FRAMING AN IMPROVED MODEL FOR JUDICIAL REFORM IN ASPIRING MEMBER STATES OF THE EUROPEAN UNION

Vesna Ćorić

Institute of Comparative Law, Belgrade,
Terazije 41, 11000 Belgrade, Serbia
vesnacoric@yahoo.com

&

Ana Knežević Bojović

Institute of Comparative Law, Belgrade,
Terazije 41, 11000 Belgrade, Serbia
akbojovic@gmail.com

Abstract

The European Commission in the course of recent years published a set of relevant documents related to the strengthening of the rule of law within the EU. These targeted initiatives are focused on EU Member States, while they almost completely fail to address the negotiations within the accession process of the aspiring Member States. Bearing this in mind, this article aims to challenge the approach taken by some authors who claim that the European conditionality can undermine the rule of law and lead to regulatory fragmentation and fragmented governance. To that end, the paper offers a hybrid model, which the authors want to use to assess the quality of the internal process of strengthening of the rule of law in EU Member States, as well as the quality of the ongoing rule of law related negotiation process in the Republic of Serbia. The offered theoretical model combines elements of the external conditionality, the social learning and lesson-drawing models. Finally, the paper provides certain proposals aimed at improving the framework for judicial reform in aspiring Member States of the European Union.

Key words: *EU accession, external conditionality, rule of law, judicial reform*

INTRODUCTION

The principle of the rule of law is evolving and taking on a new relevance in the European Union (EU). This trend became particularly apparent after the European Commission in the course of recent years published a set of important documents related to the strengthening of the rule of law within the EU. The other EU institutions also contributed to this issue, but the European Commission played its full part "as guardian of the Treaties" given that the rule of law is one of the founding values of the EU.[COM, 2019a: 17] These initiatives are primarily devoted to the rule of law as a European post-accession topic, while their implications for the enlargement process are not clearly outlined.[Nikolaidis, Kleinfeld 2012: 35]

In spite of the strengthened support to the rule of law, there are still, in legal and political theory, voices claiming that the European conditionality can undermine the rule of law and lead to regulatory fragmentation and fragmented governance. [Slapin 2015: 627-648] These authors rely on the commonly accepted understanding of the notion of external conditionality, which employs a rationalist bargaining model, in which the independent actors, in this case, states and supranational organisations, exchange information, threats and promises in order to achieve their desired goals. [Schimmelfennig, Sedelmeier 2004: 671] In the EU accession process, the EU sets the adoption of its norms and rules as a condition, which the target states have to fulfil in order to receive a reward. [Knežević Bojović, Ćorić, Višekruna 2019: 233-253] However, as Schimmelfennig and Sedelmeier point out, the EU remains free to choose both the conditions and the rewards. [Schimmelfennig, Sedelmeier 2019: 3] An illustrative example of the wide discretion on the side of the EU came in October 2019, when, despite the declarations made by the President-elect of the European Commission, in which she reaffirmed the European perspective of the Western Balkans, the European Council failed to make the anticipated decision and rejected North Macedonia's and Albania's bid for membership. [Parliament 2019] [EUCO, 2019] [Nikolaidis, Kleinfeld 2012: 7]

In this paper, the authors will assess whether the new developments achieved within the EU in the area of the rule of law make the arguments brought by defenders of the aforementioned theoretical approach futile. Therefore, it will be particularly examined to which extent the introduced EU developments can be assessed as positive, as well as whether they are in line with the hybrid theoretical model, proposed by the authors of this paper. The envisaged hybrid model combines elements of the external conditionality model, the social learning model, as well as the lesson-drawing model. [Schimmelfennig, Sedelmeier 2004: 673] The social learning model assumes a resonance between the norms and values in the target candidate state and the norms and values espoused by the EU, while the lesson-drawing model assumes that the candidate countries would be expected to adopt the EU rules if they considered these to be effective remedies to domestic challenges and needs. [Schimmelfennig, Sedelmeier 2004: 673]

After an analysis of the potential implications for the aspiring Member State arising from the new documents related to the rule of law , the authors will assess whether the ongoing reform of the judiciary in the Republic of Serbia, conducted in the context of Chapter 23 negotiations is in line with the rule of law standards as determined in the recent documents of the EU. In addition, it will be examined to what extent the proposed hybrid model, which combines elements of the external conditionality, the social learning and lesson-drawing models, is applicable to the judiciary reform.

