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Event report

Forum Europaeum 2024

Rule of law instruments in view of EU accession

On 12 July 2024, the European Policy Institute (EPI) held the annual conference Forum Europaeum 2024 - Rule of law instruments in view of EU accession. The conference was attended by experts from various fields, such as policy makers, academics and representatives of civil society organizations. The main objective of the conference was to stimulate discussion on the situation of the rule of law in EU member states and candidate countries, as well as the advantages and disadvantages of the conditionality mechanism in regard to the rule of law and maintaining and promoting the European values.

The participants developed a debate, in which they expressed different opinions and views, emphasizing the importance of the rule of law not only as an important chapter in the accession negotiations of the candidate countries, but also for the EU member states. The conference presented the state of play of the rule of law in different countries such as North Macedonia, Bosnia and Herzegovina and Serbia as countries with aspirations of becoming members of the European family. The state of the rule of law in Croatia was also elaborated together with the difficulties it faces in this field as an EU member state.

The event was held within the framework of the project "Building bridges for a common future: Rule of law in view of EU accession" which is implemented by EPI. Funded by the EU, the project aims to provide continuous communication between candidate countries and the EU regarding the use of rule of law instruments in the context of EU accession.



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Background

The EU's conditionality mechanism in regard to the rule of law has triggered a key development in its approach to approximating its member states to the core European values. For candidate countries aspiring to join the EU, the Regulation on the Conditionality Mechanism introduces a framework that not only sets standards for democratic governance and the rule of law, but also shapes the path to future accession. Candidate countries must demonstrate strong mechanisms to support judicial independence, fight against corruption and protecting fundamental rights.

In 2020, the European Commission (EC) published its first report on the state of the rule of law in the member states. These annual rule of law reports serve as a mechanism to assess and promote respect for democratic principles and legal standards among EU member states. This year, four candidate countries received their own rule of law report, which plays a key role in shaping their accession process. These reports measure progress towards meeting EU standards for the rule of law, which affects the pace and direction of reforms necessary for EU integration. Hence, it presented an incentive to provide a forum for debate on rule

The conference was opened by EPI's director Simonida Kacarska. The deputy head of mission from the EU Delegation in North Macedonia, Ben Knupnau and a representative of the Unit for negotiation and integration within the Ministry of Justice, Bojana Bosilkova gave their contribution in the opening remarks. They stressed the importance of the rule of law as a foundation for the continuation of the accession negotiations and integration of the candidate countries in the EU.

Deputy head of mission in the EU Delegation in North Macedonia, Ben Naupnau emphasized the importance of the rule of law, and the crucial importance of ensuring and encouraging equality, anti-discrimination and accountability among public office holders, stating that the rule of law is of essential for economic prosperity, fair competition and political stability. The EU considers the rule of law as a basic principle for the functioning of the democratic system which is based on rules. The EC's Country Report for 2023 highlighted the significant challenges in North Macedonia in terms of rule of law reforms. The EU sees the expansion, especially in the Western Balkans, as a strategic investment in peace, stability and security, especially after the emerging geopolitical changes, such as the war in Ukraine. The EU adopted the Growth Plan which offers opportunities for the Western Balkans to comply with EU standards. Furthermore, he stated that North Macedonia will receive significant financial

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support from the EU according to the new Growth Plan, which depends on the implementation of contractual reforms. This includes €750 million in grants and loans over four years, linked to specific reform targets. He encouraged stakeholders in North Macedonia to adopt and implement the Reform Agenda, increase economic integration and ensure accountability of public office holders in order to maximize the benefits of EU support and accelerate progress towards accession.

Bojana Bosilkova from the Ministry of Justice reiterated the rule of law as one of the most important values of democratic societies and the basis of the EU, which ensures judicial independence, effective judicial systems, fight against corruption and organized crime and protection of fundamental rights. Compliance with the rule of law is essential for EU enlargement. Current reforms in the judiciary in North Macedonia, guided by the new Development Sector Strategy for the Judiciary 2024-2028. This includes activities such as amending the laws related to the Judicial Council and the Public Prosecutor's Office, in order to strengthen efficiency and integrity. The EC uses mechanisms such as annual reports on the rule of law to monitor progress, both among member states and among candidate countries such as North Macedonia. These reports are comprehensive assessments that guide further reform and improvement. North Macedonia, along with other candidate countries, is going through a process of gradual integration, based on merit and progress in the rule of law. The new Growth Plan offers significant financial support related to the implementation of reforms, emphasizing areas such as public administration, digitalisation, energy and, most importantly, the rule of law. In the end, she concluded that the remaining challenges are recognized, including the need for rapid progress as emphasized in the latest report of the EC. The new Rule of Law Report will be key in shaping further discussions and actions on EU accession.

