

## THE EUROPEAN INTEGRATION OF THE WESTERN BALKANS AND THE RULE OF LAW (CURRENT SITUATION AND CHALLENGES)

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### -Abstract-

The further enlargement of the European Union is in a critical phase due to the changed political circumstances both internally in the EU member states, but also in the geopolitical context. The experiences from the past cycles of enlargement, both positive and negative, motivated some of the member states and the European institutions to revise the process of the European integration of the candidate countries, primarily the accession negotiations as a central part of the process, by setting the Rule of Law as a fundamental and most important criterion for the accession. The Rule of Law is set as a crosscutting issue in the new revised Methodology for the accession negotiations, adopted in 2020. It is part of the first cluster “Fundamentals” with which the accession negotiations start and end. The paper analyzes the current situation and challenges in the area of the Rule of Law in North Macedonia, Serbia, Montenegro and Albania, all of them candidate countries from the region of the Western Balkans, following the 2024 Rule-of-Law Report prepared by the European Commission that included beside the member states, also the mentioned candidate countries.

**Key words:** European Union, Western Balkans, Accession Process, Rule-of Law, Revised Methodology, 2024 Rule-of Law Report.

### I. THE NEW METHODOLOGY FOR THE ACCESSION NEGOTIATIONS AND THE RULE OF LAW

Since the Copenhagen criteria adopted in 1993<sup>1</sup>, the European Union (hereinafter: EU) set the rule of law as one of the main criteria for accession of the candidate countries and one of the main pillars in the accession process. The rule of law is part of the first set of criteria named as political criteria that also include the stability of institutions guarantying democracy and the respect of human rights and respect for and protection of minorities. The EU or the European Commission (hereinafter: EC) that is a leading institution of the EU in the accession negotiations don't offer a definition of the concept of *rule of law* and consequently can be concluded that they decide to rely on the “common understanding” of the concept in the legal theory and practice of the EU member states. In that sense, the EC implicitly accepts that the rule of law in its contemporary meaning includes not only legal certainty in terms of timely

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<sup>1</sup> Enlargement, Accession criteria, European Commission, available at: [https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/glossary/accession-criteria\\_en](https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/glossary/accession-criteria_en).

and proper application of the legislation by all branches of the state authority in a narrow understanding of the term, but also has a much broader meaning that beside legal certainty also includes the democratic legitimacy of the legal system and respect and protection for the basic human rights and freedoms as basic foundation of the system and in the same time the general frame of all legal rules.

In the terminology of the German legal theory and constitutional law the meaning of the term *Rechtsstaatlichkeit* includes following constitutive elements: the legal norms are generally defined and not issued only for an individual case, everyone is equally treated by the state authority based on these rules, the rules are public and stable for a reasonable time period, the legal system is consistent internally and in its entity with its basic idea and everyone is able with a reasonable effort to comply with the legal rules.<sup>2</sup>

According to the 2011 adopted report of the Venice Commission, established by the Council of Europe, that tried to sublimize the Anglo-Saxon tradition of the *Rule of Law*, and both continental traditions of the German *Rechtsstaat* and the French *Etat de Droit*, the concept can't be defined in a single definition, but rather should be seen through its constitutive elements. The problems derives not only because of the differences in the legal traditions, primarily between the Anglo-Saxon idea based on the idea of *Natural Law* and the Continental Traditions (German based almost exclusively on the theory of *Legal Positivism* and the French tradition based on a combination of the Legal Positivism and the Natural Law), but also because of the fact that the *Rule of Law* even in the modern theory is still more than a legal term. It is a principle that unites certain type of legal principles, political ideas, philosophical concepts and a societal experience. Therefore, the Venice Commission in its practical work opted for a practical approach in which the level of the rule of law can be assessed and measured by application of its constitutive elements.

