

# IPA III, A KEY INSTRUMENT FOR PRE-ACCESSION SUPPORT TO EU CANDIDATE COUNTRIES, AND RULE OF LAW REFORMS: THE EXAMPLE OF NORTH MACEDONIA

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## ABSTRACT

*The European Union (EU) and its enlargement process is a difficult, complicated, and sensitive issue. This article focuses on one of the most important EU instruments for pre-accession assistance for candidate countries: the Instrument for Pre-Accession Assistance III (IPA III). Candidate countries have to fulfil a number of conditions and criteria to become an EU Member State. This often requires the implementation of several reforms in many areas of the life of the society and the state. One of the key values of the EU and its member countries is respect for and deepening of the rule of law. Therefore, candidate countries are also subject to strict requirements in this area, including the independence of the judiciary and prosecution, anti-corruption policy, and the functioning of other democratic institutions within the system of checks and balances (e.g. the Ombudsman and civil society organisations). Therefore, in addition to outlining the essence and functions of IPA III, this article looks at how IPA III is being used in practice by candidate countries and whether this instrument is aiding their progress in meeting the accession criteria. To this end, this article focuses on the candidate country of North Macedonia, examining whether and to what extent this country has made progress in rule of law building and the degree to which this has benefited from the support provided through IPA III.*

## KEYWORDS

*enlargement of the European Union  
pre-accession assistance  
Instrument for Pre-Accession Assistance III (IPA III)  
candidate country  
North Macedonia  
reforms  
rule of law*

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## 1. Introduction

The accession of new countries to the European Union (EU) is very difficult and long process. Candidate countries have to fulfil a number of conditions, with Article 49 of the Treaty on European Union (TEU) emphasising that the country 'must respect and commit itself to upholding the common values of the EU Member States'. The EU has long emphasised respect for the rule of law, the protection of human rights, and functioning of democratic institutions. These values are enshrined in Article 2 of the TEU<sup>2</sup> and represent fundamental pillars that all Member States and candidate countries must uphold.<sup>3</sup>

Respect for the rule of law is also one of the key elements of the Copenhagen Criteria, which define the conditions for new members to join the EU.<sup>4</sup> The Copenhagen Criteria include political, economic, and legislative requirements that a candidate country must meet.<sup>5</sup> In the political sphere, this means ensuring the stability of institutions that guarantee democracy, the rule of law, respect for human rights, and the protection of minorities. In the EU context, the rule of law encompasses several aspects, including the independence and impartiality of the judiciary, the predictability and enforceability of legal norms, the accountability of public administration, transparency, and the protection of fundamental rights.<sup>6</sup>

During the accession process, a candidate country must demonstrate that it meets the accession criteria and that it is able to assume the rights and obligations of EU membership.<sup>7</sup> Depending on the specific situation, a candidate country will often undergo significant reforms to reflect EU law (i.e. the *acquis*) in its legal system and practice.<sup>8</sup> To meet the conditions for membership, candidates need to focus on fundamental reforms in the rule of law, the economy, and the functioning of democratic institutions and public administration. For candidate countries, meeting these requirements often involves significant institutional and legislative changes.<sup>9</sup>

Throughout the accession process, the European Commission is the primary body responsible for monitoring and guiding the reform process of the potential candidates, and provides or facilitates financial and technical assistance in their preparation for EU

2 | According to Article 2 of the TEU: The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

3 | De Munter, 2024.

4 | Veebel, 2011, p. 3.

5 | As these criteria are not contained in a legislative act, but only in the conclusions of the European Council, they are not judicially reviewable (e.g. Tichý, 2011, p. 67). Moreover, a decision on the access (admission) of a new (applicant) Member State cannot be reviewed by the CJEU (see Judgment of the CJEU of 22 November 1978, Case 93/78 – Lothar Mattheus vs Doego Fruchtimport und Tiefkühlkost eG).

6 | European Council, 2025.

7 | Wakelin, 2013.

8 | Grabbe, 2002, pp. 249–268.

9 | Schimmelfennig and Sedelmeier define enlargement as 'a process of gradual and formal horizontal institutionalization of organizational rules and norms'. See Schimmelfennig and Sedelmeier, 2002, p. 503.

membership.<sup>10</sup> The preparatory stage of accession negotiations involves screening, that is, the analytical examination of the EU's *acquis*, the body of EU law applicable in the EU. This process is crucial, as it forms the basis for the bilateral negotiations between the EU and the various candidate countries.<sup>11</sup> Screening is a formal and technical exercise conducted by the European Commission in order to prepare for the accession negotiations. The exercise allows candidate countries to familiarise themselves with the *acquis* and the obligations they entail, as they will have to implement the *acquis*, thereby contributing to their preparations for accession.

Respect for the rule of law is essential for the functioning of the EU, including the effective application of EU law, proper functioning of the internal market, maintaining of an investment-friendly environment, and mutual trust. The EU has developed a variety of instruments to promote and respect the rule of law. The EU's policy approach to the rule of law rests on three pillars:

- Promoting a culture of the rule of law in the EU, which includes deepening co-operation and collaboration to promote the understanding of the rule of law in Europe.
- Addressing rule of law issues when they emerge in a Member State, having the capacity to intervene at an early stage and avoiding the risk of escalation, primarily through the annual Rule of Law Report.
- Reacting effectively upon identifying a serious problem in a Member State, including recourse to the procedure outlined by Article 7 of the TEU.<sup>12</sup>

This article elucidates one of the most important instruments of pre-accession assistance for candidate countries, namely, the Instrument for Pre-Accession Assistance III (hereinafter, IPA III). In this context, the article traces and evaluates how the structure and distribution of IPA III have changed, and whether and how candidate countries are drawing on and using this instrument. Given the limited scope of the article, North Macedonia and rule of law building, one of the key areas of support, was selected as an illustrative case. In doing so, this article addresses the following questions: As a candidate country, does North Macedonia benefit from IPA III support? Are the programmes implemented and supported by IPA III directed towards achieving the foregoing objective? What progress has North Macedonia made in the area of rule of law building and reform?

## 2. EU candidate country support: IPA, a key instrument for pre-accession assistance

As can be seen from the above, the EU accession process is highly complex and often requires candidate countries to implement a number of reforms. Therefore, the provision of consistent support is crucial for a candidate country to implement the necessary reforms and make the expected progress in the process. The EU provides this support

10 | De Munter, 2024.

11 | European Union, 2024.

