vary across Member States. Within the EU, approximately 44% of significant ECHR rulings from the past decade remain unenforced, representing a slight up-tick compared to the preceding year.

### **6.1. The separation of power and checks and balances in the Republic of North Macedonia**

Checks and balances represent a key part of democracy, particularly in constitutional democracies. In this system, power is divided among three branches: the executive, legislative, and judicial. The legislature creates laws, the executive enforces them, and the judiciary interprets the laws and ensures they follow the constitution. This structure helps prevent the abuse of power.<sup>112</sup> In the majority of modern legal systems, courts possess the

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<sup>112</sup> "In the Republic of North Macedonia, according to the Constitution and laws, the Government is accountable to the Assembly as the highest legislative instance of representatives of citizens. The Assembly exercises political control and supervision over the Government and other public office holders. However, the factual situation in North Macedonia shows the opposite - the executive branch politicizes state institutions and interferes in decision-making processes. There is no effective oversight of its actions, making

authority to annul laws that are inconsistent with the constitution. Conversely, judges and significant officials are appointed by the executive branch, albeit following a recommendation and the ultimate formal endorsement of the legislative body.

While the separation of powers is constitutionally enshrined, still the legislature encounters considerable obstacles in fulfilling its oversight responsibilities concerning the executive branch. These challenges are primarily attributable to the dynamics of political processes and the substantial influence of party structures on decision-making. Consequently, decisions are predominantly coordinated within political parties, which significantly diminishes the capacity for independent action by the Assembly of the Republic of North Macedonia as an effective control mechanism. Furthermore, public opinion surveys assessing the performance of the Assembly reveal a marked lack of trust among citizens; on a scale of 1 to 5, the institution receives an average rating of 2.1, indicating notably unsatisfactory perceptions of its efficacy.<sup>113</sup>

The ruling government, serving as the executive branch, typically has the backing of the majority in the Assembly, which influences the Assembly's ability to perform its oversight duties. In this scenario, the legislature, beyond its law-making responsibilities, frequently functions as a mere supportive apparatus for the strategic choices of the executive. Experts note that this substantial backing can compromise transparency and accountability, underlining the importance of reinforcing checks and balances, an essential component for enhancing democratic processes and upholding the rule of law as such in the country.<sup>114</sup>

The control mechanisms of the Assembly over the government are not yielding the anticipated outcomes. Parliamentary inquiries, being a pivotal tool for parliamentary oversight, frequently fail to elicit specific responses or are met with ambiguous formulations, thereby diminishing their efficacy.<sup>115</sup> To date, no interpellation has led to the removal of an official. Additionally, commissions of inquiry, entrusted with conducting impartial investigations into governmental operations and institutions, frequently encounter

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the Government's accountability to the Assembly formal and non-essential", [The Power of the Executive](#), Transparency International Macedonia, 2017.

<sup>113</sup> Vlora RECHICA, A [view of the assembly: citizens' perceptions of the work of the Assembly of the Republic of North Macedonia](#), Institute for Democracy "Societas Civilis" – Skopje (IDSCS) 2023.

<sup>114</sup> Martina ZHUZHELOVSKA & Gonca BAYRAKTAR DURGUN (2023), [the Parliamentary control over the Government in the Republic of North Macedonia](#), 2023, The Academic Elegance, Year: 2023/Issue: 21 /Volume: 10 /Page: 339-357.

<sup>115</sup> Ibid.

political obstacles and seldom reach definitive conclusions.<sup>116</sup> Furthermore, motions of no confidence typically fail due to the Assembly majority being predominantly comprised of MPs from the governing political party coalition. Surveys indicate that merely 4% of citizens perceive the Assembly as effectively overseeing the Government's activities, with 27% believing that definitively the Government exerts considerable influence over the Assembly itself.

As per the Rule of Law Report, the Macedonian Assembly encounters notable operational obstacles such as legislative procrastination, usually by filibustering or lack of required quorum presence of the MPs, and the tardiness in appointing crucial state and government officials, thereby impeding the continuity and effectiveness of institutions as such.<sup>117</sup> The frequent utilization of expedited legislative processes, notably the so-called EU-flagged procedure, facilitates the rapid enactment of substantial laws without adequate public discourse or a comprehensive evaluation of their repercussions. This practice diminishes the transparency and inclusivity of the law-making process. These shortcomings, coupled with the infrequent engagement of public consultation and recurrent revisions of already enacted laws, engender legal ambiguity and hinder their efficient execution.

Based on the data, a mere 9% of citizens hold the belief that laws undergo infrequent modifications, with the majority expressing the view that they change either too frequently or with regularity.<sup>118</sup> Despite the adoption of the Assembly's new Rules of Procedure in 2024 with the intention of addressing these shortcomings, tangible outcomes are yet to materialize. The National Electronic Consultation System platform (ENER) continues to be underutilized, as only 37% of proposed draft laws were disclosed to the public in 2022. This, coupled with the regular amendments to laws, contributes to legal ambiguity and complicates their enforcement.

The introductory sections have already highlighted the substantial challenges confronting the judiciary in terms of its independence, impartiality, and integrity. Despite these obstacles, courts at various levels, notably the Constitutional Court, serve a crucial function in upholding the rule of law in the country. However, the significant political sway in the appointment of judges remains a delicate issue that hampers the effective operation of the justice system. The interference of political interests and concessions in the selection of constitutional judges raises doubts about the independence of

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<sup>116</sup> According to a [2023 survey by the Institute for Democracy "Societas Civilis" – Skopje \(IDSCS\)](#), 58% of Macedonian citizens believe that (partially or completely) parliamentary issues are also used to "advertise the Government"

<sup>117</sup> COMMISSION STAFF WORKING DOCUMENT 2024 [Rule of Law Report Country Chapter on the rule of law situation in North Macedonia](#).

<sup>118</sup> According to a [2023 survey by the Societas Civilis Institute for Democracy – Skopje \(IDSCS\)](#).

this pivotal institution, potentially leading to enduring repercussions for the entire rule of law framework.<sup>119</sup>

The percentage of judgments from the European Court of Human Rights that have been implemented is low. Currently, 29% of the rulings from the last 10 years remain unenforced. This situation emphasizes the need for more efforts to align with European standards and to enhance the mechanisms for implementing these judgments effectively.

The Office of the Ombudsman encounters obstacles to its independence, primarily stemming from inadequate financial and human resources that constrain its effectiveness as a supervisory body. Furthermore, the outright dependence on the Government for the approval of the budget of the Office of the Ombudsman could compromise its autonomy and diminish the ability to safeguard human rights within the country.

In spite of the fact that civil society organizations (CSOs) are actively engaged in society-related matters, their involvement in policy-making processes is significantly restricted. The absence of any meetings organized by the government advisory Council for Cooperation with and Development of Civil Sector in 2023 and 2024, due to a CSOs' boycott triggered by funding cuts and then reallocating them to the Ministry of Political System as the end user, signifies the government's stance towards the civil sector. This sector, crucial for monitoring public policies, their execution, and advocating civic interests in dialogues with state institutions, is thereby marginalized.

## **7. HOW TO INCREASE THE RESILIENCE OF THE RULE OF LAW IN THE EUROPEAN UNION AND IN CANDIDATE COUNTRIES**

The objective of all endeavors to fortify the rule of law is to ensure that governments, represented by institutions, operate within the legal boundaries, in alignment with democratic principles, and uphold fundamental rights under the oversight of independent and unbiased courts. The Rule of Law Resilience Report provides insights into safeguarding the rule of law in circumstances where it is compromised.<sup>120</sup> In instances where authoritarian inclinations within a society stifle democratic procedures, often justified under the guise of “acting in accordance with the people's will,” there emerges a gradual erosion of democracy, thereby jeopardizing the rule of law as

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<sup>119</sup> Commission staff working document 2024 [Rule of Law Report Country Chapter on the rule of law situation in North Macedonia](#).

<sup>120</sup> Maria Skora and York Albrecht, [Strengthening the Resilience of the Rule of Law through Democracy](#), 4 April 2024, [Verfassungsblog](#).

such.<sup>121</sup> Fundamentally, the rule of law necessitates robust institutions dedicated to safeguarding the collective public interest, delivering quality public services, appointing personnel based on meritocracy through democratic means, and ensuring transparency in the selection of managerial staff.

The RESILIO Project Report offers an in-depth analysis of the factors that impact the resilience of the rule of law.<sup>122</sup> The research encompasses all 27 EU Member States and introduces a novel tool to enhance the effectiveness of the EU's Rule of Law Mechanism. Moreover, it establishes a precise and actionable definition of the rule of law, incorporating empirical benchmarks and standardized criteria. The project also devises tools to implement the Mechanism's recommendations, creates a Rule of Law Index to enhance data visibility, and encourages a crosscutting dialogue on the rule of law within each EU Member State. The suggestion for a comprehensive dialogue extends to EU candidate countries as well, with a specific focus on sharing best practices.<sup>123</sup>

Resilience pertains to a system's capacity to withstand shocks, preserve its functionality, uphold its structure, and accomplish objectives. In the context of the rule of law, this implies the ability to foresee risks, absorb impacts, adapt to challenges, and overcome threats.<sup>124</sup>

The survey data mentioned above validate that robust and effective institutions play a pivotal role in bolstering the resilience of the rule of law. Consequently, the adherence of public administration and the judiciary to principles of independence from political influences emerges as a crucial factor. Equally significant are transparency in appointments and the eradication of corruption. Notably, the Resilio project's toolkit underscores the paramount importance of preventing and combating corruption through the establishment of collaborative networks, the adoption of the proposed Anti-Corruption Directive, and mandatory involvement with the European Public Prosecutor's Office (EPPO) during the accession period.

Moreover, the resilience of the rule of law is intricately tied to the enforcement of appropriate sanctions, as well as fostering accountability and transparency. The report lists the special role of civil space - recognized as

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<sup>121</sup> Ibid.

<sup>122</sup> [“What makes the rule of law resilient? Evidence from EU 27”](#), summarizing the 2-year-long research project “RESILIO” carried out by the Institut für Europäische Politik in Berlin and funded by Stiftung Mercator and the Citizens, Equality, Rights and Values Program of the European Commission.

<sup>123</sup> [“RESILIO – Resilience Observatory on the rule of law in Europe” IEP](#) Toolbox Report, 2024.

<sup>124</sup> [Resilio Monitor. What makes the rule of law resilient? Evidence from EU27, IEP, Berlin, Full Report, 2023](#) .

the space of active, aware, and informed citizens with high degree of association.

To fortify the resilience of the rule of law, it is imperative to have independent media outlets that remain impartial towards populist government policies, providing informative, educational, and analytically sound discourse. Such media entities not only shape the caliber of public discourse but also serve as watchdogs, safeguarding public interests and ensuring accountability of authorities. In the case of Poland, the media outlets played a pivotal role in galvanizing citizens, exposing undemocratic practices that influenced a shift in power during elections.

Furthermore, it is encouraged to enact the European Press Freedom Act and to organize initiatives that foster journalist engagement and deepen their commitment to upholding the rule of law.