In the mentioned Report, the Venice Commission defines the core elements of the rule of law as legality (focused on the supremacy of law and that the state is bound by the law), legal certainty that involves the accessibility of law (certain, foreseeable and easy to understand law), prevention of abuse/misuse of powers (safeguards against arbitrariness), equality before the law and non-discrimination (that is marked by the Commission as principle that most embodies the concept of *Rule of Law*) and the access to justice (the includes presence of an impartial and independent judiciary and right to have a fair trial).<sup>3</sup>

Since the start of the process of the accession process and the accession negotiations with the first group of countries from Central and Eastern Europe in the nineties of the 20<sup>th</sup> century, the principle of rule of law was a core element of the process and it remains until today. In that regard, it can be also labeled as one of the main aspects of the idea that the accession process isn't only technical alignment with the EU Law and policies, but also a transformative process that places the EU as a "transformative power" for the candidate countries.<sup>4</sup>

Still, the recent negative experiences with some of the "new" member countries from Central and Eastern Europe that experienced democratic backsliding like currently Hungary and other countries in the near past<sup>5</sup>, motivated many "old" member states to request stricter approach in assessing and evaluating the democratic development and the rule of law of every candidate

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<sup>2</sup> Rütters, Bernd, Fisher, Christian, Birk, Axel, *Rechtstheorie und Juristische Methodenlehre*, 12 Auflage, Verlag C. H. Beck, München, 2022, p. 411.

<sup>3</sup> Council of Europe, Venice Commission, *Rule of Law*, available at:

[https://www.venice.coe.int/WebForms/pages/?p=02\\_Rule\\_of\\_law&lang=EN](https://www.venice.coe.int/WebForms/pages/?p=02_Rule_of_law&lang=EN).

<sup>4</sup> Zweers, Wouter, van Loon, Iris, *the Limits of EU Transformative Power in the western Balkans*, Series European Union, Clingendael Institute, available at: <https://spectator.clingendael.org/en/publication/limits-eu-transformative-power-western-balkans>.

<sup>5</sup> Zgut-Pszybylska, Edit, *The EU is Letting Hungary and Poland Erode Democracy*, Foreign Policy, 2023, available at: <https://foreignpolicy.com/2023/09/27/eu-hungary-poland-orban-democracy-measures-elections-migrants-media/>.

country. Just recently, the Government of the Netherlands in its legislative program on the issue of the EU enlargement stated that the country is highly critical of further EU enlargement and that the country will strictly adhere to the requirements for EU membership, above all the Copenhagen criteria whereby the good governance, transparency and the rule of law are important, and no concessions can be made in these areas.<sup>6</sup>

Back in 2019, France following the same remarks by a group of countries that included the Netherlands, but also Denmark, requested from the European Commission to make changes to the accession process by preparation of a revised Methodology that, among other issues, will ensure that the main focus will be on the fundamental issues in which the rule of law has a central place and that these issues should be the start and the end of the accession process in order to ensure its sustainability, but also to include a reversibility of the process in a case of backsliding of a certain candidate country, something which wasn't the case in the past cycles of negotiations.<sup>7</sup>

In the intensively debated and disputed *non-paper* presented by the French President Macron back in 2019, it was clearly stated that “a renewed approach to the accession process is therefore necessary to support the Western Balkan countries in concrete terms with regard to the reforms necessary to fully comply with the rule of law and generally to apply the European acquis.”<sup>8</sup> In the practical part of the paper, following the idea of *staged accession*, the “rule of law, fundamental rights and justice and security” are placed in the first stage as cross cutting issue during the entire process that even more strengthen the importance and the role that the rule of law has as a fundamental precondition for the European integration of a candidate country.<sup>9</sup>

Following the French request, the European Commission prepared a new revised Methodology that was adopted in the spring of 2020 that almost entirely incorporated the proposals from the French non-paper. According to the EC, the idea behind the new revised Methodology is to bring more credibility to the process, to have stronger political steer by engaging the countries at top level, to strengthen the dynamics of the process by clustering the chapters covering similar or connecting negotiation areas, to bring more predictability to the process by setting more clear conditions, by bringing incentives in a form of intensified economic development and tangible benefits for the citizens, but also instruments to slow down the accession negotiations and withdrawing benefits in a case of stagnation as a form of sanctioning the countries that are backsliding. The EC undoubtedly sets the rule of law as a key issue not only as a separate cluster named “Fundamentals”, but also as an issue that embraces all other issues and is a *conditio sine qua non* for the entire process stating that “the cluster on fundamentals (rule of law, economic criteria and public administration reform) will take a central role and sufficient progress will need to be achieved before other clusters can be opened.”<sup>10</sup>