12 | European Commission, 2014.

through specific programmes,<sup>13</sup> notably the Instrument for Pre-Accession Assistance (IPA). IPA is a key financial and technical instrument for supporting candidate and potential candidate countries.<sup>14</sup>

IPA III<sup>15</sup> was adopted by Regulation of the European Parliament and of the Council on 15 September 2021,<sup>16</sup> and applies retroactively from 1 January 2021 to 2027. It is a key financial instrument of the EU and its Member States to support third countries at different stages of the EU accession process. As such, its main objective is to support beneficiaries in implementing the political, institutional, legal, administrative, social, and economic reforms necessary to align with EU values, rules, standards, policies, and practices with a view to future membership. Compared to previous programmes, this structure has a significantly different structure and its budget increased.<sup>17</sup> Indeed, the current IPA III has been designated more than EUR 14 billion for the 2021–2027 period. The current beneficiaries of IPA III are Albania, Bosnia and Herzegovina, Montenegro, Kosovo, North Macedonia, Serbia, and Turkey.<sup>18</sup> IPA III successfully builds on its predecessors, IPA and IPA II.<sup>19</sup>

Shifting away from the previous geographic approach, IPA III introduced a new strategic approach by defining thematic programmes according to key priorities in five thematic windows, with funds allocated according to these windows rather than by country. The instrument also combines a performance-based and ‘fair share’ approach and, unlike IPA II, only an indicative amount is set annually for each beneficiary.<sup>20</sup> Real support depends on the scope and quality of the projects implemented by the beneficiaries in each of the five windows. Projects are assessed on the basis of political relevance, technical maturity, and whether and how potential beneficiaries implement the reforms under the enlargement process. At the same time, the specific needs and capacities of beneficiaries

13 | For further detail, see Börzel, 2016, pp. 76–112.

14 | European Commission, no date.

15 | Regulation (EU) 2021/1529 of the European Parliament and of the Council of 15 September 2021 Establishing the Instrument for Pre-Accession assistance (IPA III).

16 | IPA III Regulation was adopted on 15 September 2021, came into force on 20 September 2021, and is applicable retroactively from 1 January 2021. IPA III Regulation is complemented by the Commission Delegated Regulation, which was adopted on 1 October 2021, and came into force on 3 December 2021. It sets out specific objectives and thematic priorities for IPA III assistance. IPA III Implementing Regulation was adopted by the Commission on 15 December 2021, and entered into force on 16 December 2021. Furthermore, the NDICI-GE Regulation, which was adopted on 9 June 2021, entered into force on 14 June 2021, and applies retroactively from 1 January 2021, sets out certain horizontal provisions also applicable for IPA III assistance. The Commission adopted a model for a Financial Framework Partnership Agreement (FFPA) between the Commission and the governments of IPA III beneficiaries on 31 March 2022.

17 | MZV ČR: Implementační Manuál IPA III, 2022. [Online]. Available at: [https://mzv.gov.cz/public/f/65/f1/4705628\\_2881865\\_Implementacni\\_manual\\_IPA\\_III\\_cerven\\_2022.pdf](https://mzv.gov.cz/public/f/65/f1/4705628_2881865_Implementacni_manual_IPA_III_cerven_2022.pdf) (Accessed: 3 November 2024).

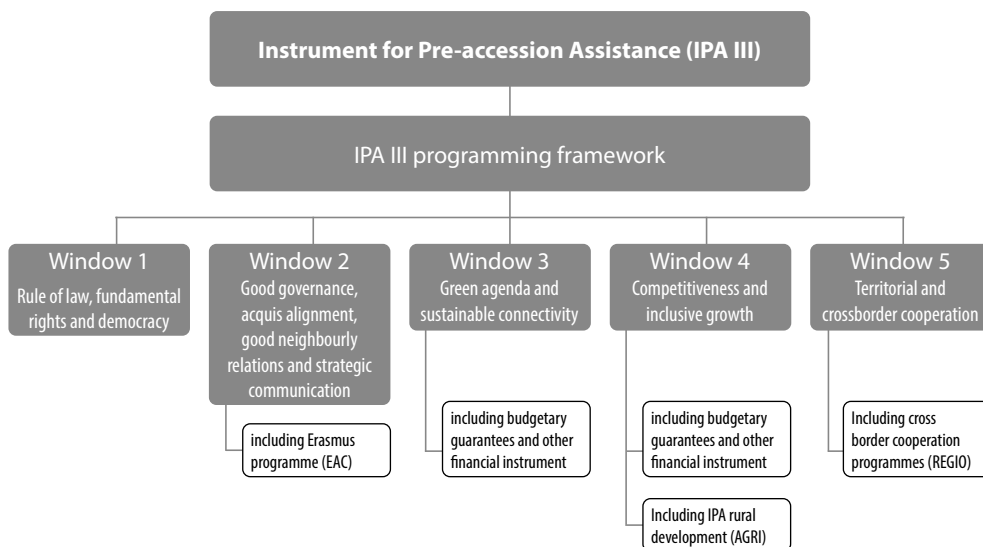
18 | IPA III is clearly aligned with the flagships and priorities of the ‘Economic and Investment Plan for the Western Balkans’ (October 2020); the Strategy for the Western Balkans, ‘A credible enlargement perspective for and enhanced EU engagement with the Western Balkans’ (February 2018); and the Commission Communication, ‘Enhancing the accession process – a credible EU perspective for the Western Balkans (February 2020).

19 | IPA has been operating in seven-year cycles since 2007.

20 | MZV ČR: Implementační Manuál IPA III, 2022.

are considered in order to avoid imbalances in the level of assistance. The scope and intensity of support may be modified in the event of a major regression or persistent lack of progress by the beneficiary in fundamental areas, namely, strengthening the rule of law, respect for fundamental rights and values, strengthening democratic institutions, reforming public administration, promoting economic governance, economic growth, and strengthening competitiveness.<sup>21</sup>

Figure 1: IPA III thematic windows.<sup>22</sup>



The geographical distribution of funding was replaced by the following five thematic windows: (1) rule of law, fundamental rights, and democracy; (2) good governance, convergence with EU law, good neighbourly relations, and strategic communication; (3) green agenda and sustainable connectivity; (4) competitiveness and inclusive growth; and (5) territorial and cross-border co-operation.<sup>23</sup> These windows reflect the clusters of negotiating chapters as defined in the revised February 2020 Enlargement Methodology. The following table shows the indicative allocation of IPA III funds for each window for the 2021–2027 period.

21 | Ibid.

22 | European Commission, 2024b.

23 | European Commission, 2024b.

Table 1: Indicative allocation of IPA III funds by thematic window (EUR million)

Thematic Windows	%	2021	2022	2023	2024	2025	2026	2027	Total
Window 1: Rule of law, fundamental rights, and de-mocracy	15,13	281	287	292	298	304	310	317	2,089
Window 2: Good govern-ance, convergence with EU law, good neighbourly rela-tions, and strategic commu-nication	16,59	308	314	321	327	333	340	347	2,291
Window 3: Green agenda and sustainable connectivity	42,25	788	804	820	837	853	870	888	5,860
Window 4: Competitiveness and inclusive growth	22,31	414	422	431	440	448	457	467	3,080
Window 5: Territorial and cross-border co-operation	3,51	65	66	68	69	71	72	73	485
Total Budget	100,00%	1,855	1,894	1,932	1,971	2,010	2,051	2,093	13,804
Administrative items	n/a	49	49	50	51	52	53	54	357
Celkem	100,00%	1,904	1,943	1,982	2,022	2,062	2,104	2,147	14,162

As we can see, IPA III can finance a wide range of projects, following the thematic priorities of the strategic documents (mainly multi-annual and annual action plans) approved for the partner country. In addition to the five thematic windows of the instrument, significant priority is given to horizontal themes, such as environmental protection, the fight against climate change, support for administrative reforms, anti-corruption measures, and support for the rule of law, civil society, and gender equality. Funding is managed by the European Commission together with Member States, IPA III beneficiary partner countries, or other implementing partners. While the instrument covers a wide range of areas, one of its priorities is supporting reforms in the rule of law and the protection of human rights (Window 1).