Panel 1: Rule of law as a foundation of EU enlargement

The first panel was moderated by Beba Zhagar, researcher at EPI. Panelists discussing the topic above were: Ivan Novosel from Human Rights House Zagreb, independent expert Biljana Kotevska, Edo Kanlic from Transparency International Bosnia and Herzegovina and Ionut Sibian from the European Economic and Social Committee (EESC). The discussants generally emphasized the importance of EC's Rule of Law Report and the involvement of the civil society sector in the process of accession of the candidate countries to the EU.

Ivan Novosel stressed that the Rule of Law Mechanism and the report have evolved over the past 4 years through persistent advocacy efforts by various human rights organizations in the EU. Hence, the EU acknowledges that there has been progress in the area of rule of law, but it



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has been slow, re-emphasizing the importance of the negotiating process in order to establish a strong negotiating framework. The mechanism is improving but it is far from perfect. Ivan Novosel noted the introduction of the recommendations in the report two years ago as a key moment that facilitates the dialogue between civil society, the academic community and EU institutions. However, he criticized the lack of precision and vagueness in these recommendations, which is common in international frameworks applied at the national level. Ivan Novosel compared the Rule of Law Report to other rule of law preventive tools, suggesting that although it has potential, the report lacks the necessary sharpness. When asked about the impact of the report on Croatia and whether similar results would emerge for the candidate countries, Ivan Novosel pointed out the lack of meaningful dialogue at the national level in the early years of the mechanism, with minimal involvement of civil society and the academic community. He also emphasized the influence of external actors, such as the EC and the Fundamental Rights Agency, in facilitating key discussions at the national level, expressing hope for increased EU efforts in these discussions in order to improve the effectiveness of the mechanism. He concluded his contribution by endorsing the Rule of Law Mechanism despite its current shortcomings. Ivan Novosel called for clearer legislative frameworks and processes for public participation in the process of strengthening governance structures in EU member states.

Independent expert Biljana Kotevska began her contribution with shedding light to the proposal of the European Parliament for adding a fifth pillar in the rule of law report, which reflects on the necessity to fight against discrimination and hate speech directed at minorities. The addition of a specific pillar on fundamental rights will bring these issues into focus, providing a framework to monitor and tackle xenophobia, racism, anti-Semitism, Islamophobia, homophobia, hate speech and discrimination in all EU member states. This will raise the relevance of these issues in the wider context of the rule of law. Critics of the report argue that the language of the report is often soft and diplomatic, lacking specificity and impact. Furthermore, Biljana Kotevska noted that adding the pillar dedicated to fundamental rights could bring clarity and precision to the report, ensuring that human rights violations and discrimination are accurately identified and resolved. It will mitigate the risk of normalizing human rights violations by providing a structured approach to monitoring and reporting. The proposed pillar will complement existing pillars such as judicial independence, media freedom and fight against corruption. It will develop the interrelationship between human rights and the rule of law, having in mind that a strong legal framework must also protect and promote fundamental rights. This approach will strengthen the credibility and effectiveness of the Rule of Law Mechanism. The addition of such fundamental rights pillar complies with Article 2 of the TEU, which envisages respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. It reinforces the EU's commitment to upholding these values in all member states and ensures consistency in addressing human rights challenges.



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Furthermore, Biljana Kotevska noted the inclusion of the candidate countries of the Western Balkans in activities such as those of the Fundamental Rights Agency, supporting their integration within the framework of the rule of law in the EU. Its reports provide a structured mechanism for monitoring rule of law standards and identifying deficiencies. Participation in these initiatives facilitates learning and cooperation between candidate countries and EU member states. Such a process exposes candidate countries to best practices in human rights monitoring and reporting, helping them align their legal frameworks with EU standards. This exchange of knowledge fosters a shared commitment to democratic values and the rule of law principle. The detailed FRA reports enable early detection of the rule of law backsliding and violations of human rights in the candidate countries. By identifying and proactively addressing these issues, the EU can prevent their entrenchment and ensure that candidate countries effectively meet the accession criteria. The engagement of international organizations and external actors through these processes empowers civil society in candidate countries to actively engage in the processes. It strengthens their capacity to advocate for human rights and participate meaningfully in decision-making processes. This empowerment is crucial to promote transparency, accountability and inclusiveness in governance. The inclusion of the fundamental rights pillar in the annual Rule of Law Report and the inclusion of candidate countries from the Western Balkans in similar exercises are essential steps towards improving the protection of human rights and strengthening the rule of law in the EU and its neighbourhood. These initiatives not only support EU values, but also foster a community of common democratic principles and legal standards between member states and candidate countries.