As an important step in implementing the new revised Methodology and in a move to clarify the state of affairs in the field of rule of law, the European Commission in its annual Rule-of-Law Report for 2024 included some of the candidate countries, whereby all of the included countries are from the Western Balkans. The countries included in the Report are: North Macedonia, Albania, Serbia and Montenegro. As stated by the EC “the 2024 Rule of Law

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<sup>6</sup> Rijksoverheid, Regering, Reegerprogramma, Hoofdstuk 9b. Europese samenwerking, available at: <https://www.rijksoverheid.nl/regering/regerprogramma/9b-europese-samenwerking>.

<sup>7</sup> Non-Paper: Reforming the European Union Accession Process, available at: <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>.

<sup>8</sup> Non-Paper: Reforming the European Union Accession Process, available at: <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>, p.1.

<sup>9</sup> Non-Paper: Reforming the European Union Accession Process, available at: <https://www.politico.eu/wp-content/uploads/2019/11/Enlargement-nonpaper.pdf>, p. 4.

<sup>10</sup> Revised Enlargement Methodology: Questions and Answers, European Commission, available at: [https://ec.europa.eu/commission/presscorner/detail/sl/qanda\\_20\\_182](https://ec.europa.eu/commission/presscorner/detail/sl/qanda_20_182).

Report presents a synthesis of both the rule of law situation in the EU and an assessment of the situation in each Member State and enlargement countries”.<sup>11</sup>

In the following part of this paper, a brief analysis of the assessment of the candidate countries in the area of the rule of law will be presented following the conclusions in the Report. Although the Report is a document produced by one institution, the European Commission, and objections can be made that it presents only the view of the EC, still having in mind the institutional capacity of the EC, the input of the member states and candidate countries during the preparation of the Report and the scope of the entire process of European integration, a conclusion can be made that the Report presents an objective and full analysis of the state of affairs in this particular area.

## **II. BRIEF ANALYSIS OF THE 2024 RULE OF LAW REPORT OF THE EUROPEAN COMMISSION FOR NORTH MACEDONIA, SERBIA, MONTENEGRO AND ALBANIA**

The Report analyses the rule of law in three main areas: Justice System, Anti-Corruption Framework and Media Pluralism and Media Freedom. According to the Report, Western Balkans countries show moderate progress or in the case of North Macedonia and Serbia even regression in the reforms in the area of the rule of law. The key problem of all four countries is that although there is a progress in implementation of the necessary reforms, with important differences between the countries whereby Montenegro and Albania showed significant progress, Serbia moderate progress and in the case of North Macedonia there is even backsliding in the reforms, all four countries suffer from political interference and political pressure on the judiciary as well as corruption which undermine the independence of the judiciary, but also affect its effectiveness in processing the cases and most important decrease the quality of the work of the judicial system.

As stated in the summary of the report “North Macedonia has undergone several waves of judicial reform and adopted a new justice strategy aiming to improve the independence, efficiency, and professionalism of the judiciary. However, the independence of the judiciary and the institutional capacity to protect it against undue influence remain a serious concern. The level of perceived judicial independence is very low... A comprehensive national anti-corruption strategy is in place, however its implementation lags behind. High risk of corruption remains prevalent in many areas”<sup>12</sup>.

In the area of the Justice System concerning the independence of the justice system, the main conclusion of the Report is that despite the undertaken serious judicial reform in the past years following the “Urgent Reforms Priorities” of 2015, the recommendations by the Venice Commission and the recommendations issued by the “Senior Expert Group on Systemic Rule of Law Issues”, the perceived judicial independence by the public and the companies is very low. The same applies for the judges who more than a third in a survey reported attempts to influence their decisions by the political parties or the executive branch that is an indicator for the weak institutional capacity for protection from influence and pressure by third parties. Also, although a new Law on the Judicial Council was adopted in 2019, there are serious concerns about the independence of the work of the Judicial Council, especially in the appointments and the disciplinary responsibility of the judges for their work. The concerns exist also among the civil society organizations that work in that area. The undertaken measures to improve the

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<sup>11</sup> 2024 Rule of Law Report, Communication and Country Chapters, European Commission, available at: [https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters\\_en](https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_en).