Although the rule of law, as an EU concept, does have a broad meaning, which pertains to values that have to be achieved by all public authorities, this paper will focus on one of its aspects, an independent judiciary.

1. STRENGTHENED SUPPORT TO THE RULE OF LAW –TO WHOM IT MAY CONCERN?

The European Commission has published three relevant communications aimed at strengthening the protection of the rule of law in all Member States.[COM 2014] [COM 2019] [COM 2019a] All of them stress the importance of the rule of law for all EU citizens and for the EU as a whole, while they almost do not mention the relevance of the rule of law toolboxes for aspiring Member States.

The first communication of 2014 was meant to complement the existing instruments (infringement procedures and mechanisms under Article 7 of the Treaty on European Union) as, at that time, it was observed that there were situations, in which threats relating the rule of law could not have been effectively addressed by the said two mechanisms.[1][COM 2014: 6] This communication sets out the Framework to address threats to the rule of law, which are of a systemic nature.[2][COM, 2019a: 7] The given framework is envisaged as a three-stage process (a Commission assessment, a Commission recommendation and a follow-up to the recommendation) and is set to apply equally in all Member States, on the basis of the same benchmarks as to what is a systemic threat to the rule of law. However, the framework is almost of no relevance for the aspiring Member States. When it comes to pre-accession situations, this communication only refers to the importance of the Cooperation and Verification Mechanisms for tackling systemic deficiencies related to the rule of law.[3][COM 2014: 6]

The remaining two rule-of-law-related communications were subsequently published by the European Commission in 2019, and again, they are addressed to Member States only. Both underline that effective enforcement of the rule of law in the EU Member States requires a toolbox which would rest on three pillars: promotion, prevention and response. Relating activities promoting the rule of law, the documents identify the need for a stronger engagement of political groups, national parliaments, the civil society and the private sector in promotional activities, as well as in developing grassroots discussions on the rule of law issues.[COM, 2019] In addition, the two communications insist on the need to promote the rule of law standards developed by the Court of Justice of the EU in its case law, including the compilation of the relevant findings of this Court. Those standards developed by the Court can serve as "a compass to flag" reforms.[COM 2019a]

With regard to preventive activities, the communications rightly point to the need for further development of the existing tools, as to improve the assessment of the state of the rule of law. In that regard, they recognized a specific necessity for improvement

[1] Namely, it was argued that the thresholds for activating both existing instruments are too high as well as that those mechanisms are not always appropriate to quickly respond to threats to the rule of law in Member States.

[2] The Court of Justice of the EU and the European Court on Human Rights do have relevant case law in that regard. See.

[3] The Cooperation and Verification Mechanism (CVM) was introduced as a transitional measure for the monitoring of judicial reform and fight against corruption in Romania and Bulgaria at the time of their accession to the EU in 2007. Monitoring will continue under horizontal instruments, once this special mechanism ends.

of the EU's capacity building of a more profound and comparative knowledge base on the rule of law in Member States, to make dialogue more productive, as well as to enable potential problems to be acknowledged at an early stage.[COM 2019] In that context, the following mechanisms were identified: the European Semester cycle of economic, fiscal and social policy coordination, which provides country analysis reports and makes recommendations for structural reforms encouraging growth in areas such as an effective judicial system; the annual EU Justice Scoreboard as a comparative tool assessing the independence, quality and efficiency of national judicial systems based on a range of indicators, and Commission's Structural Reform Support Service, which provides technical support for structural reforms in Member States, in areas relevant to strengthening the respect for the rule of law.[COM 2019] [COM 2019a]

Both promotion and prevention activities seem in line with the models of social learning and lesson-drawing which claim that national perspectives on the adequacy of EU rules to tackle domestic issues are the underlying incentive for adherence to such rules. Furthermore, the engagement of national authorities and civil society representatives in promotional activities will strengthen their knowledge of the benefits of the EU framework for the rule of law and will further encourage them to apply the given EU framework. Additionally, preventive activities which are aimed at providing comparative tools, such as the EU Justice Scoreboard, will additionally strengthen the knowledge at national level about the comparative level of compliance of other national systems with rule of law standards as well as about best practices which should be followed in that regard.