Evidently, IPA III is a key means of support and assistance provided by the EU to candidate countries. There is no doubt that without this financial assistance, reforms in these countries would be implemented much more slowly or not at all. In this respect, I welcome the structural changes that have been made in the provision of this support. I do not consider the mechanical allocation of aid according to geographical indicators to be a viable or effective approach. The current situation, whereby the 'priority windows of support' are clearly defined, is a welcome and necessary change. I also consider the formulation of the five thematic windows to be appropriate. Indeed, these are key aspects that need to be supported and developed in order for a candidate country to become a full member of the EU. The rule of law, good governance, environmental protection, and mutual co-operation are values on which the EU is built and which every acceding country must fulfil. The aforementioned changes to the rules for allocating financial support are clearly a step in the right direction. Targeted aid, which is based on the quality of the supported project

and respects the specifics and individuality of the applicant, is clearly the appropriate distribution mechanism.

### 3. IPA III in practice: The example of North Macedonia and its rule of law reforms

Among the wide range of areas it covers, IPA III prioritises support for reforms in the rule of law and the protection of human rights (Window 1). Accordingly, this section analyses whether North Macedonia is using IPA III to implement reforms and make progress in this key area. To this end, this section examines whether the projects submitted to and supported by IPA III have led to improvements in the situation regarding the level of the rule of law and its attributes in North Macedonia. The subsequent section highlights how the reforms implemented have changed the level of rule of law in the country, demonstrating the impact of EU support as having meaningful and tangible outcomes.

One of the beneficiaries of the current IPA III is the candidate country of North Macedonia.<sup>24</sup> Since its adoption in 2021, several Commission Decisions have been issued to fund Action Plans in favour of North Macedonia. These plans focus on the different priorities and windows mentioned above, and several have a direct impact on Window 1, that is, support for reforms related to rule of law building in North Macedonia.

In 2021, the ‘Commission Implementing Decision of 16.12.2021 on the Financing of the Annual Action Plan in Favour of the Republic of North Macedonia for 2021’ was issued. This document included six annexes detailing support plans.<sup>25</sup> Of these, Annex 1, ‘Action Document for ‘EU for Rule of Law and Anti-corruption’, is particularly relevant.<sup>26</sup> Regarding the objectives and purpose of this programme and EU support, this document states:

The Action will improve the efficiency of the judicial system and anti-corruption policy. It will advance the digitalisation of the justice sector, enhance collection and use of data for management and governance purposes, improve management and transparency of business processes and allow public’s access to information on case law and general operation of key state institutions. The Action will support the State Commission for Prevention of Corruption (SCPC) in improving the control of assets and potential conflicts of interests by ensuring interoperability between the Commission’s IT system and the databases and registers of various state bodies. As a result, the Commission will be able to analyse rich data while performing the control on assets declarations. The upgrade of the Anti-Corruption Statistic (AKstat) System will improve the collection and processing of statistical data on corruption and money laundering. The Action will also mobilise the civil society and business sector for building zero tolerance attitude towards corruption in the country. The advisory support for the Constitutional

24 | Anastasakis, 2008, p. 369.

25 | European Commission, 2024c.

26 | Ibid.

Court will improve the assessment of the constitutionality and legality of adopted normative acts and will strengthen the protection of the fundamental rights in the country.<sup>27</sup>

Per the above, several actions were taken to help achieve the aforementioned objectives. First, the digitalisation of state institutions in the judiciary and anti-corruption areas was enhanced. Second, the capacities of the Constitutional Court to assess the constitutionality and legality of the adopted normative acts and protect fundamental rights were strengthened. This included capacity building activities involving advisory services, coaching, and training to strengthen the managerial, professional, and administrative capacities as well as the administrative autonomy, independence, and efficiency of the Constitutional Court. Third, construction of new buildings, for example for the Academy for Judges and Public Prosecutors. Finally, actions were taken to enhance public intolerance of corruption, including activities in the form of grants for civil society, NGOs, and other entities engaged in anti-corruption activities.<sup>28</sup>

In 2022, the 'Commission Implementing Decision of 5.12.2022 on the Financing of the Annual Action Plan in Favour of the Republic of North Macedonia for 2022' was adopted.<sup>29</sup> In this respect, it is worth noting Annex 2, 'Action Document for EU for Modern Public Administration',<sup>30</sup> particularly insofar as it supports the reform of the public administration and the economic governance, which are part of the 'fundamentals' of the EU enlargement policy. The overall objective was to improve the effectiveness and efficiency of the public administration of North Macedonia in line with the reform priorities of the Public Administration Reform (PAR) Strategy 2018–2022 and the new PAR Strategy for 2023–2030. In this respect, the EU has provided support to North Macedonia to reorganise, modernise, and digitalise its public administration. In line with SIGMA principles for good governance, the PAR Strategy comprises four priority areas: (1) policy-making and co-ordination; (2) public service and human resource management; (3) responsibility, accountability, and transparency; and (4) service delivery and ICT support to the administration. Building a modern, digitised, and accountable public administration is vital for the proper functioning of state institutions, the administration of the state, and the realisation of citizens' rights, in accordance with the rule of law and good governance. Therefore, the implementation of the support under this Action Plan has a significant impact in relation to Window 1 (rule of law).

The strengthening of the rule of law in North Macedonia is also covered by the 'Commission Implementing Decision of 28.4.2024 on the Financing of the Annual Action Plan

27 | Annex I to Commission Implementing Decision on the Financing of the Annual Action Plan in Favour of the Republic of North Macedonia for 2021 Action Document for 'EU for Rule of Law and Anti-corruption'. [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/e11eeba-1975-4b1e-86e1-6a7857666dca\\_en](https://neighbourhood-enlargement.ec.europa.eu/document/download/e11eeba-1975-4b1e-86e1-6a7857666dca_en) (Accessed: 3 November 2024).

28 | Ibid.

29 | European Commission, 2024c.