<sup>12</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf).

transparency by the Supreme Court and the Judicial Council and the existence of the Code of Ethics are noted as positive, although significant process in its implementation remains a challenge.<sup>13</sup>

The limited financial recourses, the deficit of human recourses and the shortcomings in the implementation of the developed digital tools for the work of the judicial system affect the quality of the work of the judicial system.<sup>14</sup> Regarding the efficiency of the judicial system, the reports notes that it had declined in the courts of first instance in civil, commercial and criminal cases while it had remained stable in the courts of second instance.<sup>15</sup>

Important backsliding is noted in the anticorruption policies. While there is comprehensive national Anti-Corruption Strategy, its implementation lags behind and that is clearly indicated with the negative perception regarding the level of corruption in the public sector among the experts and the business community. The Report directly criticizes the adopted amendments to the Criminal Code by the Parliament in 2023 regarding the misuse of office stating that the changes in the law are weakening the legislative framework in the fight against organized crime and corruption. The Report is highlighting the problems with the implementation of the legislation regarding the financing of the political parties. The work of the State Commission for Prevention of Corruption is positively assessed as well as the amendments on the Law on Whistleblowers.<sup>16</sup>

Finally, in the area of Media pluralism and Media freedom, the Report notes challenges regarding the transparency of media ownership and media concertation, criticizes the reintroduction of elements of state funded advertising, the work of the public media service and the pressures on the Council of Media Ethics, while noting that the Agency for Audio and Audio Visual Media Services and the Agency for Protection of Free Access to Public Information perform their duties despite the limited recourses of the later.<sup>17</sup>

In the summary of the Report for Serbia it is noted that the country suffers from increased political pressure on the judiciary and as stated in the Report “political pressure on the judiciary and the prosecution service remains high. A number of steps have been taken to reduce the space for political influence on the judiciary and the prosecution services, although their effects in practice still need to be observed and there is little or no follow-up on cases of undue influence... Parliament’s ability to ensure the exercise of necessary checks and balances is constrained by issues of effectiveness, autonomy, and transparency, including in terms of the oversight of the executive and the law-making process”<sup>18</sup>.

In the area of the Justice System concerning the independence of the justice system, the main conclusion of the Report is same as for North Macedonia that the perceived independence by

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<sup>13</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf), p. 2-8.

<sup>14</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf), p. 8-10.

<sup>15</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf), p. 10-11.

<sup>16</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf), p. 11-16.

<sup>17</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in North Macedonia, European Commission, available at: [https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0\\_en?filename=61\\_1\\_58090\\_coun\\_chap\\_northmacedonia\\_nm.pdf](https://commission.europa.eu/document/download/e7197a43-7f00-4eac-b02d-818ac71345f0_en?filename=61_1_58090_coun_chap_northmacedonia_nm.pdf), p. 16-20.

<sup>18</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Serbia, European Commission, available at: [https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e\\_en?filename=62\\_1\\_58091\\_coun\\_chap\\_serbia\\_sb.pdf](https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e_en?filename=62_1_58091_coun_chap_serbia_sb.pdf).

the public and the business community is very low. In the Case of Serbia, also, the existence of significant number of vacant places for judges and public prosecutors is noted. Additionally, the Report criticizes the Government, the Parliament and the High Judicial and Prosecutors' Councils for not undertaking measures to prevent the existent political pressures on the work of the public prosecutors and courts. In the area of quality of the judicial system the report notes that the country lacks a uniform and centralized court management system that interlinks the cases across courts and prosecutors' offices and emphasis the problem with the human recourses. Finally, the Report notes the positive trend in the efficiency of the work of the judicial system.<sup>19</sup>

In the area of Anti-Corruption, the Report notes as in the case of North Macedonia that the perception of the corruption in the public sector is high both among the experts and the business community, while emphasising the forms of political pressure on high corruption cases, the risk of corruption in public procurements and the need to harmonize the Law on Whistleblowers with the European *aquis*.<sup>20</sup>