On the other hand, when it comes to the third pillar of the so-called response activities, the communications consider strengthening the cooperation with the Council of Europe and reinforcing the cooperation with other international organizations dealing with rule of law issues, such as the Organisation for Security and Cooperation in Europe and the Organization for Economic Cooperation and Development. [Ćorić, Zirojević 2015: 371-393] This idea constitutes a positive development given that it will preclude the development of regulatory fragmentation and fragmented governance, which might emerge as one of potential adverse consequences of the EU conditionality approach.

Finally, it is noteworthy that both communications recognize the need to introduce the strengthened consequences, or in other words specific mechanisms including rule-of-law-related conditionalities, in case a Member State refuses to avoid or remedy specific risks to the implementation of EU law or policies.[COM 2019] [COM 2019a] This clearly reflects the previously discussed theoretical concept of the EU conditionality. However, it seems that the proposed EU conditionalities do not pose any threat to the rule of law, neither lead to fragmentation as long as the concept of the rule of law and the systematic cooperation is clearly defined and protected.

However, although all these communications do provide relevant ideas on how to further develop an effective and meaningful rule of law toolbox in the future, their application has remained mostly limited to the Member States. When it comes to aspiring Member States, those communications only stress that the rule of law has become progressively more central to the EU accession process further referring to the Western Balkan Strategy of February 2014 and the Sibiu commitment in Strategic Agenda of the European Council of 21 June 2019. Both documents are not primarily focused on strengthening the rule of law framework. While the latter document does not introduce any clarification in that regard, the same is not true for the Western

Balkan Strategy, which pertains to an enlargement perspective for an enhanced EU engagement with the Western Balkans. Namely, after the general finding that efforts to engage in rule of law-related reforms in the region should be intensified, the Western Balkan Strategy stipulated that the tools developed during the negotiations with Montenegro and Serbia within the rule of law chapters should also be used in other Western Balkan countries "as a stimulus for early adoption of key reforms". [COM 2018:10]

It is envisaged that those tools will include analysis of legislation and practice in this field, leading to the establishment of detailed action plans prioritising key issues, and close monitoring of implementation and delivery of concrete results. Moreover, the European Commission in that context underlines that the negotiating frameworks for Montenegro and for Serbia insist on the need for rule of law reforms to be addressed early in the negotiations. Therefore, a substantial improvement should be required on the rule of law and its related results, which include the judicial reform before technical talks on other accession negotiation chapters can be provisionally closed. [COM 2018:10] The given enlargement "fundamentals first" approach was already heralded in the European Commission's Enlargement Strategy for 2011-2012. [COM 2012:6]

The main shortcoming that should be addressed to all these EU documents is that it remained unclear why they failed to establish a clear link between the rule of law tools and criteria, which are applicable for Member States, and those states which are only aspiring. Given that the rule of law is equally post-accession and pre-accession concern, the developed toolbox and benchmarks should be more inter-connected.

In the following section of the paper, the authors will try to show that the reform of the judicial system which is to be conducted in the context of the Chapter 23 negotiatians in the Republic of Serbia may offer some additional tools beyond those mentioned in the Western Balkan Strategy. They may be replicated in other aspiring Member States on their road of strengthening the rule of law in the accession negotiation process.

2. SERBIAN MODEL OF EU ACCESSION AND JUDICIAL REFORM: SEGMENTS THAT MAY GUIDE FUTURE JUDICIAL REFORMS IN ASPIRING MEMBER STATES?