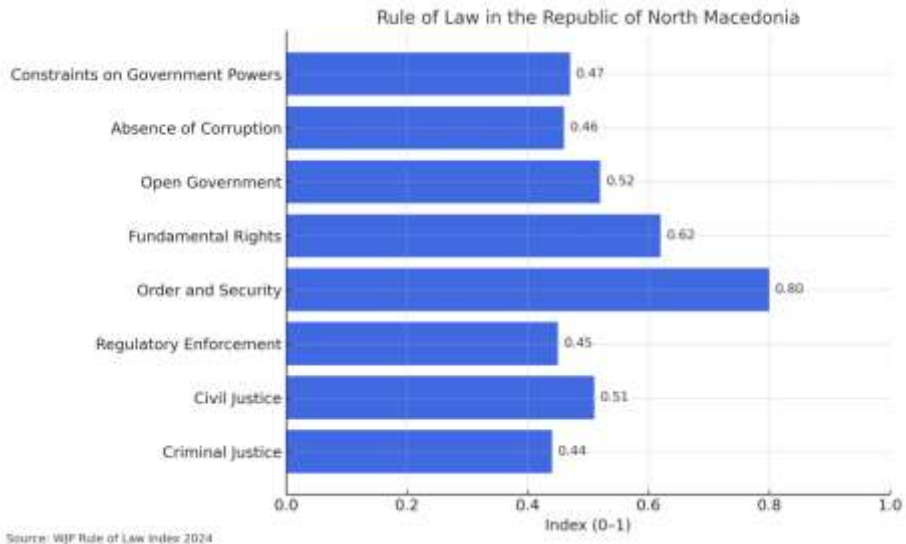
### **7.1. The Resilience of the Rule of Law in the Republic of North Macedonia from the Perspective of Civil Initiatives**

Based on data stemming from 2024, the Republic of North Macedonia is positioned 67th out of 142 countries globally, with a rule of law index value of 0.53.<sup>125</sup> Denmark holds the top position in terms of the rule of law, boasting an index of 0.90, approaching the upper threshold of excellence at 1.00.

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<sup>125</sup> [World Justice Project 2024](#).

Chart No. 4. [Rule of Law Indices in the Republic of North Macedonia](#)



The institutional system of the Republic of North Macedonia is structured based on contemporary democratic principles and is integrated into the overarching legal framework, which significantly adheres to European standards. This alignment underscores the nation's dedication to achieving European Union membership.<sup>126</sup>

The nation was among the pioneers in the region to initiate the application for European Union membership. However, throughout this journey of integration, there have been stages characterized by advancements and enthusiasm, as well as periods marked by stagnation. The dynamic of the European integration process is evolving due to global geopolitical shifts, internal developments within the EU, bilateral challenges with neighboring countries, and alterations in the reform agendas of individual governments – a process expected to unfold gradually over an extended duration. Practice has shown that the longer the preparation for EU membership persists, the diminished the likelihood of complete compliance with the stipulated requirements.<sup>127</sup>

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<sup>126</sup> Part of the Statement by the President of the National Assembly **Afrim Gashi** at the [Seventh Plenary Conference](#) of the National Convention on the European Union in the Republic of North Macedonia (NCEU-MK), held on 11 December 2024 at the Macedonian Assembly on the topic: "Fundamental values of the European Union – facing new challenges in the context of enlargement".

<sup>127</sup> "As a region and as a candidate country, we are not perfect. There are many things that need to be improved, but I am sure that we deserved to start negotiations for EU membership

Citizens' rule-of-law initiatives, particularly the National Convention on European Union (NCEU-MC), emphasize that the political dialogue concerning European integration and reform initiatives tends to be largely superficial. Political figures frequently employ European terminology and outwardly endorse the European outlook yet fail to engage substantively with the core issues – namely, the practical strategies for enacting reforms tailored to a particular brand of political functionality. This approach aims to portray institutions as robust and effective, despite the prevailing evidence suggesting otherwise in reality.<sup>128</sup> Furthermore, when faced with direct pressure from international entities or the European Union, domestic political elites frequently enact laws and policies only to formally fulfill external requirements without a genuine commitment to their practical implementation. This results in a phenomenon known as "formal compliance" with European norms, rather than the actual accomplishment of these standards.

Within the context of European integration, while political elites hold a pivotal and definitive position in governance, they are not the sole contributors. To ensure the efficacy of the process, it is imperative to conduct it in a democratic and inclusive fashion, necessitating the active engagement and consultation of all stakeholders, including civil society, academia, the business sector, and the media outlets. Without dialogue, the essence of true democracy is compromised.<sup>129</sup> Should the process be executed merely as a formality and as a political tactic, devoid of genuine engagement from the general public, citizens – despite holding favorable views on European integration – will readily discern the inefficiencies in the process management. This inefficacy is frequently attributed to national governments, yet accountability also extends to the EU itself, particularly concerning the inadequately efficient handling of the enlargement process. In certain instances, this process may be utilized as a means to evade domestic responsibility.

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a long time ago, but there was always a good or less good reason not to start those negotiations. However, when the rules of the game change, and that is after the game has already begun, the process then becomes slow and uncertain." From Antonio Miloshoski's speech at [the Seventh Plenary Conference of the NCEU-MK](#), 11 December 2024.

<sup>128</sup> [Kmezić, M. \(2020\). According](#) to the author, the concept of "stabilitocracy" (i.e., first stability then democracy) that is characteristic of the political elites of the Western Balkans is used by the rhetoric in context of domestic European integration to maintain their position, without a real commitment to democratic reform and the rule of law, but without substantive implementation, leading to "false compliance."

<sup>129</sup> "Membership negotiations require intensive efforts from the whole society. The government cannot do it alone, it must be a national project and everyone must be the bearers, including the Assembly, civil society, the opposition, every town and village, and ultimately every citizen of your country" – part of a speech by Miroslav Lajčák, EU Special Representative for the Belgrade-Pristina Dialogue and Regional Affairs of the Western Balkans, [7th Plenary Conference of the NCEU-MK](#).

During discussions within the NCEU-MK and various citizens' initiatives, the transformation of Albania's judicial system is frequently highlighted as a notable example. Despite encountering numerous obstacles, the justice system vetting process yielded positive results, catalyzing advancements in other fields and fostering enhanced trust among citizens in institutional frameworks. This, in turn, propelled progress in the European integration journey. "Albania has made significant strides in combating corruption over the past five years. Previously untouchable politicians now face uncertainty. This shift is not coincidental; it stems from Albania's commitment to judicial reform aimed at fortifying the rule of law. While the judicial reforms incurred substantial costs since 2019, the present outcomes recognize the value of these endeavors."<sup>130</sup>

The development of institutional maturity, particularly within the field of justice, is paramount, as constructing a "healthy home without solid foundations" is impracticable. The judiciary stands out as one of the most intricate components of state governance. "Historically, reform initiatives and change proposals have encountered criticism and resistance. It is imperative to break free from the cycle of unfulfilled promises and mutual accusations. Instead, embracing maturity entails acknowledging shortcomings in implementing crucial decisions."<sup>131</sup>

These perspectives to a certain degree acknowledge the significance of the National Convention on the European Union in the Republic of North Macedonia as a forum for organized discourse. They also recognize the multitude of citizens' initiatives operating in this domain, notably their steadfast commitment to bringing to light matters concerning the judiciary, even at the potential cost of facing repercussions, including those affecting individuals within the professional sphere of the system.

"The rule of law does not rest solely on the shoulders of the judiciary and judges. Each of us shares a portion of this responsibility. Effective coordination is essential for reforms to be spearheaded by practitioners. The courts must proactively take the lead – not just in enacting laws but also in consistently and impartially enforcing them."<sup>132</sup>

### Current Challenges to the Rule of Law from the Perspective of the National Convention on the European Union in the Republic of North Macedonia

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<sup>130</sup> [Elda Zotaj](#), Assistant Professor at Aleksandër Moisiu University of Durrës, Albania.

<sup>131</sup> [Radica Lazareska Gerovska](#), State Counsellor for Execution, Notary and Mediation, Ministry of Justice – from the presentation at the Seventh Plenary Conference of NCEU-MK.

<sup>132</sup> [Darko Avramovski](#), "All for a Fair Trial" – Skopje, from the presentation of the Seventh Plenary Conference of the NCEU-MK.

The pace of judicial reforms has been sluggish, with the pursuit of judicial independence frequently overshadowing other pressing priorities in this domain. Despite the progress made by other democracies in leveraging artificial intelligence and regulating cryptocurrencies, the domestic judicial system continues to grapple with inherent challenges and structural deficiencies.

The Republic of North Macedonia has made notable strides in enhancing the transparency of its judiciary, particularly in terms of engaging with the public and enhancing accountability. Despite these advancements, the negative perceptions held by citizens could potentially undermine efforts to achieve greater independence. Participants in discussions have emphasized that a true measure of the judiciary's increased independence would be the successful resolution of high-profile corruption cases; however, to date, not a single such case has been fully concluded and sanctioned. On the other hand, following the amendments to the then Criminal Code in September 2023, numerous ongoing cases, even those not yet formally commenced by the courts, have been closed as such on new deadline grounds of becoming obsolete.<sup>133</sup>

The undue hasty adoption of laws designated as "European integration priorities", given a red flag, frequently fails to ensure the definite successful adoption of European standards. This approach can disrupt the equilibrium among the three branches of government, leading to the predominance of the executive branch over the legislative and judicial branches. Consequently, it compromises the fundamental principles of the separation of powers and democracy.

The protracted duration of court cases underscores the adage: "Justice delayed is justice denied," highlighting a systemic flaw. The efficacy of the judicial system is not solely contingent on the quantity of judges; the shortage of personnel is not the primary cause of sluggish court proceedings.<sup>134</sup> The primary issue lies in the inadequate interconnection among institutions within the justice system and the absence of efficient coordination between courts, investigative bodies, and prosecutors. Experts emphasize that the deficiency in interoperability and a distinct delineation of

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<sup>133</sup> **Lenche Ristoska**, Prosecutor at the Basic Public Prosecutor's Office, Skopje – from the presentation at the 15th session of the NCEU-MK Working Group 3, Justice and Fundamental Rights (Chapter 23), 6 November 2024. [Agenda](#).

<sup>134</sup> **Stefan Gojković**, President of the Association of Court Assistants, Republic of Serbia: "Efficiency in the judiciary is not related to the number of judges. The problem will not be solved by increasing their numbers" – from the presentation of the Seventh Plenary Conference of the NCEU-MK, 11 November 2024.

responsibilities further hampers the process and diminishes the effectiveness of court proceedings.<sup>135</sup>

Clientelism and institutional partisanship directly undermine the reform progression. The process of selection and appointment of office holders and public administration clerks just based on political loyalty and party affiliation rather than merit leads to dysfunctional institutions, impedes the recruitment of qualified personnel, and results in the mere formal acceptance of reforms as such, without their practical execution.<sup>136</sup>

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<sup>135</sup> [Daniela Aleksovska Stojanovska](#), Judge, Basic Criminal Court – Skopje, from the presentation at the 15th session of the NCEU-MK Working Group 3, Justice and Fundamental Rights, held on 11 November 2024.

<sup>136</sup> [Odd Berne Malmö](#), Senior Advisor, Global Initiative Against Transnational Organized Crime, 14th session of Working Group 4 (Chapter 24), 8 July 2024.

# EUROPEAN UNION ENLARGEMENT: CHALLENGES AND PROSPECTS IN CONTEXT OF RULE OF LAW



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## EUROPEAN UNION ENLARGEMENT: CHALLENGES AND PROSPECTS IN CONTEXT OF RULE OF LAW

### INTRODUCTION

The Republic of North Macedonia considers full membership in the European Union to be a strategic objective in the process of its European integration. A significant emphasis has been placed on fulfilling the criteria necessary to commence negotiations, as evidenced by the degree of economic integration achieved, adherence to European legislation, the cultivation of amicable relations with neighboring countries, and, more recently, the contribution to regional cooperation.<sup>139</sup>

The process of accession to the European Union is predicated on a commitment to the implementation of reforms, the sustained alignment with European standards, and the active engagement of all societal stakeholders. This analysis aims to underscore the pivotal elements of the integration process, its significance, and the requisite steps for achieving accession.