In the area of Media pluralism and Media freedom, the Report raises serious concerns on the work of the Regulatory Authority for Electronic Media, on the transparency of media ownership and state advertising, the work of the public service, the editorial independence and biased reporting as well as the access to public information.<sup>21</sup>

In the summary of the Report for Montenegro it is noted that the country shows good progress in the area, also confirmed on the recent Intergovernmental Conference, and while "the track record of investigations and prosecutions in cases of high-level corruption is stable, the lack of trials and final decisions contributes to a perception of impunity"<sup>22</sup>.

In the area of the justice system concerning the independence as in the case of the previous countries the perception of the independence is low among the public and especially low among the business community. Although the Reports notes that the legislative framework on the independence of the judicial system has been revised, the delays in the appointments in the judicial system had negative impact on it. Regarding the quality of the judicial system the Report stresses the undergoing reforms but notes the lack of sufficient investments in the infrastructure, digitalization and human recourses. Regarding the efficiency, the Report notes backsliding in the efficiency of the work of the judicial system.<sup>23</sup>

In the area of Anti-Corruption, the Report notes that the lack of trials and final decisions hampers the fight against organized crime and high corruption. The Report as in the cases of North Macedonia and Albania points to the deficiencies in the legislative framework and the implementation of the law on financing the political parties. The Report also points to the lack

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<sup>19</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Serbia, European Commission, available at: [https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e\\_en?filename=62\\_1\\_58091\\_coun\\_chap\\_serbia\\_sb.pdf](https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e_en?filename=62_1_58091_coun_chap_serbia_sb.pdf), p. 2-7.

<sup>20</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Serbia, European Commission, available at: [https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e\\_en?filename=62\\_1\\_58091\\_coun\\_chap\\_serbia\\_sb.pdf](https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e_en?filename=62_1_58091_coun_chap_serbia_sb.pdf), p. 7-15.

<sup>21</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Serbia, European Commission, available at: [https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e\\_en?filename=62\\_1\\_58091\\_coun\\_chap\\_serbia\\_sb.pdf](https://commission.europa.eu/document/download/862952fa-6e79-44c4-b629-174a441e3d2e_en?filename=62_1_58091_coun_chap_serbia_sb.pdf), p. 15-19.

<sup>22</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Montenegro, European Commission, available at: [https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c\\_en?filename=60\\_1\\_58089\\_coun\\_chap\\_montenegro\\_mn.pdf](https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c_en?filename=60_1_58089_coun_chap_montenegro_mn.pdf).

<sup>23</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Montenegro, European Commission, available at: [https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c\\_en?filename=60\\_1\\_58089\\_coun\\_chap\\_montenegro\\_mn.pdf](https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c_en?filename=60_1_58089_coun_chap_montenegro_mn.pdf), p. 2-9.

of staff in the office of the Special Prosecutor and the need to align the Law on Whistle-Blowers with the European *aquis*.<sup>24</sup>

In the area of Media pluralism and Media freedom, the Report praises the adoption of the new Law on Audio-visual Media Services, still raising concerns regarding the current situation with the transparency of media ownership, the state advertising, the appointment of the Director of the public media service and the cases of violence against journalists and media workers.<sup>25</sup>

In the summary of the Report for Albania it is noted that although the country went through a significant judicial reform since 2016 and performed satisfactory on level of legislation still the concerns remain on “attempted interference and pressure on the judicial system by public officials or politicians”<sup>26</sup>

In the area of Justice System concerning the independence it is noted that the country went through substantial reforms and vetting of the judges and public prosecutors since 2016, still there are concerns about political pressures on the work of the judges and public prosecutors. However, the perceived independence by the public and the business community is better than in the cases of North Macedonia, Serbia and Montenegro and is rated as average. Regarding the quality of the judicial system, the Report notes that a satisfactory legislative framework exists, but the court case management system is still pending. The Reports notes problem with finances and human recourses in the judicial system as well as not sufficient implementation of the mediation. Regarding the efficiency challenges in the length of proceedings are noted.<sup>27</sup>