30 | Annex II of the Commission Implementing Decision on the IPA III Annual Action Plan in Favour of the Republic of North Macedonia for 2022 Action Document for EU for Modern Public Administration. [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/5e03498b-4e57-4518-b373-949b97068e41\\_en?filename=C\\_2022\\_9166\\_F1\\_ANNEX\\_EN\\_V3\\_P1\\_2342951.PDF](https://neighbourhood-enlargement.ec.europa.eu/document/download/5e03498b-4e57-4518-b373-949b97068e41_en?filename=C_2022_9166_F1_ANNEX_EN_V3_P1_2342951.PDF) (Accessed: 3 November 2024).



in Favour of the Republic of North Macedonia for 2024’.<sup>31</sup> Here, Annex I, ‘Action Document for EU for Rights and Security’, is especially important.<sup>32</sup> The overall objective of the this Action is to improve the respect for human rights and strengthen security. Specifically, this Action aims to combat discrimination and promote the social integration of vulnerable groups, including children, women, LGBTI individuals, persons with disabilities, and minorities. The EU assistance is intended to support North Macedonia in addressing gender-based and domestic violence and reducing the housing disparities faced by the Roma community. The Action also seeks to enhance North Macedonia’s security architecture by strengthening the country’s response to various security threats and risks, such as cybercrime, organised crime, terrorism, radicalisation, and violent extremism.

Finally, it is necessary to mention the ‘Commission Implementing Decision of 22.7.2024 on the Financing of the Multiannual Action Plan for an Operational Programme on Human Capital in Favour of the Republic of North Macedonia for 2024–2027’, specifically, ‘Annex: Multiannual Operational Programme on Human Capital in favour of the Republic of North Macedonia for 2024–2027’.<sup>33</sup> This document constitutes the multiannual work programme aligning with Article 110(2) of the Financial Regulation, and multiannual action plan corresponding to Article 9 of IPA III Regulation and Article 23 of NDICI-Global Europe Regulation. ‘The Multiannual Operational Programme (OP) on Human Capital in Favour of North Macedonia for 2024–2027’ (hereinafter, the OP on Human Capital) is a policy document delineating the implementation of national and European strategic priorities prepared in line with the IPA III Regulation and NDICI-Global Europe Regulation. It coheres to the objectives identified under IPA III Programming Framework, Window 4, Thematic Priority 1: education, employment, social protection and inclusion policies, and health. Significantly, its sub-objectives may contribute significantly to the development of the rule of law (Window 1).

North Macedonia faces notable employment and social protection challenges. The COVID-19 pandemic and recent energy and price shocks have resulted in an economic crisis, which has pushed more individuals and families into poverty and is expected to create further vulnerability. The OP on Human Capital aims to promote equal opportunities, expand employment access, fight against poverty, and improve quality social protection for all. The specific objectives are: (1) to enhance employment and the employability of the labour force focusing on youth, women, and vulnerable groups; (2) to improve social inclusion and the quality of social services, focusing on vulnerable groups; and (3) to increase the readiness of North Macedonia for EU accession negotiations under Chapter 22. The OP on Human Capital budget amounts to EUR 49,668,041 for the 2024–2027.<sup>34</sup> The

31 | European Commission, 2024c.

32 | Annex I to the Commission Implementing Decision on the Annual Action Plan in Favour of the Republic of North Macedonia for 2024 Action Document for EU for Rights and Security. [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/463efc22-6f96-494a-9fd2-715159699f07\\_en?filename=C\\_2024\\_2899\\_F1\\_ANNEX\\_EN\\_V2\\_P1\\_3381389.PDF&prefLang=cs](https://neighbourhood-enlargement.ec.europa.eu/document/download/463efc22-6f96-494a-9fd2-715159699f07_en?filename=C_2024_2899_F1_ANNEX_EN_V2_P1_3381389.PDF&prefLang=cs) (Accessed: 3 November 2024).

33 | Annex of the Commission Implementing Decision on the Financing of the Multiannual Operational Programme on Human Capital in Favour of the Republic of North Macedonia for 2024–2027. [Online]. Available at: [https://neighbourhood-enlargement.ec.europa.eu/document/download/ca74b0e6-2900-4cb2-80bc-f558cf47f29d\\_en?filename=C\\_2024\\_5327\\_F1\\_ANNEX\\_EN\\_V2\\_P1\\_3538915.PDF](https://neighbourhood-enlargement.ec.europa.eu/document/download/ca74b0e6-2900-4cb2-80bc-f558cf47f29d_en?filename=C_2024_5327_F1_ANNEX_EN_V2_P1_3538915.PDF) (Accessed: 3 February 2025).

34 | Ibid.

OP on Human Capital has been prepared in conjunction with the country's Economic Reform Programme (ERP) 2023–2025, and it is fully aligned with the EU Pillar of Social Rights, EU policy on fundamental rights, and the Gender Action Plan (GAP) III. The national sectoral strategies are well developed and address the EU enlargement policy requirements, particularly the Strategy for the Western Balkans, namely, the Economic and Investment Plan for the Western Balkans (2021–2027), which aims to support human capital development and promote employment opportunities for the youth.

Looking at the action plans above, it is clear that significant EU support is directed towards supporting reforms and building the rule of law. The programmes focus on supporting key elements and institutions of the rule of law, such as an effective and independent judiciary and prosecution, anti-corruption measures, protection of the rights of vulnerable groups and minorities (e.g. the Roma), social stability, and protection of social rights, as well as building a modern public administration. The fact that this is 'continuous support', allowing for the gradual and targeted implementation of reforms, is also positive.

#### **4. EU Rule of Law Annual Report 2024: Macedonia's progress as a candidate country**

The importance of the progress in the area of rule of law for the whole EU, including candidate countries, is evident in the European Commission's fifth annual Rule of Law Report, published on 24 July 2024, which systematically and objectively analyses the development of the rule of law in all Member States.<sup>35</sup> According to a special Eurobarometer survey, more than seven out of ten EU citizens agree that the EU plays an important role in promoting the rule of law in their country. Almost nine out of ten EU citizens consider it important that all EU Member States respect the EU's fundamental values, a view that has been stable since 2019. Moreover, the awareness of EU core values has improved significantly in many countries. Overall, 51 per cent of EU citizens reported feeling well-informed about EU core values and the rule of law, compared to 43 per cent in 2019. Since its first publication in 2020, this report has become a driver for positive reforms. Indeed, two thirds (68 per cent) of the recommendations issued in 2023 have been fully or partially taken into account.<sup>36</sup>

As in previous years, this year's report comprises a Communication that examines the situation in the EU as a whole and 27 country chapters that look at important developments in each Member State. The report also includes an assessment of last year's recommendations, based on which it makes further specific recommendations to all Member

35 | European Commission, 2024d.

36 | Ibid.

States. The report covers four pillars: national justice systems, anti-corruption frameworks, media freedom and pluralism, and other institutional checks and balances.<sup>37</sup>

However, it is crucial to note that this year's report is the first to contain individual chapters on developments in Albania, Montenegro, North Macedonia, and Serbia. The inclusion of these countries, which have made the most progress in the enlargement process, in the Rule of Law Report is intended to support their reform efforts and help their respective authorities progress in the accession process and continue their rule of law work as future Member States. At the same time, their progress can be considered a reflection of the support provided by the EU, typically through IPA III, but also via other pre-accession assistance instruments. There are no recommendations for these countries in the report, as the recommendations for these countries are issued exclusively in the framework of the annual enlargement package. Other candidate countries should be included in the Rule of Law Report as soon as they are ready.<sup>38</sup>

#### 4.1. North Macedonia and rule of law reforms

Building a truly functioning rule of law requires the implementation of a number of reforms in North Macedonia. These reforms concern both the organisation and the functioning of a number of institutions and bodies. Significant changes to both the current legislation and established practices are necessary. As mentioned above, significant EU financial assistance is being channelled to North Macedonia through IPA III to support these reform steps. This section outlines several areas that are key indicators of the maturity of the 'rule of law'. Particular focus is placed on the judiciary, the fight against corruption, and other institutions that play an important role in the system of checks and balances in democratic states governed by the rule of law.