The subsequent discussion will delineate the foundational principles that govern the EU's operational procedures and the pivotal role of enlargement within the framework of its foreign policy. The present study will direct its attention to the current accession process, with a particular focus on the new accession methodology, the screening process, and the European Commission reports that delineate the framework for the Republic of North Macedonia and other candidate countries in the Western Balkans.

The analysis will prioritize Cluster 1, entitled "Fundamentals," which encompasses the fundamental European values, and the chapters deemed

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<sup>137</sup> Commission for European Affairs in the Assembly of the Republic of North Macedonia.

<sup>138</sup> Commission for European Affairs, Assembly of the Republic of North Macedonia.

<sup>139</sup> [Accession of the Republic of North Macedonia to the European Union.](#)

critical for attaining European standards. The analysis will examine the circumstances within Cluster 1 in the Western Balkan countries, as well as in Ukraine, Georgia, and Moldova, facilitating a comparison of their progress and challenges in the accession process.

A comprehensive review of each chapter in Cluster 1 will provide insights into North Macedonia's progress, challenges, and future steps toward European integration.

## **1. EUROPEAN UNION ENLARGEMENT STRATEGY: FOCUS ON WESTERN BALKANS**

Schuman's conception of a unified Europe transcended mere idealism, representing a deeply held conviction to which he committed his life's work. He described himself as a "man from the border" and championed a Europe free of hatred, conflict, and divisions.<sup>140</sup> He was an advocate for the notion that lasting peace and stability in Europe could only be achieved through the cooperation and unification of countries. Schuman's legacy and life motto continue to serve as the foundation for the European Union's enlargement and a shared vision for the future.

The European *Acquis Communautaire* originated in 1951 with the creation of the Coal and Steel Community<sup>141</sup>, thus setting the stage for subsequent economic integration. The establishment of the European Economic Community (EEC) occurred with the signing of the Treaty of Rome in 1957, which propelled this process forward.<sup>142</sup>

The EU's achievements, both domestically and on the global stage, generated increasing interest in enlargement, displaying its capacity to establish a stabilizing framework. Over the years, numerous common acts and agreements have contributed to reinforcing the foundations of European unity and fostering the momentum of the enlargement processes. The EU's willingness to expand and the ongoing interest from European countries in joining have positioned Europe as a global player in promoting peace, economic and social development, as well as fostering partnership relations with countries along its external borders.

Internally, the European Union has adopted a "step by step" approach to enlargement, creating mechanisms to balance national and common European interests while honoring the diverse traditions and customs of its

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<sup>140</sup> [Robert Schumann](#).

<sup>141</sup> [History of the European Union 1945-59](#).

<sup>142</sup> [Treaty of Rome](#).

Member States. This ongoing process of integration, which includes enlargement and the establishment of partnership relations with neighboring countries, is regarded as one of the most significant opportunities of the 21st century.<sup>143</sup>

The years 2014 to 2020 can be characterized as a time of fluctuation and uncertainty regarding attitudes and strategies toward the Union's enlargement. The differing views among EU institutions on the enlargement vision have led to a perception of policy inconsistency and diminished credibility. Amid stalled reforms and crises, the discourse on enlargement in official documents and political statements has varied from indications of a slowdown or freeze in the process to efforts aimed at rekindling positive momentum with the goal of integration and reforms by 2025. This stance was notably reflected in the remarks of Jean-Claude Juncker, President of the European Commission from 2014 to 2019, who declared, "There will be no new enlargements of the European Union in the next five years!" This statement conveyed a clear message that the EU would prioritize internal reforms, deepen integration, and strengthen institutions over the admission of new members. Consequently, this has resulted in disappointment among candidate countries, particularly in the Balkans, where the enlargement process has long been viewed as a crucial catalyst for reform and stability in the region.<sup>144</sup>

The German initiative known as the "Berlin Process," launched in 2014, sought to address the political vacuum surrounding accession negotiations and to reinforce the narrative of EU enlargement. Initially, the Berlin Process meetings were planned to occur over four years; however, in 2018, it was decided to extend the process indefinitely. This decision underscored the uncertainty surrounding the enlargement timeline and left the Western Balkans without a definitive perspective on membership.<sup>145</sup>

The period from 2019 to 2020, characterized by the election of a new European Commission and other EU institutions, along with significant developments in the Balkans—particularly the 2018 Prespa Agreement between North Macedonia and Greece—has reignited the question: "What's

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<sup>143</sup> The European Union, initially comprising six countries, has undergone significant enlargement over time. The initial substantial enlargement occurred in 1973, marked by the accession of Denmark, Ireland, and the United Kingdom. Greece became a member in 1981, and Portugal and Spain joined in 1986. Subsequent to this, Austria, Finland, and Sweden became members in 1995. The most substantial enlargement occurred in 2004, with the addition of ten new members. Subsequent to this, Bulgaria and Romania became members in 2007, and Croatia joined in 2013, marking the most recent enlargement. [See more at:](#)

<sup>144</sup> Jean Claude Juncker, [A new start for Europe Opening Statement in the European Parliament Plenary Session Strasbourg](#), 15 July 2014.

<sup>145</sup> [About Berlin Process Summit, 2024.](#)

next for Western Balkans Enlargement?" These changes have prompted renewed discussions about the future of the region's European integration in the context of increasing geopolitical challenges and the necessity for a clear enlargement strategy.

The European Commission's 2020 reports underscored that North Macedonia and Albania had fulfilled the requirements to initiate accession negotiations<sup>146</sup>; however, the process remained hindered by internal obstacles within the Union, including the Bulgarian veto in 2020. This situation highlighted the necessity for reforms in the accession process, a point also addressed in the European Commission's revised methodology for 2020.<sup>147</sup>

Following French President Emmanuel Macron's obstruction of the opening of accession negotiations with North Macedonia and Albania in October 2019, France proposed a new initiative in November of the same year aimed at "reforming the enlargement process."<sup>148</sup> The core concept of this proposal was to implement stricter political oversight of the negotiations by organizing them into "clusters"—groupings of thematically related chapters—rather than the previous method of opening chapters individually.

The key elements of this reform included:

- Strengthened conditionality, placing particular emphasis on the rule of law as a fundamental criterion for advancement in the process.<sup>149</sup>
- Reversibility of negotiations, allowing for the option to reverse or suspend the process if the country fails to demonstrate adequate progress in the area of the rule of law.<sup>150</sup>
- Appropriate rewards for successful achievements, such as increased financial support and gradual integration into specific EU policies even prior to full membership.<sup>151</sup>
- Increased political visibility through regular annual meetings between the European Council and candidate countries to assess progress and strengthen cooperation.<sup>152</sup>

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<sup>146</sup> [The European Commission's 2020 reports on the Western Balkans.](#)

<sup>147</sup> The [European Commission's revised methodology as of 2020.](#)

<sup>148</sup> Ministère de l'Europe et des Affaires étrangères (2019). [Réforme du processus d'élargissement de l'UE.](#) Paris : Gouvernement de la France.

<sup>149</sup> European Commission (2020). [Enhancing the accession process – A credible EU perspective for the Western Balkans.](#) Brussels: European Commission.

<sup>150</sup> Council of the EU (2020). [Enlargement and Stabilization and Association Process - Council conclusions.](#) Brussels: Council of the EU.

<sup>151</sup> European Court of Auditors (2022), [Special Report on EU Pre-Accession Assistance.](#) Luxembourg: European Court of Auditors.

<sup>152</sup> [European Council Conclusions \(2019\).](#) Brussels: European Council.

In her annual address to the European Parliament in Strasbourg, European Commission President Ursula von der Leyen announced political reforms aimed at ensuring the effective functioning of the EU with new members. She emphasized that the Union must be ready for an enlargement that could bring its membership to over thirty countries.<sup>153</sup>

At the Friends of Europe - Western Balkans Summit in December 2024, EU Commissioner for Enlargement Marta Kos remarked that the sentiment surrounding enlargement has become more positive, highlighting that for the first time in a decade, there is a realistic perspective for enlargement. She further noted that Russia's aggression against Ukraine has created an opportunity to advance the integration of new countries into the Union.<sup>154</sup>

In light of the new geopolitical landscape and the increasing demand for stability in Europe, the EU's enlargement process remains a key component of its strategy. The integration of the Western Balkans, Turkey, and the Eastern Partnership is not only a strategic imperative but also essential for maintaining stability in the immediate vicinity of the European Union.

At the EU-Western Balkans Summit in December 2024, the leaders of the European Union and the Western Balkan countries reiterated their "full and unequivocal commitment" to the prospect of the region's membership of the Union. From this gathering, a message emerged urging the Western Balkan countries to seize the "geopolitical moment of the European Union's openness to enlargement" to advance their path toward membership, which also necessitates alignment with the Union's values.<sup>155</sup>

## 2. RULE OF LAW IN EUROPEAN UNION ENLARGEMENT PROCESS

The rule of law is one of the key pillars of the European Union's enlargement process and a fundamental component of the standards that candidate countries must meet before becoming full members. During the accession process, candidate countries face serious challenges in harmonizing their national legal systems with European standards. This includes not only compliance with legal norms, but also the practical implementation

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<sup>153</sup> [2023 State of the Union Address by President von der Leyen.](#)

<sup>154</sup> [Keynote Speech by Commissioner Marta Kos at Friends of Europe - Western Balkans Summit.](#)

<sup>155</sup> [European Parliament: Western Balkans should seize geopolitical moment to join EU. Sloboden Pechat, December 2024.](#)

of reforms in areas such as the judicial system, the fight against corruption, and the protection of fundamental human rights.

The enlargement process requires constant monitoring and support from the European Commission and other European institutions, as well as active participation of Member States in negotiations and exchange of experience. The rule of law is not seen as a theoretical obligation, but as a practical and essential means of implementing reforms that have a direct and long-term impact on the quality of life of citizens. The rule of law guarantees the rights of citizens and ensures transparency and accountability of authorities. Although this principle is not defined in detail in the basic EU treaties, the concept is reflected in the principles set out in the Treaty on European Union (TEU), such as the independence of the judiciary, the protection of human rights, and the fight against corruption.

## **2.1. Requirements for candidate countries' accession to the European Union**

The rule of law is frequently characterized as a dynamic concept that lacks a precise definition in the EU Treaties; however, it is primarily embodied in the overarching principles and values of the EU as outlined in the Treaty on European Union (TEU).<sup>156</sup>

For an extended period, the EU treaties largely adhered to the fundamental provisions of the Treaty of Rome concerning the conditions for accession to the European Union. The Treaty of Rome stated that accession was available to "any European State," with the conditions for admission to be established through "an agreement between the Member States and the candidate country."<sup>157</sup> This agreement emphasized the necessity of fulfilling political criteria—such as stable democratic institutions, the rule of law, and the protection of human rights and minorities—as well as economic criteria, which included having a functioning market economy and the capacity to withstand competition and market forces.

The Maastricht Treaty did not introduce any significant changes in this respect (Article O, Treaty on European Union, 92/C 191/01<sup>158</sup>). Subsequently, the Treaties of Nice and Amsterdam advanced the enlargement

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<sup>156</sup> Nozar, W. (2012). [The 100% Union: The rise of Chapters 23 and 24](#). The Hague: Netherlands Institute of International Relations.

<sup>157</sup> Treaty establishing the European Economic Community, part six - General and Final Provisions, [Article 237](#).

<sup>158</sup> [Treaty on European Union](#).

process, with the most significant reform occurring through the Treaty of Amsterdam. This treaty stipulated that any European country seeking to join the EU must adhere to the principles outlined in Article F1 of the TEU, which include democracy, the rule of law, and the protection of human rights.