The state of affairs in the ongoing accession talks with the six remaining non-EU Western Balkan countries confirms the central position of the rule of law within the process of EU enlargement, but it also shows that there is much to be attained.[Kmezic 2019: 88] Since late 2015, the European Commission has taken additional measures to foster rule of law transformation changes first through strengthened progress reporting methodology and then through the introduction of non-papers, six-month Commission reports to the European Council on the state of play in Chapters 23 and 24, under the EU negotiation frameworks with Serbia and Montenegro. [Knezevic 2015: 67-78]

Those measures aimed at fostering the rule of law are welcomed as they are intended to deepen the monitoring of rule of law related developments in the EU candidate countries and thus to acquire a deeper understanding of their practices. This apparently helps strengthening a proactive role that is played by the Republic of Serbia as an EU candidate country. This principle is in line with the rule of law framework, introduced for all EU Member States, according to which it is of utmost

importance for the EU to enhance its capacity to build a more profound and comparative knowledge base on the rule of law situation in Member States, to make dialogue more productive, as well as to enable early detection of any backsliding in reforms. [COM 2019]

Although meaningful, those measures are possibly, to some extent, hindered by political messages that full membership, even in the case of frontrunners, such as Serbia and Montenegro, may not come in 2025 at the earliest, but may not come at all.[Zivanovic 2019] This lack of a clear and credible enlargement perspective can seriously hinder reformatory processes in Western Balkan countries, and undermine EU credibility and any remaining leverage that the EU conditionality may have in fostering the rule of law. This is an issue that may have serious implications not only in terms of shifts in international relations in the region, but also have a profound effect on citizens, as it may slow down the pace of reforms.[Savic Filipovic 2019] Therefore, it is of utmost importance to introduce measures aimed at strengthening a sense of ownership on the part of key national stakeholders.

Before getting to the measures introduced in the ongoing accession negotiation process with the Republic of Serbia, it is important to bear in mind some specific features of the judicial reform in the Republic of Serbia, as it precedes the EU accession process. Initially, reforms in the judiciary in Serbia have been mostly driven by internal demands and shifts in values and paradigms attempting to confirm discontinuity with the Milosevic regime. [Knežević Bojović 2019: 381-412] [Pavlović 2005: 183-196] [Hasanbegović 2005: 55-65] [Žilović 2012: 87-108] [Rakić Vodinelić, Knežević Bojović, Reljanović 2012] Following the adoption of three national judicial reform strategies, the opening of Chapter 23 in July 2016 led to fragmentation of the judicial reform in Serbia, as the Action Plan for Chapter 23 (AP 23) became the focal document for reforms in the judiciary, side-lining the national judicial reform strategy. That state of play was in stark contrast with the approach advocated by the European Commission in its recent documents, according to which development of regulatory fragmentation and fragmented governance and the lack of systematic cooperation hinder the achievement of the rule of law standards. [COM 2019a:8]

However, a positive trend became apparent in the case of the Republic of Serbia in the past two years, given that the Serbian government, led by the Ministry of Justice, has started mitigating the level of fragmentation of the key public policy documents related to the justice sector through streamlining the efforts and synchronising and coordinating actions and outputs. Given that the National Judicial Reform Strategy has expired and that AP 23 needed revision because timelines for implementation of a number of activities have expired, while other activities needed adjustment, Serbia has embarked on the comprehensive task of revising the AP23 and developing a new strategy document for the judiciary, at the same time. The decision to develop both documents can be further interpreted as a clear policy commitment to address the internal needs of the judiciary in the national policy document, while responding to EU requirements in a separate, dedicated document. By doing so, it seems that the Serbian accession model is going to include elements of the EU conditionality approach, along with elements of social learning and lesson-drawing models, in driving the reforms forward particularly in cases where internal demands for reform exist together with the external conditionality demands.

In early 2019, the Ministry of Justice has presented the Draft Revision of the AP 23. The proposed interventions range from deletion of completed activities, through adjustment of deadlines for implementation and introduction of more relevant

indicators, to updating of planned activities. [Ministerstvo pravde 2019] Following interventions in the working text prompted by public consultations, the Draft Revision of AP23 was forwarded to the European Commission.