Edo Kanlic began by framing Bosnia and Herzegovina candidate status and green light for accession negotiations, while there is a deterioration of human rights as paradox. He pointed out to legislative initiatives that are regressive and contrary to the EC's recommendations. He added that civil society faces difficulties in participating in decision-making processes. The processes are not transparent and are not suitable for real consultation and contribution from civil society organizations. There is a problem regarding access to critical information such as draft laws prepared by the Council of Ministers. This hinders the ability of civil society to effectively engage in reviewing and providing feedback on proposed legislation. The use of emergency voting procedures reduces the opportunity for thorough analysis and consultation on important reform laws. This procedural issue limits the capacity of civil society to influence legislative outcomes. The EU's communication with Bosnia and Herzegovina's civil society has been criticized for being vague and inconsistent. Clearer and more effective communication is necessary to build trust and ensure alignment in the goals and expectations of EU institutions and local stakeholders. Edo Kanlic expressed his concern about the potential imposition of ethnic criteria for the representation of civil society in the negotiation processes. This approach is considered divisive and may undermine the principle of merit-based participation.



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Furthermore, the absence of a national program for the adoption of the *acquis communautaire* highlights a critical gap. Developing such a roadmap with clear timelines and responsibilities is essential for directing government and civil society efforts towards EU accession requirements. Mixed signals and discrepancies between EU assessments and local perceptions undermine public trust. Improving transparency, consistency of the messages and clarity of the recommendations are key to maintaining credibility throughout the accession process.

Ionut Sibian started his address elaborating the EESC initiative which aims to integrate civil society representatives from candidate countries in its work, but at the same time to encourage dialogue, mutual understanding and cooperation between civil society actors from the candidate countries and the EU institutions in Brussels. Representatives of civil society from candidate countries can establish direct communication with members of the European Parliament, the EC and other EU bodies through the activities of the EESC. By actively participating in the EESC's debates, public hearings and opinion-building processes, members of civil society gain significant experience in the EU's decision-making mechanisms. Such participation of civil society improves its capacity to understand and influence EU policies and prepares its representatives for future roles in their countries' accession process. The initiative encourages civil society representatives to become associate members of European platforms, such as the European Civil Society Forum. This integration into wider European networks allows them to align their advocacy efforts with European standards and practices, strengthening their position in promoting the reforms necessary for EU accession. The initiative also aims to create a supportive environment in Brussels where civil society representatives from candidate countries can interact, learn and network with EU colleagues. This system is crucial for facilitating the exchange of knowledge, fostering partnerships and building trust between the various stakeholders involved in the accession process. The enthusiasm and support shown by the European Parliament, the European Council and the EC underlined the importance given to this initiative. EC's effort to provide financial support underscores its commitment to ensure the success and sustainability of the initiative. The assessment in December is expected to positively reflect the impact of the initiative. This includes improved attitudes towards the civil society perspectives of the candidate countries within the EU institutions, potentially influencing future EU policies and strategies towards these countries. In short, the EESC's initiative represents a significant step towards strengthening the involvement of civil society organizations from candidate countries in decision-making processes within the EU. It aims to empower these representatives to build their capacities and integrate them into wider European networks, which will ultimately contribute to the progress of their countries' accession processes to the EU.