The Treaty of Lisbon modified the TEU to enshrine the rule of law as one of the core values of the European Union, which some scholars have characterized as integral to the EU's constitutional identity. The explicit connection between adherence to the rule of law as a fundamental value of the EU (Article 2 of the TEU) and the accession process has been further reinforced by amendments to Article 49 of the TEU, which highlight that any European state aspiring to join the EU must not only respect these values but also actively promote them.<sup>159</sup>

In the early 1990s, particularly in the context of the EU's eastward enlargement, more specific conditions for accession were established<sup>160</sup>, placing significant emphasis on the rule of law criterion. Candidate countries were required to fulfill certain conditions, which were organized into the Copenhagen Criteria—a crucial reference document that continues to shape the EU's enlargement policy to this day.<sup>161</sup>

The Copenhagen criteria established a clear connection between accession and "political" conditionality, which entails the stability of institutions that ensure democracy, the rule of law, and the respect for and protection of human and minority rights. Additionally, the criteria encompass economic conditions, such as the presence of a functioning market economy and the capacity to assume and effectively implement the obligations of membership, including alignment with the *acquis*.<sup>162</sup>

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<sup>159</sup> [Treaty of Lisbon](#) amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

<sup>160</sup> Accession criteria - [Copenhagen criteria](#).

<sup>161</sup> The Eastern Enlargement of the European Union signifies the process by which multiple countries from Eastern and Central Europe became members of the EU, thereby effecting a substantial enlargement of the Union beyond its original Western European borders. This enlargement marked a pivotal moment in the EU's historical trajectory, driven by the objective of fostering stability, democracy, and economic growth in the region following the conclusion of the Cold War era.

<sup>162</sup> At the 1993 Copenhagen Summit, a set of criteria were established for the Eastern Bloc countries to meet in order to be considered for EU membership. These criteria are as follows: The political criteria encompass the stability of institutions that guarantee democracy, the rule of law, the protection of human rights, and the rights of minorities. The economic criteria involve the functionality of a market economy that is capable of withstanding the pressures of the European market and of competing within the Union. Furthermore, the candidate country is obligated to adopt the *Acquis Communautaire* and align its legal system with that of the EU. The Madrid Criteria (1995) stipulate the adaptation of the country's administrative capacity to implement European standards.

The process and framework for EU accession are not encapsulated in a single document; rather, they are developed through a series of inter-related and interconnected documents. This intricate structure often complicates the explanation of the conditions related to the rule of law. Regular progress reports on candidate countries, which address the specific challenges and advancements made by each country, are crucial to this process. Additionally, broader documents, such as general monitoring reports, annual synthesis reports, and strategic reports, are also significant, as they offer a more comprehensive overview of the regional situation and guidance for future steps in the enlargement process.<sup>163</sup>

In 1995, the European Commission outlined its political criteria in "Agenda 2000," highlighting the significance of free and fair elections, political pluralism, freedom of expression, freedom of religion, the presence of democratic institutions, and independent judicial and constitutional bodies.<sup>164</sup>

In 1997, the EU General Affairs Council further detailed the political criteria that Western Balkan countries needed to fulfill in order to finalize a Stabilization and Association Agreement.<sup>165</sup> To create clear benchmarks for assessing the success or failure of reforms, the rule of law was defined at this meeting through several essential components: effective remedies for appealing administrative decisions, access to the courts and the right to due process of law, the right to a fair trial, equality before the law, and protection against inhuman or degrading treatment and arbitrary arrest.

The necessity for the separation of executive, legislative, and judicial powers, along with the requirement for government and public authorities to operate in accordance with the Constitution and the law, were recognized as fundamental elements. However, this approach was not fully incorporated into the country progress reports generated between 1998 and 2004.<sup>166</sup> The reports were organized based on the Copenhagen criteria and encompassed democratic principles, the rule of law, and human rights under a unified framework of political criteria for EU accession. Later accession cycles introduced substantial changes to the reporting methodology, which developed alongside the evolution of EU law (Acquis Communautaire) and the adaptation of the accession methodology to the unique situations and circumstances of the new candidate countries, particularly in the Western Balkans.

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<sup>163</sup> [Strategy and Reports.](#)

<sup>164</sup> [Agenda 2000.](#)

<sup>165</sup> Kochenov, D. (2017). [Busting the nuclear myths: A commentary on Article 7 TEU.](#) EUI Working Papers.

<sup>166</sup> [The 2004 enlargement: the challenge of a 25-member EU.](#)

The 2005 Negotiating Frameworks for Croatia and Turkey introduced specific Chapter 23, titled "Judiciary and Fundamental Rights," and Chapter 24, titled "Justice, Freedom, and Security."<sup>167</sup> These two chapters address crucial aspects related to the rule of law, placing special emphasis on judicial reform and the battle against organized crime and corruption. This development was driven by the necessity to address the issues that emerged during the negotiation process with Bulgaria and Romania and to manage the accession procedures more effectively within the context of the European Union's enlargement process.<sup>168</sup>

A significant advancement in clarifying the rule of law within the accession process was the implementation of the "fundamentals" approach, which directed candidate countries to prioritize judicial reform and the fight against crime and corruption from the outset of negotiations. The EU established a benchmarking system for opening and closing chapters, with specific benchmarks for chapters 23 and 24, enabling the prioritization of critical issues during the negotiation process. As a result, the rule of law started to be evaluated independently and became a prerequisite for progress in other chapters.<sup>169</sup>

### 3. NEW METHODOLOGY OF NEGOTIATING UNION MEMBERSHIP

The new accession methodology adopted in 2020 seeks to tackle the issue of unsuccessful reform implementation by employing a mix of positive and negative conditionality.<sup>170</sup> The specific aim was to enhance the political aspect in managing the accession process, along with a clearer definition of the conditions that candidate countries must fulfill to advance. This implies that these countries will undergo ongoing evaluation, with their progress directly tied to the outcomes of the reforms they implement.<sup>171</sup> While the criteria seem to be objective, detailed, and stringent, they are not

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<sup>167</sup> The negotiating framework for Croatia comprises 35 chapters, four more than the CEE enlargement framework. Notably, the most significant innovation was the introduction of Chapter 23, entitled "Justice and Fundamental Rights." This chapter was not present as a standalone entity in previous enlargements, although certain components of its content were incorporated into the chapter on Justice, Freedom, and Security.

<sup>168</sup> Kmezić, M. (2018). [EU Rule of Law Promotion](#). New York: Routledge.

<sup>169</sup> Vljaković, M. (2020). [Rule of Law – EU's Common Constitutional "Denominator" and a Crucial Membership Condition on the Changed and Evolutionary Role of the Rule of Law Value in the EU Context](#). EU and Comparative Law Issues and Challenges Series, 4, pp. 235–257.

<sup>170</sup> [Revised enlargement methodology](#).

<sup>171</sup> Ćeranić Perišić, J. (2020). [Prospects for Integration in the Western Balkans](#). In [Current Challenges of European Integration](#). Zurich: EIZ Publishing.

yet completely articulated or clearly defined for all candidate countries, while specific indicators for practical evaluation are still absent.

The reorganization of the negotiating chapters into thematic clusters aims to bring greater dynamism to the process, fostering broader discussions and a more cohesive approach. Annual reports now outline the situation by cluster, yet the "fundamentals of the accession process" still emphasize the rule of law, the judiciary, and the fight against crime. Nevertheless, progress in defining the rule of law and its associated criteria remains limited.<sup>172</sup>

**Table no. 1. Comparative analysis of the current negotiation methodology with the previous one**

<b>Aspect</b>	<b>Previous EU approach</b>	<b>New EU methodology</b>
<b>Structure of negotiations</b>	33 individual negotiating chapters (including 2 on institutions and other issues).	6 thematic clusters covering all 33 chapters, with a strong focus on the rule of law.
<b>Principle of negotiation</b>	“Fundamentals first” and “Nothing is agreed until everything is agreed” – any chapter can be reopened at any time.	Negotiations for each cluster are fully opened after the opening criteria are met.
<b>Decision-making process</b>	Detailed and lengthy discussions led only by the European Commission.	Involvement of experts from Member States, who contribute to the process.
<b>Key documents</b>	The European Commission’s annual enlargement package.	Following the publication of the Commission’s annual report, an Intergovernmental Conference is held.
<b>Progress mechanism</b>	Meeting the benchmarks is not directly linked to progress in accession, which is considered a one-way process.	Conditionality introduced: progress depends on meeting requirements, and in case of non-compliance, proportionate sanctions are applied.

<sup>172</sup> Schroeder, W. (2023). [The Rule of Law as a Constitutional Mandate for the EU](#). Hague Journal on the Rule of Law.

The table demonstrates that the revised EU accession methodology seeks to enhance the process's credibility, predictability, and dynamism, while also facilitating stronger political oversight and tackling the Western Balkan countries' systemic issues. Effective political management of the process necessitates greater dedication and consistent high-level political discussions. The European Commission advocates for more regular EU-Western Balkans summits, enhanced ministerial interactions, and more initiative-taking reform monitoring by Member States. Intergovernmental Conferences are expected to provide more robust political guidance and direction for accession negotiations, which would contribute to more effective reform implementation.

The efficacy of the accession process, despite the introduction of a more structured and transparent methodology, relies heavily on political determination and the steadfast application of conditional criteria. The process will maintain its integrity and effectiveness if two key factors are met: the European Union must uphold the credibility of the accession procedure by responding affirmatively to demonstrated progress, and the candidate nations must execute the requisite reforms in a timely and substantive manner.

The revised approach underscores that advancements in Cluster 1 will dictate the overall speed of negotiations and allows for the potential halting of accession talks if insufficient progress is made in this domain. As an illustration, during the 2021 reporting period, the European Union noted no improvements in the fundamental values chapters across Western Balkan nations, with Albania being the sole exception.

Nevertheless, the absence of a definitive timeline for joining and the diminished credibility of the enlargement process reduce the effectiveness of punitive measures, directly weakening the EU's ability to drive change through conditional requirements. Moreover, the EU has faced strong criticism for continuing to provide monetary support to Western Balkan countries despite regression in legal reforms and anti-corruption efforts, further eroding its credibility and capacity to influence reform initiatives.<sup>173</sup>

#### **4. A GEOGRAPHICAL AND GEOSTRATEGIC VIEW OF EUROPEAN UNION ENLARGEMENT**

Recognizing the Western Balkan countries as an integral component of the European community's future, the European Union has reaffirmed its

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<sup>173</sup> Eisl, A. (2020). [How would the EU accession procedure really improve?](#) Paris: Jacques Delors Institute.

commitment to their integration. While highlighting the geopolitical, economic, and cultural potential of Moldova, Ukraine, Georgia, and Turkey, the EU is also creating new tools to help reforms and pave the way for their quicker inclusion. Negotiations are anticipated to begin with Cluster 1 no later than the second half of 2025 if Ukraine meets all requirements.

Georgia was granted candidate status by the EU in 2023, but the Georgian government's actions in 2024 effectively put a stop to the process. For Georgia to continue the integration process, electoral reforms and election transparency must be implemented.

Turkey is still a significant EU partner. Although talks with Turkey have stopped, the Union nonetheless backs initiatives to strengthen democratic institutions and reforms, especially when it comes to the judiciary's independence.

The European Union's enlargement effort to the Western Balkans was initiated at the 2003 Thessaloniki Summit, which established the framework for their European vision.<sup>174</sup> However, even after two decades, the democratic transformation in these countries is still unfinished.

In March 2024, the European Union chose to initiate accession talks with Bosnia and Herzegovina, whereas in December 2022, Kosovo applied for membership, enhancing its aspirations to join the Union.<sup>175</sup>

Montenegro is viewed as a country that has achieved significant advancement and is poised to finalize all negotiation chapters. Serbia has commenced 22 chapters out of 35 and is making progress in Cluster 3, focused on Competitiveness and Inclusive Growth.<sup>176</sup> Albania started its negotiations formally by opening Cluster 1 "Fundamentals" in October 2024.