In the area of Anti-Corruption, the perceived corruption in the public sector among experts and business community is high while the implementation of the current Anti-Corruption Strategy isn’t satisfactory. The Report notes results in the work of the Special Anti-Corruption Structure and Anti-Corruption and Organized Crime Courts, SPAK and SPAK courts. In the report it is also noted that although the number of prosecuted persons for corruption is increased, still the recent amnesty law raises concerns. Also, the weak coordination between institutions in charge of preventing and combating corruption is mentioned as a reason for concerns as well as the vulnerability of the state police to corruption, documented in the complaints to the police oversight authority. The Reports stresses that the financial investigations and asset confiscations has improved. The low number of whistle-blowers reports is a reason for concern and the possible reason for that is a situation of “self-censorship” of potential whistle-blowers.<sup>28</sup>

In the area of Media pluralism and Media Freedom there are concerns about the independence of the Audio-Visual Regulatory Authority due to political influence in the election of its board members. Same concerns as in the reports for the other countries are raised regarding the

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<sup>24</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Montenegro, European Commission, available at: [https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c\\_en?filename=60\\_1\\_58089\\_coun\\_chap\\_montenegro\\_mn.pdf](https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c_en?filename=60_1_58089_coun_chap_montenegro_mn.pdf), p. 9-15.

<sup>25</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Montenegro, European Commission, available at: [https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c\\_en?filename=60\\_1\\_58089\\_coun\\_chap\\_montenegro\\_mn.pdf](https://commission.europa.eu/document/download/6e3ff77c-4a53-4e92-a030-9ea4cca3045c_en?filename=60_1_58089_coun_chap_montenegro_mn.pdf), p. 16-19.

<sup>26</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Albania, European Commission, available at: [https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925\\_en?filename=59\\_1\\_58088\\_coun\\_chap\\_albania\\_al.pdf](https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925_en?filename=59_1_58088_coun_chap_albania_al.pdf).

<sup>27</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Albania, European Commission, available at: [https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925\\_en?filename=59\\_1\\_58088\\_coun\\_chap\\_albania\\_al.pdf](https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925_en?filename=59_1_58088_coun_chap_albania_al.pdf), p. 2-9.

<sup>28</sup> 2024 Rule of Law Report, Country Chapter on the Rule of Law Situation in Albania, European Commission, available at: [https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925\\_en?filename=59\\_1\\_58088\\_coun\\_chap\\_albania\\_al.pdf](https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925_en?filename=59_1_58088_coun_chap_albania_al.pdf), p. 10-15.

transparency of the media ownership, the work of the public service, weak self-regulation in the area, verbal and physical attacks against journalists and media workers etc.<sup>29</sup>

### III. CONCLUSION REMARKS

The Rule of Law although incorporated as a basic criterion for the EU membership already in 1993 in the Copenhagen criteria currently is the most important criteria for the candidate countries in their accession process. The new revised Methodology from 2020, but also the changed internal political situation regarding the enlargement and consequentially the changed approach of the governments and parliaments in the EU member states are leading towards increased pressure on the candidate countries to comply with the EU standards, but the increased pressure is directed also on the European institutions, above all the European Commission, to have stricter and more rigorous approach when assessing the candidate countries whether they are ready to comply and are advancing in fulfilling the rule of law criteria.

It can be concluded without doubt that the new approach will have significant impact on the process of European integration on the present and future candidate countries. By introduction of the principle of reversibility and the fact that the First Cluster “Fundamentals”, that is focused on the rule of law is the start and the end of the accession negotiations, the candidate countries are in a significantly different position compared to the countries that entered the EU in the previous cycles of enlargement. Candidate countries should be aware of the newly created reality of being in a process that will advance, but also slowdown depending on their performance especially around rule of law. That requires long term strategy how to fulfil the criteria, clear political will beyond party lines of division and adequate operative plans of the institutions and skilled personnel that will deal with this most important challenge in the accession process.

The Rule-of-Law Reports, but also the Progress Report should serve as guidelines in that process although the self-evaluation and self-assessment in adopting and implementing the necessary reforms in this area is crucial element during the long path towards the membership in the EU.

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