This section highlights the positive changes and progress North Macedonia has achieved in this area (i.e. Thematic Window 1), through the generous support of the EU and IPA III programme.

##### 4.1.1. Judiciary

North Macedonia has a three-tiered ordinary court system, comprising twenty-seven First-Instance Courts, four Appeal Courts, and the Supreme Court. The latter is the highest instance in the judicial system, with competences to ensure the uniform application of laws by all courts, decide on legal remedies against decisions of the appeal courts, and for the protection of trial in reasonable time. One Administrative Court and one Higher Administrative Court exercise the highest instance control over the legality of measures by public administration. The Prosecution is organised around the Public Prosecutor of North Macedonia, four Higher Public Prosecutor's Offices, and twenty-two Basic Public Prosecutor's Offices (PPOs). The Constitutional Court is not part of the judiciary and is responsible for reviewing the constitutionality of laws, among other

37 | 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. [Online]. Available at: [https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters\\_cs](https://commission.europa.eu/publications/2024-rule-law-report-communication-and-country-chapters_cs) (Accessed: 3 November 2024).

38 | M. Kmezić analyses the 'real rule of law' in the Balkan countries in greater detail, see Kmezić, 2020.

things. The Constitution of North Macedonia enshrines the independence of the courts and the autonomy of the prosecution service.<sup>39</sup> The Judicial Council and the Council of Public Prosecutors are management bodies tasked with guaranteeing judicial independence and prosecutorial autonomy, respectively, and make decisions on the recruitment, career management, and disciplinary procedures of judges and prosecutors. Working arrangements with the European Public Prosecutor's Office (EPPO) are in place.<sup>40</sup> The Bar Association is an independent and impartial public service that provides legal assistance and exercises public powers.<sup>41</sup>

However, the judiciary in North Macedonia faces a number of problems. The first of which is the low level of independence. This is perceived both by the judges themselves and by the public. Judges face pressure from the government, politicians, and superiors, as do prosecutors. Another issue is that the highest bodies – the Judicial Council and the Council for Public Prosecutors – are not very functional. The lack of state funding for the judiciary, including low salaries, is also a problem.<sup>42</sup> Compounding matters, there is a lack of human resources, notably, the shortage of judges<sup>43</sup> and prosecutors, as well as of administrative staff. Finally, the functionality of the judicial system is weakened by the low level of digitisation.<sup>44</sup> As discussed below, all of these problems have been addressed by reforms, with varying degrees of success.

A fundamental challenge in North Macedonia is the establishment and respect of the principle of judicial independence. The independence of the judiciary and the institutional capacity to protect it from undue influence remain serious concerns. Overall, in 2024, only 25 per cent of the general public and 20 per cent of companies perceived the level of independence of courts and judges as 'fairly or very good'.<sup>45</sup> The main reason for the lack of independence of courts and judges is the perception of interference or pressure from government and politicians. Unfortunately, judges and prosecutors also have a negative perception of the current situation, as they face various pressures from both outside and inside the system. More than a third of the surveyed judges reported experiencing attempts of external influence, either from the executive or from representatives of political parties.<sup>46</sup> Almost 46 per cent of judges surveyed in 2023 claimed to have experienced some form of pressure or attempted influence from their colleagues, while 42 per cent said they had experienced similar pressure or influence from higher-level judges, such as court presidents or judges of higher courts.<sup>47</sup> Several high-level representatives within the judiciary made public statements criticising the environment of undue

39 | Articles 98 and 106 of the Constitution of the Republic of North Macedonia.

40 | A contact point has been appointed since October 2022.

41 | European Commission, 2024a.

42 | A judge's average salary is MKD 1,271,212 (EUR 21,000) per year. See: Average Salary of the Judges. [Online]. Available at: <https://web.archive.org/web/20240602140508/https://www.averagesalarysurvey.com/mk-mk/salary/judge/macedonia> (Accessed: 2 June 2024).

43 | The number of judges is insufficient, with only 409 of 639 positions filled, equating to just 64 per cent of the required judges. See: Taseva and Suncevska, 2023.

44 | Ibid.

45 | European Commission, 2024a.

46 | OSCE Mission to Skopje, 2023, pp. 14–16.

47 | Ibid.

influence, including the President of the Supreme Court.<sup>48</sup> Meanwhile, about one third of prosecutors have faced attempts of influence, either by the executive or by political parties.<sup>49</sup> An equal number faced internal pressure, especially from senior prosecutors or colleagues.<sup>50</sup> A high percentage of judges (59 per cent) and prosecutors (49 per cent) believe that the existing mechanisms intended to protect the judicial and prosecutorial function from external pressures or attempts to influence are ineffective.<sup>51</sup>

North Macedonia has already implemented a number of judicial reforms, in line with the recommendations of the Venice Commission.<sup>52</sup> Reforms include changes to the Law on Courts and the Law on the Judicial Council,<sup>53</sup> which led to some approximation to European standards in the field of justice. In December 2023, the government adopted a new justice strategy aimed at improving the independence, efficiency and professionalism of the judiciary.<sup>54</sup> Although adopted with significant delays, the strategy has advanced the reform process. Alongside measures still to be implemented under the previous strategy, the new strategy includes additional measures aimed to advance the alignment of the judicial system with European and international standards.<sup>55</sup> The strategy's objectives include strengthening the independence and accountability of the judiciary and its resistance to internal and external influences, increasing the quality of justice and the uniform application of the law, improving efficiency (including via the reorganisation of the judicial and public prosecutors' network and application of digital tools), and improving access to justice for marginalised groups and those living in poverty. It notably includes measures to strengthen transparency and public outreach to increase public trust. The strategy is accompanied by an Action Plan that sets out the envisaged timeline

48 | Supreme Court of North Macedonia news: Press release 06.11.2023, Announcement (Соопштение). [Online]. Available at: [http://sud.mk/wps/portal/vsrm/sud/!ut/p/z1/04\\_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwsvA18LIKDnAwcXQ3MLUIsHQ3c3Qz0wwkpiAJKG-AAjiD9UYSUFORGKQ7KioCAPtT4qw!/dz/d5/L2dBISEvZ0FBIS9nQSEh/](http://sud.mk/wps/portal/vsrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwsvA18LIKDnAwcXQ3MLUIsHQ3c3Qz0wwkpiAJKG-AAjiD9UYSUFORGKQ7KioCAPtT4qw!/dz/d5/L2dBISEvZ0FBIS9nQSEh/) (Accessed: 3 November 2023).