In 2023, North Macedonia finished the screening process and is deemed prepared to initiate new clusters and negotiation chapters. Nonetheless, launching the first clusters has been delayed due to incomplete constitutional amendments, which are required for the negotiation process

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<sup>174</sup>"The future of the Balkans lies within the EU," reads the [declaration adopted at the Thessaloniki summit in 2003](#). European leaders issued a call to the governments of Western Balkan countries, encouraging the initiation of mutual cooperation. This cooperation is to be particularly focused on the following areas: the establishment of free regional trade, the implementation of a visa regime, the enhancement of joint efforts in the development and transportation of electricity and gas, and the undertaking of measures to upgrade infrastructure.

<sup>175</sup> Zweers, W., Cretti, G., de Boon, M., Dafa, A., Subotić, S., Muk, M., Fetahu, A., Abazi Imeri, A., Kuhinja, E., Kujraković, E., (2022). [The EU as a promoter of democracy or 'stabilitocracy' in the Western Balkans?](#) The Hague: Clingendael Institute.

<sup>176</sup> [Serbia 2024 Report](#).

to proceed. Furthermore, political instability and a lack of agreement on crucial reform priorities are hindering the progress of European integration. Despite these obstacles, the EU acknowledges the country's dedication to the European journey and continues to provide financial and technical support to help implement the necessary reforms.

**Table no. 2 Overview of the status of candidate and aspirant countries for EU membership**

<b>Country</b>	<b>Membership application</b>	<b>Candidate status</b>	<b>Negotiation status</b>
Albania	April 2009	June 2014	Started (July 2022)
Bosnia and Herzegovina	February 2016	December 2022	Waiting for start
Moldova	March 2022	June 2022	Waiting for start
Montenegro	December 2008	December 2010	Started (June 2012)
North Macedonia	March 2004	December 2005	Started (July 2022), conditional on constitutional amendments
Serbia	December 2009	March 2012	Started (January 2014)
Turkey	April 1987	December 1999	Started (October 2005), blocked since 2016
<b>Ukraine</b>	February 2022	June 2022	Waiting for start
<b>Georgia</b> ( <i>potential candidate</i> )	March 2022	Potential candidate	Awaiting formal approval for candidate status
<b>Kosovo</b> ( <i>potential candidate</i> )	December 2022	Application submitted	Awaiting approval for candidate status

#### 4.1. Enlargement from a geopolitical perspective.

In the aftermath of Russia's full-scale invasion of Ukraine, the European Union has updated its political agenda to incorporate the enlargement process. This shift in approach has precipitated a transition from the conventional transformative logic of "Europeanization"<sup>177</sup> to a geopolitical framework for enlargement policy. The central inquiry pertains to the comprehension of this geopolitical enlargement and its distinction from the conventional transformative model. The primary inquiry is thus: what are the fundamental factors contributing to the heightened geopolitical character of enlargement? What challenges and trade-offs are posing a challenge to the EU's enlargement policy? What strategies can be employed to achieve geopolitical enlargement despite these challenges?

Geopolitical considerations have been the driving force behind recent enlargement decisions. Nevertheless, rather than wholeheartedly embracing the geopolitical rationale underpinning enlargement, the EU is merely incorporating a geopolitical dimension into its official enlargement strategy, which remains steadfast in its commitment to a transformative approach.<sup>178</sup>

Following the initial phases of the Russian invasion, Ukraine formally requested membership of the European Union on 28 February 2022. This overt declaration signaled a definitive linkage between Ukraine's ongoing struggle and its profound aspirations to accede to the European Union. The initial reactions of EU leaders were reserved, exhibiting a tendency to separate discussions concerning future EU membership from the state of emergency, or state of war, prevailing at the time.<sup>179</sup> However, in a span of less than a month, EU leaders have come to accept the rationale underpinning the interconnection between Ukraine's prospects for enlargement, its capacity to thwart Russian aggression, and the EU's prospective role as a security entity. This decision, made with remarkable expediency, underscores the profound geopolitical ramifications of enlargement for EU leaders and institutions. In fact, the countries whose presidents signed a letter of support<sup>180</sup>

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<sup>177</sup> The transformative logic of "Europeanization" is defined as the process by which countries and regions in Europe adopt the political, economic, and legal framework of the European Union (EU) with the objective of either integrating into the EU or implementing the EU model within their own systems.

<sup>178</sup> [Navigating widening and deepening: the European Council, geopolitical motives, and Union enlargement.](#)

<sup>179</sup> RFI. (2022) '[EU Dampens Ukraine Plea for 'Immediate' Membership despite Strong Support](#)', RFI, 1 March.

<sup>180</sup> '[Support of Ukraine's Swift Candidacy to the EU](#)'.

for Ukraine's swift candidacy in February 2022 also provided the largest amount of aid to Ukraine as a percentage of their GDP during the first year of the war.<sup>181</sup> Concurrently, those who voice the most pronounced skepticism regarding Ukraine's EU prospects have expressed enthusiastic support for the notion of concluding the war in accordance with Russia's stipulations. This position has been articulated by both Hungary and, more recently, Slovakia.<sup>182</sup>

The absence of dissenting opinions among EU Council members regarding support for Ukraine enabled the reluctant Member States to exercise influence over the decision-making process, thereby creating a potential for the deceleration or obstruction of the process.<sup>183</sup> Hungary, therefore, distinguished itself by leveraging its veto threat. In 2023, Hungary issued a formal letter to the President of the European Council, Charles Michel, asserting its demand for the rejection of Ukraine's membership prospects and a comprehensive cessation of all forms of assistance to Ukraine.<sup>184</sup> Furthermore, Hungary has persistently utilized EU mechanisms to impede and obstruct financial and military aid to Ukraine, including by hindering sanctions. As the war intensified, exacerbating divisions within the Union, Hungary strategically wielded its veto threat as a bargaining chip to secure financial payments from the EU and concessions from Ukraine.<sup>185</sup> In a move that raised eyebrows, Hungary issued a warning that it would use its influence to impede the commencement of Ukraine's accession negotiations. This warning came as the country assumed the role of EU presidency in July 2024, a position that was marked by a visit to the Kremlin that was met with a degree of disapproval.

As demonstrated by the case of the Republic of North Macedonia, a veto player with the ability to decide can halt or indefinitely delay the en-

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<sup>181</sup> The signatories obtained the following rankings among the EU Member States in terms of bilateral commitments as a percentage of the donor country's GDP between February 2022 and February 2023: Estonia (1st), Latvia (2nd), Lithuania (3rd), Bulgaria (4th), Poland (5th), the Czech Republic (6th), and Slovakia (7th). For a more comprehensive analysis, please refer to the Kiel Institute for the World Economy. (2024) ['Ukraine Support Tracker – A Database of Military, Financial, and Humanitarian Aid to Ukraine'](#).

<sup>182</sup> [Slovak PM: Ukraine must give up territory to end Russian invasion.](#)

<sup>183</sup> Juncos, AE and Pomorska, K. (2024) ['Populists in the Shadow of Unanimity: Contestation of EU Foreign and Security Policy'](#). Politics and Governance, Vol. 12, 8099.

<sup>184</sup> [Orban Wants EU Membership for Ukraine Stripped from Summit Agenda.](#)

<sup>185</sup> Bayer, L. (2023) ["EU Must Not 'Appease' Viktor Orbán by Unfreezing Billions Earmarked for Hungary"](#). Guardian, 5 December 2023.

largement process, thereby undermining the credibility of the EU, particularly in the absence of robust leadership within the Council.<sup>186</sup>

Conversely, Poland presents a more intricate case as an EU Member State that concurrently endorses and undermines the correlation between security and enlargement. Since 2022, Poland has been a prominent leader in providing military and political assistance to Ukraine and supporting its accelerated path to EU membership. However, in 2023, Poland initiated a policy shift aimed at distinguishing its political support for Ukraine from the implementation of protectionist measures that favor Polish agricultural producers.<sup>187</sup> Notwithstanding the recent change in government<sup>188</sup>, it is probable that Poland will endeavor to restrict the availability of Ukrainian agricultural products within the European Union market during the course of Ukraine's accession negotiations..

Despite the absence of discernible leadership and strategic vision from France and Germany, the two countries nevertheless identified a shared interest in further enlargement. In 2023, they initiated discussions in the Franco-German working group concerning potential steps and a proposed timeline for further enlargement. Nevertheless, their perspectives diverged concerning the strategic response to the war in Ukraine, thereby engendering further challenges in harmonizing their policies within the EU.<sup>189</sup>

Germany has sustained its dominant standing in terms of the magnitude of resources it allocates to Ukraine, both through bilateral channels and within the context of European frameworks. Concurrently, it has imposed substantial constraints on the pace, character, and quantity of its assistance. This approach has been characterized as "too much to die for, too little to live for," reflecting the nuanced sentiments surrounding the matter. Moreover, Germany expresses support for Ukraine's EU membership pers-

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<sup>186</sup> Brunnbauer, U. (2022) "[Side Effects of "Phantom Pains": How Bulgarian Historical Mythology Derails North Macedonia's EU Accession](#)". Comparative Southeast European Studies, Vol. 70, no. 4, pp. 722–739.

<sup>187</sup> These measures commenced with a unilateral prohibition on Ukrainian agricultural exports to Poland in 2023, constituting a contravention of EU regulations. France adopted a similar approach, implementing restrictions on the importation of Ukrainian agricultural products, particularly poultry. Concurrently, the Polish governments authorized truckers and farmers to obstruct the Polish-Ukrainian border for a period of six months, a decision that resulted in substantial economic hardship for Ukraine and significant disruption to bilateral cooperation. "EU-Ukraine Wartime [Trade: Overcoming Difficulties, Forging a European Path](#)".

<sup>188</sup> Haughton, T., Pomorska, K., Malova, D. and Deegan-Krause, K. (2024) '[Going in Different Directions? The 2023 Elections in Poland and Slovakia and Their Aftermath](#)'. Journal of Common Market Studies.

<sup>189</sup> Franco–German Working Group. (2023) '[Sailing on High Seas – Reforming and Enlarging the EU. for the 21st Century](#)'. Report on EU Institutional Reform, Paris-Berlin.

pective, though its commitment and intensity are less pronounced compared to other pivotal actors within the Union.<sup>190</sup>

France, in contrast, has demonstrated a commitment to fostering the EU's "strategic autonomy." However, the manner in which this objective is to be accomplished is a subject of greater ambivalence. In 2022, President Macron initially sought to distinguish himself by proposing a dialogue with Putin.<sup>191</sup> In 2023 and 2024, France made a significant shift in its foreign policy, pivoting to fully support Ukraine's victory over Russia. This shift was accompanied by a notable acceptance of Ukraine's European perspective, including the prospect of sending foreign troops, including French forces, to Ukraine. However, despite its public stance, France's military and financial contributions to Ukraine remain comparatively modest,<sup>192</sup> while French farmers have demonstrated a comparable level of vocal opposition to the importation of Ukrainian agricultural products as their Polish counterparts have done.<sup>193</sup>

Indeed, farmers in France and in Ukraine's neighboring countries (Bulgaria, Hungary, Poland, Romania, and Slovakia) mobilized against the import of agricultural products from Ukraine without quotas and tariffs, without customs duties. In response to the potential economic impact on Ukraine, the EU Council proposed a compromise, namely the reintroduction of tariff quotas for certain agricultural products in which Ukraine has a competitive advantage.<sup>194</sup> These cuts help to illustrate the limits of the Commission's ability to advance the enlargement and security agenda. Absent the support of Germany and the United States, and with only tepid enthusiasm from other EU Member States, France's endeavor towards "strategic autonomy" appears, at least for the time being, to be unfeasible. Nevertheless, a significant stride toward a more geopolitically robust EU would be for France and Germany to reach a consensus on more ambitious collaborative strategies to support Ukraine.<sup>195</sup>

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<sup>190</sup> Karnitschnig, M. (2024) '[Germany's Ukraine Policy Is Incoherent for a Reason](#)'. Politico.