Almost at the same time, in the spring of 2019, the Ministry of Justice presented the Working text of the 2019-2024 National Judicial Development Strategy.[4] The Strategy envisages that the monitoring mechanism for the implementation of the Action Plan for Chapter 23 shall also be utilised to monitor the implementation of the Strategy, using the same methodology. Following a round of public consultations, in summer 2019, the Ministry of Justice presented the final Working Draft of the 2019-2024 National Judicial Development Strategy, reiterating the decision to streamline the implementation process through the AP23. The taken approach is of great importance because it not only fosters ownership on the part of the key national stakeholders, but it also enables needed synergetic planning and delivery of activities and outputs and eliminates the existing fragmentation by driving the reforms forward.

Some of the recent European Commission's comments given as a feedback with regard to the Draft Revision of the AP23 are particularly important in the context of overcoming the box-ticking approach to EU conditionality.[5] Namely, the European Commission stressed that it would welcome if the Serbian authorities decided to fundamentally improve the impact indicators across the board. More concretely, it was recommended that indicators be improved, for example, by drawing upon the forthcoming regional measurement projects with CEPEJ [CEPEJ] and the World Bank ("Dashboard Western Balkans" and "regional justice survey").

The relevance of the given comments can be, in part attributable to the fact that indicators set in the AP23 too often resort to positive assessments made in annual Progress Reports. Due to that, those indicators not only set the reform agenda directly in the realm of EU conditionality, but they also rely on an assessment that might be changed annually just to demonstrate that the candidate country has fulfilled the requests set in interim benchmarks. Moreover, it seems that the given comments derive from the approach of the European Commission on fostering systematic cooperation among different international organizations, which was employed in its documents aimed at strengthening the rule of law in Member States.

3. A WAY FORWARD

The presented measures, which were recently applied in the judiciary reform in the context of the Chapter 23 negotiations in the Republic of Serbia, do apparently constitute significant developments which are in line not only with the approach taken in the recent set of rule of law documents tailored for all EU Member States. At the same time, those measures are in line with the proposed theoretical hybrid model,

[4] The Working text of the Strategy is organised around the following objectives: judicial independence, judicial impartiality and accountability, advancement of judicial competence, advancement of judicial efficiency, e-judiciary and judicial transparency and accessibility.

[5] The European Commission comments related to the AP23 include a set of general and recurrent comments, and more specific comments, incorporated in the text of the Draft with regards to the three parts of the AP23: Judiciary, Fight Against Corruption and Fundamental Rights. One major Commission recommendation is to structure the AP23 around interim benchmarks rather than around screening report recommendations, as is currently the case, while also including the actions aimed at implementing recommendations of the screening report that are not reflected in an interim benchmark. This change would require extensive intervention in the Draft Revision of the AP23, but, if taken up by the Serbian government, might help re-kindle the reformatory efforts across the complex body stakeholders.

which combines elements of the external conditionality, the social learning and lesson-drawing models.

This being said, it seems that as long as the EU targeted rule of law initiatives are primarily devoted only to EU Member States, the external rule of law conditionality will not be fully improved. Legally speaking, the internal process of strengthening the rule of law of EU Member States and external rule of law conditionality remain formally unrelated.

It seems that the EU failed to clarify why it did not regulate the rule of law toolbox available to aspiring Member States in more detail. It would be beneficial for aspiring Member States if the European Commission extended, as much as possible, the application of the existing rule of law toolbox to them as well, particularly given that the approach has already been adopted in the field of economy through the European Semester Light process. [COM 2014]

By doing so, the aspiring Member States including the Republic of Serbia would be encouraged to rely on tools such as the EU Justice Scoreboard. The Justice Scoreboard has already been recognized as a governance instrument and determined as one of the relevant tools available for strengthening the rule of law in all EU Member States.[Dori, 2015] [Strelkov 2019: 15-27] The Justice Scoreboard may serve as a main source of information, which would help the judiciary of the aspiring Member States to measure themselves against the judiciaries of the current EU Member States. By doing so, aspiring Member States will ensure that the judicial reform and rule of law efforts do not deviate significantly from the efforts that are taking place in EU Member States aimed at improving the functioning of their judiciary.[6] It is interesting that the Serbian Supreme Court of Cassation has already adopted this framework as a point of reference for its reports.