49 | OSCE Mission to Skopje, 2023, p. 31. Some 36 and 29 per cent of public prosecutors reported experiencing attempts of influence from members of the executive branch of power and representatives of political parties, respectively.

50 | Ibid. Specifically, 41 per cent of prosecutors reported having experienced attempts from attorneys, while 36 and 35 per cent experienced similar pressure from senior public prosecutors and fellow colleagues, respectively.

51 | Ibid.

52 | Venice Commission opinion (CDL-AD(2018)022, CDL-AD(2018)033, CDL-AD(2019)008).

53 | Law on the Judicial Council of the Republic of North Macedonia, Official Gazette no. 102/2019. Law on Courts, Official Gazette no. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018, and 198/2018.

54 | Ministry of Justice of North Macedonia (2023), The New Development Sector Strategy for the Judiciary 2024–2028 (Министерство за правда, РАЗВОЈНА СЕКТОРСКА СТРАТЕГИЈА ЗА ПРАВОСУДСТВО (2024–2028) [Online]. Available at: <https://pravda.gov.mk/> (Accessed: 3 November 2024).

55 | The Strategy identifies five priority areas: Judiciary and Public Prosecution in Line with EU Standards, Institutions of the Justice System, Independent Professions and Public Services, Reform of the Constitutional Court of the Republic of North Macedonia, Reforms in Special Legal Areas (Criminal and Civil).

for implementation. In March 2024, the Government established a Council to monitor the implementation of the new strategy.<sup>56</sup>

The negative perception of the Macedonian judiciary as lacking independence is not helped by the problems concerning the functioning of the Judicial Council. The Judicial Council faced major problems in 2023, when its President was removed from her post. She was subsequently reinstated after the Administrative Court ruled that her removal was illegal.<sup>57</sup> In June 2023, two members of the Judicial Council, as well as the previous President of the Council, resigned due to disagreement with the demotion of the President, citing reasons of undue influence in the judiciary. These developments have raised serious concerns regarding the legitimacy and functionality of the Council.<sup>58</sup> Another significant criticism is directed at the lack of transparency of Judicial Council activities, including restrictions on public access to several key Council meetings.<sup>59</sup> The Council's decision to suspend appointment and disciplinary procedures during the parliamentary and presidential elections has also been criticised. The majority of judges do not believe that the Judicial Council can effectively safeguard their independence.<sup>60</sup> To improve the Council's functioning and strengthen its independence, a TAIEX peer review mission, conducted in September 2023,<sup>61</sup> made several recommendations. Recommended focal areas included clarifying the status, terms of office, and qualification requirements of Judicial Council members; increasing the Council's transparency; and clarifying provisions concerning the appointment and disciplinary procedures of judges and Judicial Council members.

56 | The Council will be chaired by the Minister of Justice. Other members are: the Minister of Internal Affairs, Minister of Information Society and Administration, Minister of Finance, Deputy President of the Government in Charge of European Affairs, Deputy of the President of the Government in Charge of Policies for Good Governance, Public Prosecutor, President of the Supreme Court, President of the Judicial Council, Chairman of the Council of Public Prosecutors, as well as distinguished professors, experts, and representatives of civil society. At the technical level, a working group was established within the Ministry of Justice in March 2024, which should meet monthly to monitor progress in the implementation of the Action Plan of the Strategy.

57 | In November 2022, the former Council president resigned, alleging undue influence from within the judiciary and business communities. His elected successor was dismissed from the role in April 2023, after only a few months in office, in a controversial voting process not in line with the rules of procedure. In June 2023, two Judicial Council members resigned in protest. See: VOA News, 2024.

58 | European Commission, 2024a.

59 | Citizen Association Institute for Human Rights, Skopje 2023, Monitoring Report on the Work of the Judicial Council January – July 2023, pp. 5–6. [Online]. Available: [https://www.ihr.org.mk/storage/app/media/E%D0%9D-%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98\\_%D0%A1%D1%83%D0%B4%D1%81%D0%BA%D0%B8-%D0%A1%D0%BE%D0%B2%D0%B5%D1%82\\_%D0%B0%D0%B2%D0%B3-%D0%B4%D0%B5%D0%BA-2023.pdf](https://www.ihr.org.mk/storage/app/media/E%D0%9D-%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98_%D0%A1%D1%83%D0%B4%D1%81%D0%BA%D0%B8-%D0%A1%D0%BE%D0%B2%D0%B5%D1%82_%D0%B0%D0%B2%D0%B3-%D0%B4%D0%B5%D0%BA-2023.pdf) (Accessed: 3 November 2024). The Judicial Council held sessions without announcing them beforehand, which meant that the public, lacking the necessary information, did not have the opportunity to attend them. Several actions were taken at these sessions, which, according to the law, should have been public. Moreover, the electronic sounds recovering and voting system was not in operation for a period of time following the unlawful dismissal of the former president.

60 | OSCE Mission to Skopje, 2023. Some 72 per cent of the judges interviewed either fully disagreed (27 per cent) or partially disagreed (45 per cent) that the Judicial Council effectively safeguards judicial independence, with only 26 per cent agreeing.

61 | European Commission, 2024a.

Measures to improve transparency have been undertaken, notably under the auspices of the President of the Supreme Court and the Judicial Council. The Council for Open Judiciary was established in March 2022 and gathers under the auspices of the President of the Supreme Court.<sup>62</sup> In February 2024, an Action Plan for Open Judiciary (2024–2026) was adopted. The Action Plan aims to improve public relations between courts and the public, unify the structure of court reports, increase the quality and availability of data and information, and strengthen the supervisory function of the Judicial Council on the transparency of courts. Most courts are following guidance provided by the Supreme Court in publishing their rulings, whether they are final or not, on their respective websites. Notably, in June 2024, the Judicial Council adopted its Communication Strategy (2024–2028).<sup>63</sup>

A factor that significantly weakens the independence of the judiciary is the lack of funding and the dependence on the executive for funding. Indeed, financial autonomy can be considered an important guarantee of the independence of the judiciary from other types of public authority. In the State Budget of North Macedonia for 2024, 0.29 per cent of the GDP was allocated to the judiciary, while the legal framework assumes and provides for 0.8 per cent of the GDP. The obligation to seek formal approval from the Ministry of Finance for the internal allocation of the courts' budget, including decisions on resources and staffing, should also be viewed critically. The February 2024 amendment to the law on judges' and prosecutors' salaries, which reduced previous increases in their remuneration, has also had a negative impact. The amendment was even challenged before the Constitutional Court, which rejected the challenge in May.<sup>64</sup>

The lack of financial resources is intertwined with the lack of human resources. The current rate of appointment of new judges and prosecutors is insufficient to cover current needs and fill vacancies. Although A Strategy for Human Resources in the Courts and Prosecutor's Office was adopted in 2020, its implementation remains delayed and the target and timetable set in the action plans have not been met. The administration of the courts is working with only 40 per cent of the estimated human resources needed. In 2023, the Judicial Council assessed two thirds of all courts in the country as 'inefficient'. In December 2023, the Council of Prosecutors estimated that at the current count of 179 prosecutors, the country was short of 82 prosecutors. These statistics clearly show that the judicial system is facing a shortage of qualified personnel at all levels of the system. In an effort to address this situation, the Academy for Judges and Prosecutors announced the selection of 130 students for 2024, the largest number of students to date.