<sup>191</sup> [Macron Keeps an Open Line to Putin as War in Ukraine Rages](#).

<sup>192</sup> According to [the Kiel Institute for the World Economy](#), by April 2024, France had allocated 3.852 billion euros to Ukraine, which, in absolute terms, placed it ninth among all countries and, in terms of GDP, 23rd (at approximately 0.140%). Using the aforementioned metrics, Germany ranked second and twenty-third, respectively. It is noteworthy that these rankings have already exhibited an upward trend following the enhancement of transparency and the publication of two public reports from the French side.

<sup>193</sup> [The need for a real "Zeitenwende" in EU defense policy](#).

<sup>194</sup> [EU Parliament and Council seal last-minute deal to extend Ukraine's trade benefits](#).

<sup>195</sup> Fiott, D. (2023) '[In Every Crisis an Opportunity? European Union Integration in Defense and the War on Ukraine](#).' Journal of European Integration, Vol. 45, no. 3, pp. 447–462.

Has Russia's war on Ukraine led to a deeper level of European integration? A thorough examination of the matter reveals that the war has not altered the fundamental essence of enlargement policy, thereby casting doubt on the commitment to further enlargement.<sup>196</sup> The EU's future as a geopolitical actor is inextricably linked to the war's outcome and the credibility of the renewed enlargement process. Pending the cessation of hostilities, the EU will be subjected to a trial that will assess its capacity to function as a robust security entity. Concurrently, the EU will be compelled to demonstrate a resolute determination to implement substantial institutional reforms. Should the EU falter in its endeavor to establish itself as a formidable geopolitical entity in the face of Russian expansionism, it risks a diminution of its own security and a concomitant loss of influence in the region and on the global stage.

## 5. RULE OF LAW AS REFLECTED IN EUROPEAN COMMISSION REPORTS

The European Commission's reports on the enlargement countries, including North Macedonia, analyze reforms in key areas such as the rule of law, public administration, and the fight against corruption. While the assessments for North Macedonia demonstrate progress, the report emphasizes the necessity for more intensive implementation of reforms to ensure sustained development.<sup>197</sup>

The 2024 EU Rule of Law Mechanism Report encompasses the 27 EU Member States, offering a comprehensive examination of the status of national judicial systems, anti-corruption frameworks, media freedom and pluralism, and institutional checks and balances. According to Justice Commissioner Didier Reynders, the report serves as a reference to stimulate debates and support national reform agendas. Notwithstanding the advancements observed in certain Member States, apprehensions persist regarding the autonomy of the judiciary, the efforts to combat corruption, and the safeguarding of journalists in select Member States.<sup>198</sup>

In the context of the Western Balkans, the report contains no recommendations for the enlargement countries; however, it emphasizes that the rule of law is crucial for the accession process. Vera Jourová, Commissioner for Values and Transparency, underscored that in the absence of the rule of law, democratic and economic systems would be susceptible to chaos. She

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<sup>196</sup> Anghel, V. and Džankić, J. (2023) '[Wartime EU: Consequences of the Russia-Ukraine War on the Enlargement Process](#)'. *Journal of European Integration*, Vol. 45, no. 3, pp. 487–501.

<sup>197</sup> [2024 Rule of law report - Communication and country chapters](#).

<sup>198</sup> [Didier Reynders, Commissioner for Justice](#).

underscored the necessity for augmented efforts to bolster the autonomy of the judiciary, the struggle against corruption, and the security of journalists, which were pivotal for the advancement of democratic principles.<sup>199</sup>

### **5.1. How are the candidate countries for membership assessed for Chapter 23: Judiciary and Fundamental Rights?**

Chapter 23, entitled "Justice and Fundamental Rights," is a foundational element in the European integration process. The chapter encompasses the independence of the judiciary, the efforts to combat corruption, and the safeguarding of fundamental rights.<sup>200</sup>

North Macedonia, in a manner consistent with Albania, Bosnia and Herzegovina, Kosovo, and Serbia, received a rating of "insufficient progress" for the judiciary and fundamental rights (on a scale of one to five, with a score of 1). Montenegro, on the other hand, has received a "moderate" rating and has demonstrated notable advancement. Excluding the regional context, Moldova and Ukraine have demonstrated predominantly moderate progress, while Georgia has exhibited a regression.<sup>201</sup>

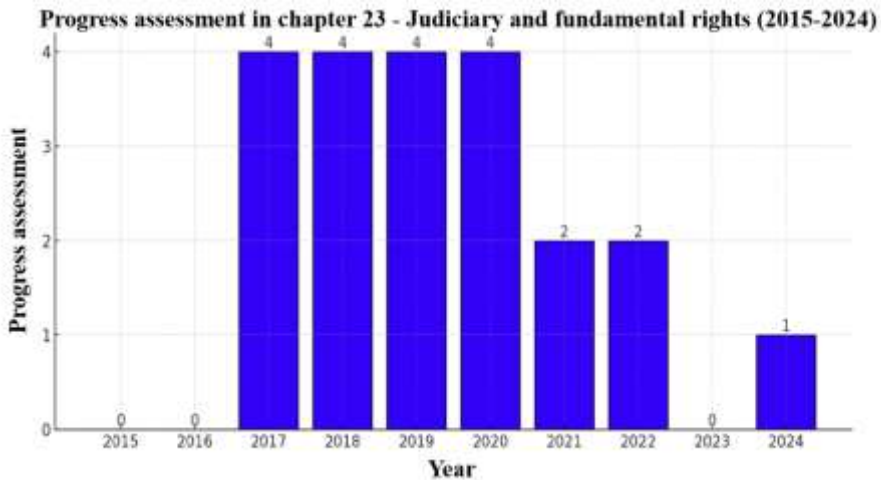
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<sup>199</sup> Speech by Věra Jourová on "[Equipping Europe with better tools to defend the rule of law and democratic values](#)".

<sup>200</sup> The European Commission employs a structured evaluation process to assess candidate and potential candidate countries on a scale ranging from 1 (insufficient progress) to 5 (significant progress). The comparative analysis is based on a consultation of the EC reports for all countries listed.

<sup>201</sup> [Enlargement reports 2024: Commission outlines progress and priorities for candidate countries](#).

Chart no. 1 Chapter 23: Judiciary and Fundamental Rights with an Assessment for the Republic of North Macedonia from 2015 to 2024



Source: Country Progress Reports<sup>202</sup>

Chapter 23, entitled "Justice and Fundamental Rights," is of paramount importance to the European integration process, as it pertains to all aspects of the negotiations. The European Union anticipates that the Republic of North Macedonia will undertake the implementation of legal reforms, including but not limited to the establishment of an autonomous judiciary, adherence to fundamental rights, the promotion of justice, the endeavor to combat corruption, and the endeavor to combat organized crime. This chapter is not founded upon a robust legal infrastructure, but rather upon values that necessitate implementation and articulation through the actions of institutional entities.<sup>203</sup>

The autonomy of the judiciary is a fundamental requirement for European Union (EU) membership, ensuring the assurance of legal certainty.

Addressing corruption, a paramount challenge confronting our country, necessitates a robust legal structure and trustworthy institutions that facilitate the enforcement of a unified strategy to prevent and counteract corruption. This holds significant importance as corruption jeopardizes the

<sup>202</sup> North Macedonia Report 2024 [Enlargement reports 2024: Commission outlines progress and priorities for candidate countries.](#)

<sup>203</sup> The meeting was convened on 27 and 28 September 2018. Additionally, an explanatory meeting for this chapter was convened on 27 September 2022, while a bilateral meeting was held on 24-25 December 2022.

stability of democratic establishments and the adherence to the rule of law within the country.

An area where it is imperative to intensify endeavors is in upholding fundamental rights as safeguarded by European Union law and the European Convention on Fundamental Rights.<sup>204</sup>

## **5.2. Assessment for Chapter 24 – Justice, Freedom, and Security**

EU policies under Chapter 24 are designed to uphold and advance the Union as a domain of freedom, security, and justice. Member States of the EU are required to be sufficiently equipped to effectively implement an evolving set of common regulations. This encompasses eleven thematic domains: border control, visas, migration flows, asylum, police cooperation, combatting organized crime, counterterrorism efforts, drug-related cooperation, customs collaboration, and judicial cooperation in criminal and civil affairs.

For successful integration in these areas, North Macedonia must cultivate robust and well-integrated administrative capabilities within law enforcement and other pertinent institutions. This entails:

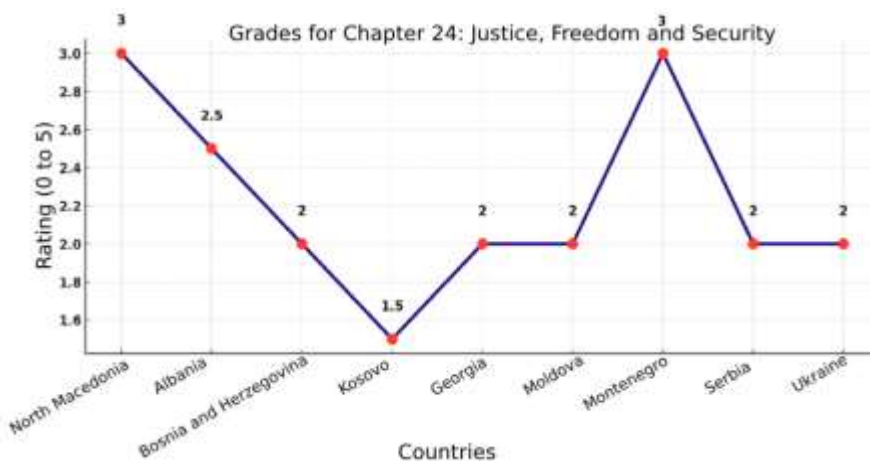
- Strengthening institutional capacity by providing adequate training and resources to police, customs, and judicial authorities.
- Developing the legal infrastructure by improving legislation and legal procedures to ensure the effective implementation of the law.
- Improving inter-institutional cooperation to enable effective communication and coordination between different institutions and agencies.
- Investing in technology and infrastructure involves providing access to modern equipment and technology to enhance operational activities.

The Schengen acquis, a fundamental component of the EU's security policy, pertains to the elimination of internal border controls within the European Union. It is noteworthy that for the new Member States, the implementation of substantial aspects of the Schengen acquis will be conducted in accordance with a distinct Council Decision that is to be ratified subsequent to their accession.

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<sup>204</sup> [European Convention on Fundamental Rights](#)

Chart no. 2 Country Ratings for Chapter 24 - Justice, Freedom, and Security<sup>205</sup>



Source: Progress reports of candidate countries<sup>206</sup>

The assessment for Chapter 24: Justice, Freedom, and Security demonstrates that the degree of compliance with European standards varies among the countries of the Western Balkans and the region as a whole. Scores within this study range from 1.5 to 3, with higher scores denoting greater progress in implementing reforms.

Table no. 3 Country Assessments and Challenges for Chapter 24

Country	Rating	Progress and challenges
North Macedonia	3.0	Significant progress has been made in the area of justice, freedom and security. However, efforts are needed to depoliticize police recruitment and appointment, strengthen investigative capacity,

<sup>205</sup> [Enlargement reports 2024: Commission outlines progress and priorities for candidate countries](#). The European Commission employs a systematic approach in its evaluation of candidate countries and potential candidates. Utilizing a structured assessment framework, the Commission assigns scores that are then translated into a scale ranging from 1 to 5, with 1 representing "insufficient progress," 2 indicating "some progress," 3 denoting "progress is noticeable," 4 signifying "good progress," and 5 denoting "significant progress." These ratings are derived from a meticulous evaluation of the institutional framework, the reforms implemented, and their practical application, as outlined in the country reports.