Finally, it would be beneficial for aspiring Member States to rely more closely on promotional activities which are set out in the targeted communications on the strengthening of the rule of law of Member States. Such reliance would encourage aspiring Member States inter alia to get more acquainted with and to promote the rule of law standards developed by the Court of Justice of the EU. This approach would be to some extent in line with a recommendation made by Kmezic, that the way forward for the EU in the engagement with Western Balkan countries is in reaching deeper beyond the institutional state structure, and providing the wider public with the skills necessary to hold elites accountable.[Kmezic 2019:105] A stronger engagement of national authorities, representatives of the civil society and the private sector in promotional activities would significantly improve their knowledge of the benefits of the EU framework related to the rule of law and further strengthen the ownership of the judicial reform process on the part of national stakeholders and consequently, its sustainability. This would further enable the enlargement process to address at the same time the internal needs of the judiciary as well as the EU requirements. In this way, it meets the requirements of the envisaged theoretical hybrid model, which combines elements of the external conditionality, the social learning and lesson-drawing models.

6 For instance, currently in the EU, procedural law remains an area of particular attention in a number of Member States and a significant amount of new reforms have been announced for legal aid, alternative dispute resolution methods (ADR), court specialization, and judicial maps. In addition, efforts are invested in issues like court fees, administration, and ICT development. These are, therefore, the trends that Serbia needs to take into account in its judicial reform design and implementation.

REFERENCES

Ćorić, V. and Zirojević M., (2015), Strengthening the Cooperative Security through Enhancing Cooperation between the OSCE and Other International Organizations. In: Zirojević M. and Ćorić, V. Forty Years since the Signing of the Helsinki Final Act. Institute of Comparative Law. pp. 371-393.

Dori, A., (2015), The EU Justice Scoreboard - Judicial Evaluation as a New Governance Tool (August 14, 2015). MPI Luxembourg Working Paper Series, 2. Available online: http://dx.doi.org/10.2139/ssrn.2752571.

Nikolaidis, K. and Kleinfeld, R., (2012), Rethinking Europe's "Rule of Law" and Enlargement Agenda: The Fundamental Dilemma. SIGMA Paper No. 49. 2012. pp. 9-38. Available online: http://www.sigmaweb.org/publicationsdocuments/SIGMA_SP49_061112_Eng.pdf.

Mendelski, M., (2019), The Revival of Balkanization: How Externally-Driven Reforms Reinforce the Fragmentation of Governance in South Eastern Europe.2017. Available online: www://ssrn.com/abstract=3001231, 17/04/2019, pp. 3-12.

Richter, S. Wunsch, N.: Money, Power, Glory (2019), The Linkages Between EU Conditionality and State Capture in the Western Balkans. Journal of European Public Policy, Routledge, pp. 1-22.

Schimmelfennig, F. and Sedelmeier, U., (2004), Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe. Journal of European Public Policy. Routledge. 4/2004. p. 671.

Schimmelfennig, F. and Sedelmeier, U., (2019), The Europeanization of Eastern Europe: The External Incentives Model Revisited. Journal of European Public Policy. Routledge. 2019. pp. 3-26.

Slapin, J. B., (2015), How European Union Membership Can Undermine the Rule of Law in Emerging Democracies. West European Politics. Vol. 38. Issue 3, pp. 627-648, Available online: https://doi.org/10.1080/01402382.2014.996378.

Knežević Bojović, A., (2019), Institutional Transplants in Serbia – the Stories of Success and Failure, in: Common Law and Civil Law Today Convergence and Divergence (ed. Marko Novaković), Vernon Press, pp. 381-412.

Knežević Bojović, A. Ćorić, V. Višekruna, A., (2019), Spoljašnje uslovljavanje Evropske unije i regulatorni odgovori Srbije. Srpska politička misao. No. 3/2019, pp. 233-253, Available online: https://doi.org/10.22182/spm.6532019.10,

Hasanbegović, J., (2005), Ostvarivanje i zaštita ljudskih prava u Srbiji – normativni okvir i pravna stvarnost. Zbornik radova Pravnog fakulteta u Splitu 42. No. 1-2. pp. 55-65 .