Reforms are also underway in the area of the digitisation of the judicial system in North Macedonia. Although progress is being made in the development of digital tools

62 | The Council for Open Judiciary was established as part of the Open Government Partnership programme and is intended to encourage the openness of the work of the courts and judicial institutions and promote the participation of civil society in the implementation and monitoring of the Open Judiciary initiative. It is composed of representatives from all judicial institutions across the country, namely, the Judicial Council, Academy of Judges and Public Prosecutors, five CSOs, and members of relevant professional associations.

63 | Judicial Council: Communication Strategy of the Judicial Council and the Courts of the Republic of North Macedonia (2024–2028). [Online]. Available: [http://www.vsrn.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/04\\_Sj9CPykssy0xPLmNz0vMAfj08zizdxNTAwsvA183A39LQwcQ\\_1DzSw93Ixc3M31C7IdFQFv5Gko/](http://www.vsrn.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/04_Sj9CPykssy0xPLmNz0vMAfj08zizdxNTAwsvA183A39LQwcQ_1DzSw93Ixc3M31C7IdFQFv5Gko/) (Accessed: 3 November 2024).

64 | European Commission, 2024a.

for case management, court statistics, and online accessibility of court decisions, gaps remain. The process of the digitisation of the judiciary is being carried out through the Council for Digitisation in the Judiciary established under the Ministry of Justice.<sup>65</sup>

#### 4.1.2. *Fighting corruption*

The issue of corruption is also a serious problem for North Macedonia. In Transparency International's Corruption Perceptions Index for 2023, North Macedonia scored 42/100 and ranked seventy-sixth globally.<sup>66</sup> Although a comprehensive national anti-corruption strategy has been developed, its implementation is lagging behind. The National Corruption Prevention Strategy 2021–2025<sup>67</sup> is based on a corruption risk analysis and a consultation process with representatives of the public and private sectors, media, civil society associations and foundations, experts, and representatives of relevant international organisations. In its annual report for 2024, the SCPC stated that out of 166 activities planned for 2023, only 22 activities (13 per cent) had been fully implemented, while 55 (33 per cent) were in the process of implementation, and 89 (54 per cent) had yet to be implemented.

Recent amendments to the Criminal Code appear to be another challenge in the fight against corruption. North Macedonia has ratified the UN Convention Against Corruption (UNCAC),<sup>68</sup> but is not a signatory to the OECD Anti-Bribery Convention. A working group within the Ministry of Justice has been preparing amendments to the Criminal Code since 2020. However, completely outside of this working group, in 2023, another proposal was prepared and adopted by Parliament in an accelerated procedure and without prior consultation with stakeholders. Some of these amendments, which relate to corruption-related offences, are concerning as they reduce the maximum penalties for specific corruption-related offences (e.g. criminal conspiracy and abuse of official authority), impact the statute of limitations, and remove a category of offences from the Criminal Code, namely, the abuse of power in public procurement. These are very serious moves that will significantly weaken anti-corruption policy and may imply a status of 'impunity' for senior officials.<sup>69</sup>

In 2021, the country adopted the Law on Lobbying.<sup>70</sup> This law regulates the conditions for obtaining the status of a lobbyist and lobbying organisation, registration, and the processes for drafting, adopting, and amending public policies. It also expanded the competences of the SCPC and added the obligation to maintain a register of lobbyists and lobbying organisations. However, the fundamental problem is its implementation in practice: no lobbyists are registered as yet.

65 | In December 2023, the Minister of Justice adopted the new rulebook on the composition and the working method of the Council for co-ordinating information and communication technology in judicial authorities.

66 | Transparency International, 2024.

67 | State Commission for Prevention of Corruption, 2020.

68 | Law on Ratification of the UN Convention against Corruption (Official Gazette no. 37/2007); Law on Ratification of the Additional Protocol to the Criminal Law Convention on Corruption (Official Gazette no. 83/2005); Law on Ratification of the Criminal Law Convention on Corruption of the Council of Europe (Official Gazette no. 32/1999).

69 | European Commission, 2024a.

70 | OG 122/2021 from 03.06.2021.



The Rule of Law Report on the situation in the candidate country of North Macedonia states that a high risk of corruption persists in many areas, particularly public procurement and public sector employment.<sup>71</sup> There is a lack of a systematic approach in the fight against corruption to address the common denominators of risk factors. These denominators include strong political influence in the public sector; low levels of sanctioning of corrupt behaviour; inconsistent regulations; low levels of enforcement of integrity measures; and lack of transparency, oversight, and control mechanisms in the public sector. Lack of compliance with public sector labour laws enables various forms of influence, such as political party influence, nepotism, cronyism, and clientelism.<sup>72</sup> Civil society organisations also report that party and family ties often influence appointments to public sector positions.<sup>73</sup>

#### *4.1.3. Other institutions in the system of 'checks and balances' and their function in the rule of law*

North Macedonia is a parliamentary representative democratic republic, as established by the constitution,<sup>74</sup> the highest piece of legislation in the country. The country operates on a multi-party system, with the prime minister serving as the head of government. The system is composed of executive, legislative, and judicial powers. The country's executive body is the government, composed of the prime minister, four deputy prime ministers, and sixteen ministers. The government is elected by the majority vote of all Assembly members. Ministers cannot be representatives in the Assembly. The president represents the republic and is the commander in chief of its armed forces. The president is elected at general and free elections using a modified two-round system for a term of five years. The president appoints the prime minister, whose appointment is subject to approval by the Assembly. Legislative power is vested in the Assembly, which is composed of 120 members of parliament elected in general and free elections with a mandate of four years. According to the Law of Courts,<sup>75</sup> the judiciary's power is distributed among several courts, including the basic courts, the courts of appeal, the administrative court, the higher administrative court, and the Supreme Court. Additionally, the constitutional court protects the constitutionality and legality of the republic.<sup>76</sup> The Ombudsman, who is elected by Parliament, is tasked with promoting and protecting human rights and fundamental freedoms and takes over the role of the national human rights institution. Other independent and regulatory bodies in the field of human rights include the Commission for Prevention and Protection Against Discrimination and the Data Protection Agency.

71 | See: Taseva and Suncevska, 2023.

72 | Ibid.

73 | Freedom House Report, 2024.

74 | Constitution of the Republic of North Macedonia [Online]. Available at: [https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns\\_article-constitution-of-the-republic-of-north-macedonia.nspix](https://www.sobranie.mk/the-constitution-of-the-republic-of-macedonia-ns_article-constitution-of-the-republic-of-north-macedonia.nspix) (Accessed: 3 November 2024).