<sup>206</sup> [Enlargement reports 2024: Commission outlines progress and priorities for candidate countries](#).

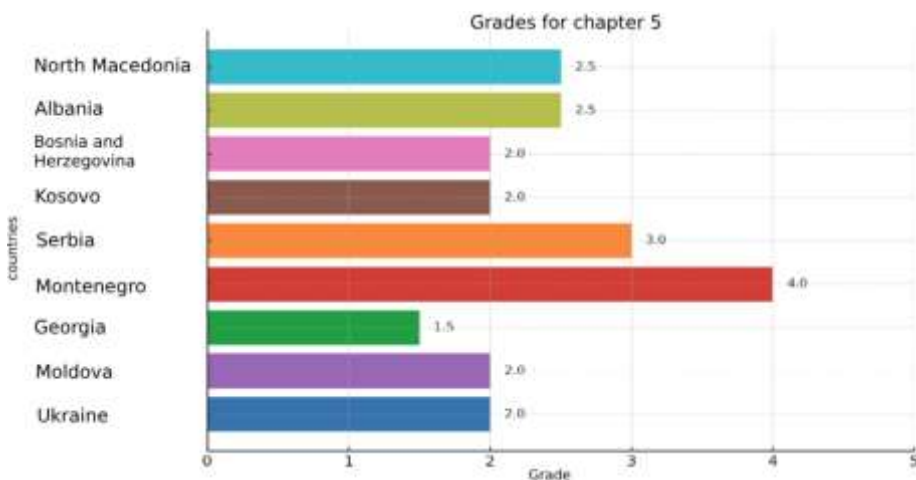
		and improve the efficiency of the judiciary, especially the prosecution.
<b>Montenegro</b>	3.0	It is characterized by a stable implementation of justice and security reforms. Montenegro met the interim benchmarks for this chapter, which led to the adoption of the final benchmarks.
<b>Albania</b>	2.5	Moderate progress has been made, but particular efforts are needed in the fight against organized crime.
<b>Bosnia and Herzegovina</b>	2.0	Shows initial efforts. Significant reforms are needed to improve internal audit and transparency in public financial management, as well as other institutional strengthening.
<b>Georgia</b>	2.0	Initial steps have been taken, but reforms remain at a basic level.
<b>Moldova</b>	2.0	Some initial efforts have been made, but reforms are still at a basic level. Further action is needed to improve the judicial system and security structures.
<b>Serbia</b>	2.0	The rating is "limited" and "moderate". A particular challenge is the implementation of the new anti-corruption strategy for the 2024-2028 period. It is necessary to ensure the independence of the judiciary and to improve the protection of fundamental rights and freedoms of citizens and the media.
<b>Ukraine</b>	2.0	Some progress has been made, but reforms remain at a basic level. Significant efforts are needed to deepen reforms and align with European standards in the area of justice and security.
<b>Kosovo</b>	1.5	It is at the beginning of the reform process and faces significant challenges in implementing the reforms.

### 5.3. Situations in Chapter 5 - Public Procurement

The fifth chapter of this text provides an overview of the fundamental principles that govern public procurement processes. These principles include transparency, equal treatment, free competition, and non-discrimination. European legislation establishes a comprehensive framework for the coordination of public procurement for various categories of goods, services, and supplies, as well as for specific sectors. Moreover, the legislation establishes mechanisms for monitoring procedures and remedies in the event of irregularities. These principles are critical to ensure the efficiency and fairness of public procurement, which, in turn, results in the enhancement of the quality of public services and the protection of citizens' interests.<sup>207</sup>

Public procurement also encompasses public-private partnerships and concessions, which are pivotal to the delivery of quality public services. These initiatives foster collaboration between state institutions and the private sector, necessitating the establishment of specialized national entities to ensure their effective execution. North Macedonia and the region have embarked on a process of alignment with European standards, with the primary challenge lying in the effective implementation of these initiatives.

Chart no. 3 Country Ratings for Chapter 5: Public Procurement



Source: Progress reports of candidate countries

<sup>207</sup> See more: [Chapter 5 – Public Procurement](#).

An evaluation of progress in Chapter 5, "Public Procurement," discloses substantial discrepancies in alignment with European standards between the Western Balkans and the Eastern Partnership countries. These discrepancies are indicative of the distinct reform capacities and challenges faced by each country.

**Table no. 4 Country Assessments and Challenges for Chapter 5**

<b>Country</b>	<b>Rating</b>	<b>Progress and challenges</b>
<b>Montenegro</b>	4.0	It is positioning itself as a leader in public procurement, with successful reforms and stable implementation. This indicates a strong political will and institutional capacity that can serve as an example for other countries in the region.
<b>Serbia</b>	3.0	Demonstrates moderate but steady progress. Further efforts are needed to improve transparency and reduce administrative barriers.
<b>North Macedonia</b>	2.5	There is a moderate level of preparedness in the area of public procurement. Although the legislation provides for transparency, access to information is limited, leading to suspicions of favoritism towards certain bidders. Corruption and conflicts of interest remain systemic problems, and institutions face limited capacity and insufficient digitization. Implementation of laws is uneven, with a lack of sanctions and limited monitoring by civil society organizations.
<b>Albania</b>	2.5	It has made moderate progress but faces challenges in the transparency and efficiency of public procurement. Reforms are needed to reduce corruption and strengthen institutional capacity.
<b>Kosovo</b>	2.0	It faces significant challenges in building institutional capacity and preventing corruption, which affects progress in public procurement.
<b>Bosnia and Herzegovina</b>	2.0	Significant reforms are needed to improve the transparency and efficiency of public procurement. Institutional weakness and corruption are major obstacles.
<b>Ukraine</b>	2.0	It lags behind the Western Balkans, mainly be-

		cause it has focused on other priority reform areas, such as the rule of law and the fight against corruption. Full and synchronized support is needed to improve public procurement.
<b>Moldova</b>	2.0	Similar to Ukraine, it faces challenges in public procurement reform, with the need to strengthen institutional capacity and transparency.
<b>Georgia</b>	2.0	Significant efforts are needed to align with European standards in public procurement, with a focus on fighting corruption and strengthening institutions.

An evaluation of the public procurement landscape reveals substantial variations among nations. While Montenegro exhibits the greatest proximity to EU standards, other countries must augment their commitment in several pivotal domains. According to the reports, priority reform directions include:

- It is imperative to enhance transparency and facilitate access to information. The establishment of centralized electronic platforms for public procurement is imperative, with the objective of providing public access to all tenders, contracts, and results. The publication of all stages of procurement—namely, selection criteria, decisions, and appeals procedures—must become standard practice. While civil society organizations and the media play a role in monitoring these processes, their influence remains constrained.
- The present study seeks to address the critical issue of corruption and conflicts of interest in public procurement. Corruption is a systemic problem in public procurement. To address this issue, the implementation of robust anti-corruption measures and mechanisms for identifying and sanctioning conflicts of interest is imperative. The establishment of autonomous audit and oversight entities, unencumbered by political influence, and the fortification of public prosecutors' offices and anti-corruption entities are imperative.
- In order to enhance competitiveness and streamline administrative procedures, it is imperative to implement measures that target the reduction of barriers to entry for small and medium-sized enterprises (SMEs). It is imperative to curtail administrative impediments that impede the participation of multiple economic operators, particularly small and medium-sized enterprises (SMEs). Moreover, the estab-

lishment of effective complaint procedures will facilitate more effective regulation and fair bidding processes.

- The enhancement of institutional capacity and the integration of digital technologies are imperative for effective public administration. The provision of ongoing training for public servants is imperative to ensure a comprehensive understanding and effective implementation of EU public procurement directives. Furthermore, the comprehensive digitization of processes serves to reduce the human element and mitigate the potential for manipulation.
- The enforcement of sanctions and the implementation of enhanced monitoring mechanisms are imperative. The implementation of explicit and stringent sanctions for abuse, encompassing financial penalties, blacklisting, and criminal liability, is expected to enhance accountability. The implementation of periodic independent audits, followed by their dissemination to the public, is a crucial step in rebuilding confidence in the system.

#### **5.4. Progress in Chapter 18 – Statistics**

Chapter 18 - Statistics - plays a pivotal role in the negotiation process for North Macedonia's accession to the European Union. Statistics provide an objective, dependable, and transparent basis for making informed decisions and policies. It is imperative that the statistical infrastructure of North Macedonia be aligned with EU standards and principles to ensure the provision of relevant and reliable data. Such data are essential for evaluating progress, implementing reforms, and fulfilling membership criteria.

Chapter 18 provides accurate and reliable statistical data, thereby enabling effective monitoring of the compliance of national policies with EU law. These data serve as a foundation for evaluating progress in fulfilling the accession criteria. Moreover, the data is instrumental in formulating public policy decisions. The establishment of a robust statistical infrastructure is imperative for the development of effective public policies that focus on economic and social advancement. For instance, demographic and social statistics inform the development of policies related to sectors such as education, health, and social protection.

European statistical principles, such as objectivity, reliability, and protection of confidentiality, ensure transparency and trust between citizens and institutions. The alignment of statistical methodologies with those of the European Union, as exemplified by Eurostat regulations, is instrumental in

ensuring the comparability of data across Member States. To ensure data consistency, North Macedonia must align its system with these methodologies.

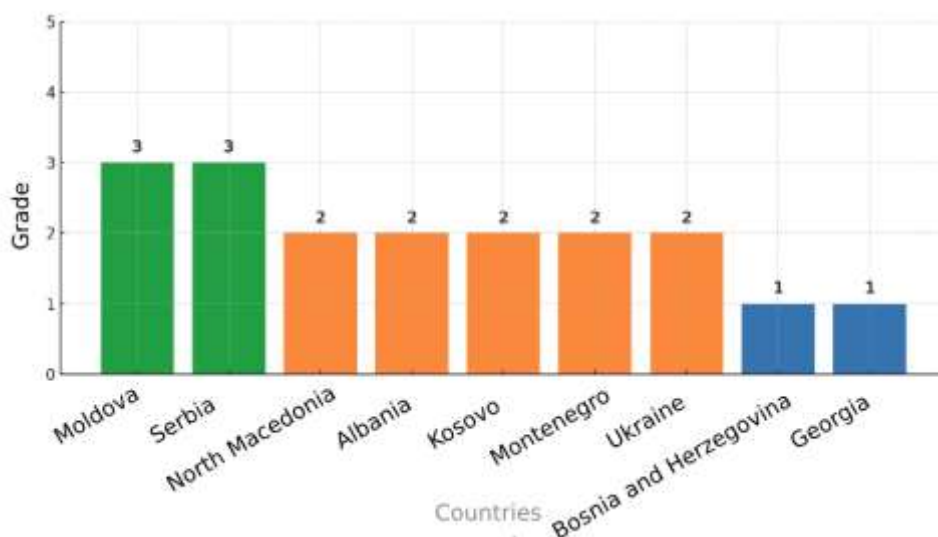
Statistics play a crucial role in supporting structural funds and financial planning, particularly in the context of agricultural, regional development, and environmental funds.

A nation's economic performance and competitiveness in the single market can be measured using various indicators, including business, transport, and external trade statistics.