Knežević Bojović, A., (2015), New EU enlargement strategy and country progress reports: a motor for change? Strani pravni život. No. 4/2015. pp. 67-78.

Kmezic, M., (2019), EU Rule of Law Conditionality: Democracy or 'Stabilitocracy' Promotion in the Western Balkans? in: Džankić, J., Keil, S. and Kmezić, M. The Europeanisation Of The Western Balkans – A Failure of EU Conditionality. Palgrave Macmillan. 2019. pp. 81-96.

Pavlović, D., (2005), Srbija za vreme i nakon Miloševića. Sociološki pregled 39. No. 2, pp. 183–196.

Rakić Vodinelić, V., Knežević Bojović, A., Reljanović, M., (2012), Judical Reform in Serbia: 2008-2012. Center for Advanced Legal Studies. Belgrade. (in Sebian).

Savic, M. and Filipovic, G., (2019), Serbia Inks Deal with Russia's Answer to the EU Following Snub. Bloomberg, October 25, 2019. Available online:

https://www.bloomberg.com/news/articles/2019-10-25/serbia-to-ink-deal-with-russia-s-answer-to-the-eu-following-snub.

Strelkov, A., (2019), EU Justice Scoreboard: a new policy tool for deepening. European integration?' Journal of Contemporary European Studies. Volume 27, 2019 - Issue 1, pp. 15-27. Available online: https://doi.org/10.1080/14782804.2018.1534729.

Žilović, M., (2012), Demokratska neizvesnost i nezavisnost pravosudja u Srbiji nakon 2000. godine. Sintezis 4. no. 1. pp. 87-108.

Zivanovic, M., (2019), Macron Dampens Serbia's Hopes of Rapid EU Membership. July 2019. Available online: https://balkaninsight.com/2019/07/16/macron-dampens-serbias-hopes-of-rapid-eu-membership/.

Internet sources

CEPEJ. Council of Europe European Commission for the efficiency of justice, https://www.coe.int/en/web/cepej.

Ministarstvo pravde, (2019), Ministarstvo pravde je objavilo prvi nacrt revidiranog Akcionog plana za Poglavlje 23. 2019 (in Serbian). Available online: https://www.mpravde.gov.rs/vest/22183/ministarstvo-pravde-objavilo-prvi-nacrt-revidiranog-akcionog-plana-za-poglavlje-23.php.

Parliament, (2019), Parliament elects von der Leyen as Commission President. 2019. Available online: http://www.europarl.europa.eu/news/en/hearings2019/commission-president-2019/20190711STO56846/video-parliament-elects-von-der-leyen-as-commission-president.

Normative acts

COM(2012), Communication from the Commission to the European Parliament and the Council. Enlargement Strategy and Main Challenges 2012-2013. Brussels, 10.10.2012 600 final.

COM(2014), Communication from the Commission to the European Parliament and the Council. A new EU Framework to strengthen the Rule of Law. Brussels. 11.3.2014 158 final.

COM(2014a), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Enlargement Strategy and Main Challenges 2014-15 700 final.

COM(2018), Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A credible enlargement perspective for and enhanced EU engagement with the Western Balkans. Strasbourg, 6.2.2018 65 final. p. 10.

COM(2019), Communication from the Commission to the European Parliament, the European Council and the Council. Further strengthening the Rule of Law within the Union. State of play and possible next steps Brussels, 3.4.2019 163 final. p.6.

COM(2019a), Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions. Strengthening the Rule of Law within the Union. A Blueprint for Action. Brussels. 17.7.2019. 343 final.

EP (2015/2254(INL)), European Parliament resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights

EP (2018/2886(RSP)), European Parliament resolution of 14 November 2018 on the need for a comprehensive EU mechanism for the protection of democracy, the rule of law and fundamental rights

EUCO (2019), European Council meeting (17 and 18October 2019)–Conclusions EUCO 23/19;

Nikolaidis, K. and Kleinfeld, R., (2012), Available online: http://www.sigmaweb.org/publicationsdocuments/SIGMA_SP49_061112_Eng.pdf.