75 | Law on Courts, Official Gazette of the RM, Nos. 58/2006, 62/2006, 35/2008, 150/2010, 83/2018, and 198/2018 [Online]. Available at: [https://vlada.mk/sites/default/files/dokumenti/zakoni/law\\_on\\_courts.pdf](https://vlada.mk/sites/default/files/dokumenti/zakoni/law_on_courts.pdf) (Accessed: 3 November 2024).

76 | Constitution of the Republic of North Macedonia, Article 108.

The Assembly of the Republic of North Macedonia is struggling due to strong political polarisation.<sup>77</sup> These problems are particularly overt in legislative activity, with the lack of dialogue leading to delays in legislative agenda and important appointments, including the appointment of Constitutional Court judges. However, the biggest problem is the significant increase in the use of fast-track parliamentary procedures, especially the so-called 'EU flag' procedure. Although the 'EU flag' procedure should only apply to legislative amendments whose primary purpose is to align Macedonian law with the EU *acquis*, it has also been applied to legislative initiatives that do not meet this criterion. Consequently, a large number of legislative amendments without a link to EU law were adopted within days of being tabled in Parliament and without public consultation or impact assessment, limiting public and parliamentary scrutiny and undermining the quality and legitimacy of the legislation.<sup>78</sup> The revised Parliament's Rules of Procedure, which came into force after the May 2024 general elections, together with the constituent session of the new Parliament, are intended to address this situation.

The Office of the Ombudsman is also struggling, lacking the financial and human resources necessary to operate independently and effectively. The budget of the Ombudsman Office is approved by the executive, which was indicated by the Office as having a negative impact on its independence. Only four out of the ten foreseen Deputies are in office. The responses and replies to challenges from the Office of the Ombudsman have also been very lax. For example, in 2022, the Office dealt with 3,482 complaints, of which it referred 120 cases to the judicial authorities. The Office is still awaiting a response for about half of these cases.<sup>79</sup>

While civil society organisations operate in a largely supportive environment, challenges remain in respect to ensuring sustainable civil society engagement in policymaking. Civil society is recognised by state institutions as a key component of the democratic system, and a Government Strategy for Cooperation with and Development of the Civil Society and its accompanying Action Plan for 2022–2024 were adopted to strengthen the sector and provide means to support the involvement of civil society organisations in policy making. However, shortcomings remain with regard to their implementation. The Council for Co-operation between the Government and Civil Society, which is the primary structural channel for consulting and involving civil society in policy dialogue and decision-making, met four times in 2022, but its composition is still incomplete, as CSOs have been boycotting the Council's work since March 2022. Their refusal to participate stems from the government's decision to transfer authority over the allocation of funds for CSOs from the General Secretariat to the Ministry of Political System and Relations among the Communities, resulting in a reduction of funding to CSOs outside the mandate of this Ministry. CSOs have criticised the lack of transparency in the government's decision, deeming it out of line with the strategy's objective to increase support and provide a clear and objective mechanism to award public funds to CSOs.<sup>80</sup>

77 | The parliament consists of 120 MPs from 23 political parties. See: Parliamentary Composition 2020–2024. [Online]. Available at: <https://www.sobranie.mk/politicki-partii.nspix> (Accessed: 3 November 2024).

78 | Of the 165 laws adopted between January 2022 and 15 June 2023, 51 were adopted by regular procedure, 86 under shortened procedure, and 28 concerned ratification. See: Taseva and Suncevska, 2023.

79 | European Commission, 2024a.

80 | Ibid.

## 5. Conclusion

Support for reforms in the rule of law and the protection of human rights is a key element of the EU enlargement policy. Through IPA III and other specific programmes and instruments, the EU provides candidate countries with financial resources and technical assistance to build independent institutions, modernise the judiciary, and strengthen the protection of human rights. This process is closely monitored and conditional on the fulfilment of set criteria, ensuring that reforms are implemented and sustained. The conditionality of pre-accession assistance is a key mechanism by which the EU ensures the implementation of reforms in candidate countries. The European Commission monitors progress through Regular Assessment Reports, which focus on the fulfilment of the rule of law, judicial reform, and human rights criteria. These reports contain recommendations for further reforms and, where appropriate, warnings should a candidate country fails to meet its commitments. If a country fails to carry out the necessary reforms or violates the basic principles of the rule of law, the EU may reduce or suspend pre-accession assistance.

IPA III can be considered a functional and successful instrument for pre-accession assistance to candidate countries. IPA III introduces welcome changes compared to its predecessors. In particular, where previous iterations employed a geographical approach, IPA III emphasises a strategic approach and defines thematic programmes according to key priorities in five thematic windows, with funding allocated according to these windows rather than by country. Unlike IPA II, the instrument operates on a ‘fair share’ principle and performance-based approach, with only an indicative amount set annually for each beneficiary. Actual support depends on the scope and quality of the project generated by the beneficiaries in each of the five windows. These measures should help to ensure that projects are assessed on the basis of political relevance, technical maturity, and whether and how potential beneficiaries are implementing the reforms under the enlargement process.

The following conclusions can be drawn from the case of North Macedonia and its reforms in the area of the rule of law. North Macedonia has regularly benefited from EU financial support for the implementation of reforms in this area. The country’s progress in this area is reflected in the fact that, for the first time, four candidate countries, including North Macedonia, have been included in the recent Annual Rule of Law Report. These countries have made the most progress in the enlargement process, with their inclusion intended to further support their reform efforts and early EU membership. The analysis above shows that North Macedonia has made progress in a number of areas related to the rule of law and has implemented many reforms. However, as noted, there are still problems and shortcomings that need to be addressed, particularly those concerning the independence of the judiciary and prosecution, and the fight against corruption, among others.

The adoption of appropriate legislation is not really a problem, although this article did note issues concerning the abuse of the ‘fast-track’ legislative process and the significant polarisation of forces in parliament, which weakens its effectiveness. Rather, the biggest problem seems to be the implementation of the adopted legislation and principles in practice, including the control of its execution, and, if necessary, the enforcement of the rules or the punishment of those who violate them. The extent to which legislation

and the rule of law are implemented in practice always depends on people – on politicians, judges, prosecutors, and civil servants, among many others. This is where the greatest weakness of the reforms lies, as these people are often subjected to negative or even illegal pressures, corruption,<sup>81</sup> and coercion.

The EU's pre-accession assistance is undoubtedly fulfilling its objectives and helping candidate countries make progress in terms of the implementation of reforms and fulfilment of the entry conditions. However, this is evidently a difficult and complicated process, one that cannot be completed by the formal adoption of the relevant legislation and establishment of the required institutions. The principles of the rule of law also need to operate in the daily practice of a given country. Support for free media, non-profit NGOs, as well as the cultivation of awareness among the citizens of the country can contribute to this. Therefore, it is paramount that pre-accession assistance also be channelled in this direction, including through IPA III.

81 | Dedič, 2015, p. 72. The author points out that corruption is one of the biggest obstacles to the possible integration of the countries of the Western Balkans into the EU.

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