**Table no. 5 Country Assessments and Challenges for Chapter 18, Statistics**

<b>Rating</b>	<b>Countries</b>	<b>Description of progress</b>
<b>3</b>	<b>Moldova, Serbia</b>	These countries have made significant progress in the area of statistics, with reforms under way or already implemented. They demonstrate a high level of compliance with EU standards, particularly in terms of infrastructure and methodology, which sets them apart as positive examples for the region.
<b>2</b>	<b>North Macedonia, Albania, Kosovo, Montenegro, Ukraine</b>	Countries have started to reform their statistical systems, but progress is limited, and implementation challenges remain. North Macedonia has a moderate to good level of preparedness, but as highlighted by the European Commission in the 2024 report, further efforts are needed in sectoral statistics to ensure full compliance with EU standards.
<b>1</b>	<b>Bosnia and Herzegovina, Georgia</b>	These countries need substantial support to develop institutional capacity and infrastructure as they are at the beginning of the process of improving statistics. The main challenge is to establish basic mechanisms for quality data processing and presentation, which will allow better monitoring of compliance with EU criteria.

**Chart no. 4 Marks for Chapter, 18. Statistics (Source: Progress reports of candidate countries)**



### **5.5. Situation in Chapter 32 - Financial control**

The subject of Chapter 32 is the adoption of internationally recognized EU standards and best practices regarding Public Internal Financial Control (PIFC). The importance of PIFC in ensuring transparent and accountable public financial management is paramount. Beyond its contribution to the realm of evidence-based policy formulation within the public sector, this chapter assumes a pivotal role in fortifying the institutional capacity of EU candidate countries to adeptly oversee both domestic and EU funds.

The legislation stipulates the implementation of efficient and transparent financial management systems to ensure the successful execution of PIFC objectives. Transparency is of particular importance in fostering public trust in institutions. This is a necessary condition for effective absorption of EU funds. Without this trust, the risk of misuse and inefficient use of resources remains high.

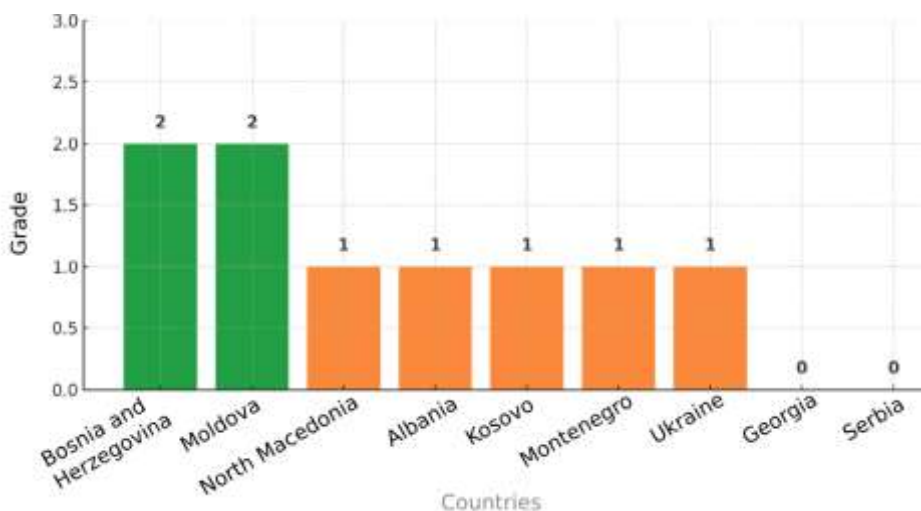
To effectively identify and minimize risks in financial management, internal audit is an essential element of the PIFC system and must be functionally independent. While significant progress has been made in this area in North Macedonia, further strengthening the capacity of audit bodies

through training and institutional support is crucial. By doing so, the audit function would evolve from a formal oversight role to an initiative-taking instrument for enhancing financial management.

In order to ensure the effective functioning of the PIFC system, central coordination of its development and implementation is necessary. The Central Authority, a pivotal entity in this process, is entrusted with the responsibility of coordinating, training, and providing technical support to ensure consistency and compliance with EU standards. This coordination is imperative to establish a unified and harmonized system within the public sector.

North Macedonia has initiated measures to comply with European Union (EU) standards. Nevertheless, the nation is confronted with numerous challenges. A significant impediment pertains to institutional weakness, notably in the domains of audit and coordination. Despite the existence of PIFC systems, they persist in their inefficiency and opacity, thereby constraining the capacity to absorb EU funds. Addressing these deficiencies necessitates a rigorous adherence to resource management principles and the implementation of enhanced oversight mechanisms.

**Chart no. 5 How countries are rated for Chapter 32 - Financial Control**  
(Source: Progress reports of candidate countries)



**Table no. 6 Assessment of progress in Chapter 32 – Financial control<sup>208</sup>**

<b>Country</b>	<b>Rating</b>	<b>Progress and challenges</b>
<b>Bosnia and Herzegovina</b>	<b>2</b>	It is positioning itself as leader in the field, making progress in establishing efficient financial systems. This enables public resources to be managed in a transparent and accountable manner. Institutional structures have undergone significant fortification, accompanied by the implementation of reforms that are being executed in a consistent manner.
<b>Moldova</b>	<b>2</b>	Significant progress has been made in the strengthening of institutions and the adoption of effective financial control mechanisms. There is a discernible commitment to reform, which positions it as a leading nation in this domain.
<b>North Macedonia</b>	<b>1</b>	It has started to reform, but challenges remain regarding institutional independence, internal audit, and public financial management transparency. Progress depends on improving how the State Audit Office operates and how it reports.
<b>Albania</b>	<b>1</b>	Basic financial control mechanisms are in place, but they are not yet sufficiently functional. External audit and compliance with international standards need to be strengthened.
<b>Kosovo</b>	<b>1</b>	While some preliminary measures have been implemented, substantial changes are still required to enhance the effectiveness of audit organizations and safeguard financial oversight from political interference.
<b>Montenegro</b>	<b>1</b>	The financial control system is improving, but weaknesses remain in institutional independence and the enforcement of audit report recommendations.
<b>Ukraine</b>	<b>1</b>	It faces challenges in financial transparency and audit mechanisms are not effective enough. Integration with international standards for financial control and auditing is essential.

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<sup>208</sup> The comparative analysis is predicated on a consultation of the EC reports for all countries listed.

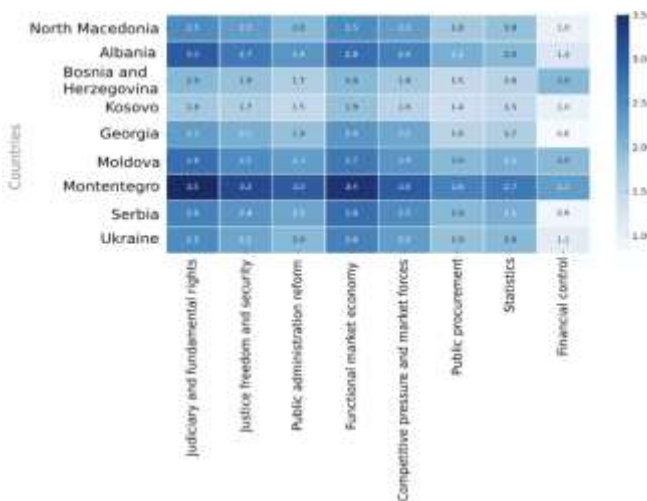
<b>Georgia</b>	<b>0</b>	Insufficiently developed institutional mechanisms for financial oversight. Significant reforms are essential to establish a transparent and accountable public financial management system.
<b>Serbia</b>	<b>0</b>	It faces serious problems in this area, with weak institutional framework and lack of independence of audit bodies. Significant measures are required to ensure transparency.

It is crucial for all countries, especially those with lower ratings, to establish independent external audit institutions that function effectively. These institutions should operate in alignment with the standards set by the International Organization of Supreme Audit Institutions (INTOSAI).

In North Macedonia, this entails reinforcing the State Audit Office by improving its independence, accountability, and technical capabilities. Additionally, it is important to ensure that reports are submitted regularly to Parliament to foster public transparency.

Future progress will rely on these countries' ability to adopt international standards, enhance the effectiveness of internal audits, and establish clear mechanisms to prevent corruption in the management of public finances.

**Table no. 7 Rule of Law Ratings of EU Candidate Countries, 2024**



Source: Candidate countries' progress reports for 2024.

## CONCLUDING REMARKS

North Macedonia is demonstrating consistent and cumulative progress in crucial areas related to EU integration. Democratic institutions are operating effectively, and the 2024 elections took place in a positive environment, marking a significant advancement in the democratic process. The European Commission's 2024 report indicates that the country received a score of 3.22, reflecting an improvement compared to 2023. However, there are still areas where progress remains slow or inadequate.

In the realm of rule of law, the European Commission's report highlights that efforts to combat high-level corruption remain limited, evidenced by a small number of convictions in this area. The judicial system continues to face enduring challenges, including excessively lengthy court proceedings and a lack of transparency in the selection and removal of judges, which undermine public trust in the judiciary. Furthermore, the regulatory framework for the media remains weak, particularly concerning the protection of journalists and the assurance of media pluralism. The rise in attacks on journalists and the insufficient implementation of existing protective mechanisms is a concerning trend.

Progress has been achieved in reforming public administration; however, challenges related to efficiency and politicization remain persistent. To ensure continuity in the reform process, it is essential to complete the legislative changes for the administration. Notably, advancements have been made in Cluster 1, which is vital for the accession negotiations. Nevertheless, additional efforts are required to enhance institutional capacity.

The 2024 Rule of Law Report underscores the necessity of enhancing the transparency and accountability of institutions, particularly through the establishment of independent oversight and protection mechanisms. The European Rule of Law Mechanism identifies four key pillars—judicial systems, combating corruption, media pluralism, and institutional control—as critical areas that require further attention and action.

Short-term recommendations include improving public communication regarding the benefits of EU membership, adopting the election recommendations from OSCE/ODIHR and the Venice Commission, and enhancing inter-party cooperation to expedite reforms. Additionally, greater efforts are required to protect journalists and ensure media pluralism. There is also a need for better regulation of the judiciary to guarantee its independence and efficiency.

The Republic of North Macedonia is experiencing inadequate public support for the accession process, political polarization—particularly in the

lead-up to elections—and limited capacity to implement necessary reforms. Political interference and a lack of resources for implementation further exacerbate these challenges. Nevertheless, aligning with EU standards offers substantial benefits, including enhanced regional stability, improved rule of law, greater legal certainty, access to European funds, economic stability, and increased public confidence in institutions.

A clear vision for North Macedonia's future within the EU must extend beyond a mere formal declaration; it should be integrated into all facets of state policy. The government needs to offer clear guidance and instill confidence in the integration process by demonstrating its commitment to implementing public policies and engaging citizens with European policies.

The foundation of building trust among citizens lies in clear communication regarding European integration. The government must consistently inform the public about the benefits and obligations associated with the accession process, ensuring that the reporting is objective and free from political bias. By providing factual information, citizens will gain a realistic understanding of the advantages of EU membership and their role in the process.

Concrete actions and a commitment to the vision of EU membership must accompany clear communication through the implementation of essential reforms. Reforms are central to the accession process, while democratic values form the foundation of the Union; therefore, similar standards are expected from candidate countries. With the adoption of the new growth agenda for the Western Balkans, North Macedonia must consistently pursue its reform objectives. Commitment to this plan will not only "unlock" additional funding but also enhance the country's standing within the EU.

The process of European integration is not solely the responsibility of the government; it requires the active participation of society as a whole. Civil society, the academic community, and citizens must be engaged in the reform process through consultations, public debates, and collaborative initiatives. While civil society was consulted during the drafting of the reform agenda, the process did not allow for deeper input that could have significantly influenced its content. Therefore, cooperation with civil society should be a fundamental aspect of this effort, rather than merely a formal obligation.

EU integration offers access to the single market, creating opportunities for economic growth, increased investment, and the generation of new jobs. A functioning market economy will enhance the competitiveness of local businesses, contributing to the improved well-being of Macedonian citizens and facilitating integration into European economic networks.