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Recommendations

- To improve effectiveness of the Rule of Law Mechanism through regular dialogues, emphasizing the importance of regular communication;
- To resolve the ambiguity and the wide extent of recommendations made in the Rule of Law reports and to emphasize the need for more precise and enforceable recommendations that member states can effectively implement;
- To strengthen the engagement of civil society, by emphasizing the importance of civil society participation in the dialogue within the Rule of Law Mechanism;
- To make an assessment of the application of the Rule of Law Mechanism in the candidate countries, relying on the lessons learned from its implementation in the EU member states;
- To pursue increased resources and capacity building efforts by the EC, especially in supporting the implementation and monitoring of the Rule of Law Mechanism at the national level;
- To clarify and specify the language used in the Rule of Law Report and to advocate for the inclusion of a specific fundamental rights pillar in those reports addressing issues such as non-discrimination, equality, hate speech, racism and intolerance;
- To focus on the interconnection of fundamental rights with other pillars already included in the Report, such as the independence of the judiciary and anti-corruption measures;
- To enhance the role of the EC in monitoring the adherence of member states to fundamental rights standards;
- To utilize the participation in the activities of the Fundamental Rights Agency of the candidate countries as an opportunity to build the capacities of their state institutions;
- To align national human rights practices with EU standards, thus supporting the accession processes and fostering a culture of respect for fundamental rights and the rule of law in candidate countries;
- To provide technical assistance to civil society to improve their expertise in effectively engaging with EU institutions, participating in policy discussions and understanding EU accession requirements;
- To resolve the issue of lack of access to draft legislation and to support reforms that provide timely and transparent information to civil society in order to facilitate meaningful participation in decision-making processes;
- To endorse local initiatives that empower citizens to participate in the reform process, ensuring that reforms are perceived as addressing citizens' needs and not just EU requirements;
- To encourage civil society to become an associate member or observer of European platforms such as the European Civil Society Forum which aims to encourage deeper integration and cooperation;

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- To contribute to the formulation of opinions and recommendations that directly affect the policies of the EU towards the candidate countries by participation of civil society organizations in the activities of the EESC;
- To integrate civil society perspectives into EU assessments and evaluations, thus improving monitoring and accountability mechanisms;

Panel 2: Safeguarding rule of law in use of EU funds: conditionality mechanisms in the Growth Plan for the Western Balkans

The second panel was moderated by Stefan Ristovski, researcher at EPI. Panelists discussing the topic above were: Laima Liucija Andrikiene from the European Court of Auditors, Mario Holzner from the Vienna Institute for International Economic Studies, Eulalia Rubio from the Jacques Delors Institute and Milena Mihajlovic from the European Policy Centre Belgrade. In this part of the conference, a broad debate developed on the benefits and shortcomings that could arise from the conditionality mechanisms attached to the use of EU funds, with a special emphasis on the Reform and Growth Facility for the Western Balkans.

Laima Liucija Andrikiene opened the panel by elaborating the Opinion of the European Court of Auditors, published in February this year regarding the proposal for a Regulation of the European Parliament and the Council on the establishment of a Reform and Growth Facility for the Western Balkans. This opinion contributed to the legislative procedure, providing suggestions on how to clarify certain parts of the proposal, highlighting certain risks and opportunities for the practical implementation of the Facility. The speaker emphasized that of the seven proposals expressed in their opinion, five of them were implemented, while two were partially implemented in the adopted Regulation. She explained that the Facility includes the conditionality to determine access to financing. If a country does not meet the conditions for the disbursement of funds, the EC can redistribute part or all of the funds to other beneficiary countries, which in turn creates a stronger incentive for the countries of the Western Balkans to become more active in these reforms. To be eligible for funding, Western Balkan countries must continue to respect effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and respect all human rights obligations, including the rights of persons belonging to the minorities. The EC is monitoring the progress towards these foundations and in its last communication on EU enlargement, noted that there was some progress in the area of fundamental rights, but also that certain negative trends continue, such as: gender violence, obstruction of the freedom of media for political and economic interests and lack of readiness in the areas of judiciary and fundamental rights for the application of EU legislation. According to the opinion published by the European Court of Auditors, this practice of the EC monitoring the fulfillment of prerequisites should continue. The speaker continued by highlighting some criticisms that were addressed in the opinion, such as: insufficient clarification of the procedure for withholding the funds in case of violation of the preconditions, the procedure for creating the reform agenda leaves a lot of room for maneuver for the countries of the Western Balkans to design payment conditions, risks that the payment conditions are not

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ambitious enough, which further shows that the tests are not sufficiently clear and measurable. She further explained how the initial proposal from the European Parliament and the Council did not allow the EC to modify the draft reform agendas of the governments, after which they proposed that the EC acquire this competence. She concluded that it remains difficult to ensure that the reforms will be sustainable, especially with the weak administrative capacity in the region, and that it remains unclear how the EC will cope with this risk. When asked what is the role and influence of the European Court of Auditors in the implementation of the Reform and Growth Facility, the speaker responded that the European Court of Auditors together with the EC are the institutions that will be granted data collection and access rights in the Agreement for the Facility concluded with each beneficiary country. In addition, the information from the reports of the European Court of Auditors is mentioned as a source for the EC to reduce the support in case the beneficiary countries do not satisfy the financial interest of the EU.

Mario Holzner shared his opinion on the Growth Plan for the Western Balkans in terms of whether it is properly designed to support growth reform actions in practice. According to him, the whole package, although it is something that is good, is still not a big turner of events, therefore one should not expect anything big to come out of it, at least in the economic sense. He explained that the first pillar of the Growth Plan, related to strengthened regional cooperation, is nothing new, to which he added that it will not change anything dramatically, because the region itself does not represent a large market, or in terms of gross domestic product (GDP) it represents half of the Greek market or it is comparable to Slovakia. The only new thing is that now regional cooperation is linked to the enlargement process, which is symbolic, but will not be a decisive factor. He went on to refer to the second pillar, which he said would be great if it was effective, but that he did not recognize anything that would include the region as quickly as possible in the EU single market, which the region really needs. According to him, the Single Euro Payment Area (SEPA) is the most concrete action of this pillar. Never the less, these measures are not a substitute for full access to goods and services to enter the EU market, which can allow countries to specialize and sell their products. Talking about the third pillar, he pointed out that of the 6 billion euros, only 2 billion are in grants. If you put that into perspective with the years of the program, it's about 0.3 of the GDP of the region. He recalled the 2020 package [the Economic and Investment Plan] which was 30 billion euro. In real terms, the Reform and Growth Facility, does not represent an increase in funding, and from an economic point of view, it is disappointing. He also referred to the fourth pillar, which he said is great if countries make progress in matters related to the rule of law and then improve the situation in institutional terms, but that the causality from better institutions to growth is a two-way system. He added that it does not mean that if the Western Balkans institutionally rises to the level of Switzerland, consequently the economy will rise to the level of Switzerland the very next day. Things move in two directions, pointing out that a stronger causality exists from a better economic situation to better institutions. The speaker pointed to an example from the first major eastern EU enlargement, where it was observed that the countries began to cooperate more economically in the region after joining the EU, when they



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had access to the full transfers of the EU. He concluded that perhaps the amount of new available funds for the Western Balkans reflects the interest of the larger EU member states in supporting the candidate countries in the accession [against other EU priorities]. He suggested that, in response to the status quo, ideally all the countries of the Western Balkans together, in one voice make demands to the EU. If that is not possible, a coalition of those countries that are already members of NATO should act coordinated. When asked what the EU's next steps should be in terms of negotiations for the next Multiannual Financial Framework, the speaker pointed out that the enlargement process was political from the very beginning. The EC is there to put everything in a technical bureaucratic framework, but that this is only a prerequisite for accession. The decision must be political, and it can be made in Berlin and Paris. The region can, however, show commitment to the enlargement process and regularly visit the capital cities, to alert of the urgency of the whole process.

Eulalia Rubio spoke about the Conditionality Regulation and other tools that have the power to stimulate the implementation of reforms in member states. She emphasized that in recent years EU institutions had to find different ways to encourage member states to overcome the problems and to ensure respect for the principles of the rule of law. She went on to explain that there is a classic mechanism for maintaining this respect - the infringement procedure and Article 7 TEU. It is a mechanism that allows the EC to act in a preventive manner when there are violations of the principle of the rule of law, which affect the budget. A major difference of the Conditionality Regulation is that it does not need to be proven that the funds were misused, which is the case with previous tools provided for such reforms. What needs to be done is to prove that there is a violation of the rule of law that could potentially have a negative impact on the use of EU funds. The speaker added that not all types of violations of the rule of law can be remedied with this instrument, because it is an instrument based on a legal basis that allows the EU to regulate matters related to the budget, therefore it can only be used to react in case of violations of the principle of the rule of law that really affect the financial interest of the EU. The speaker emphasized that on top of this, the mechanism itself is activated by the EC, but ultimately the Council decides. She added that there is also a political interpretation that this instrument is used in very difficult situations of systematic violations of the rule of law. The speaker then referred to the Recovery and Resilience Facility, which she said had the advantage of regulating many more types of rule of law issues, not just those related to the use of EU funds, also allowing the EC to condition the release of funds with the adoption and implementation of certain reforms. Explaining the effectiveness of this instrument, the speaker emphasized that the evaluation presents a mixed picture, because if we ask the commissioners, they would respond that they are satisfied with how the instrument managed to stimulate the member states to implement reforms related to the rule of law, but if we take Poland as example, we will see that the effectiveness of the instrument is not great. In Poland, the situation with the judiciary changed because of the change of government, not



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because of the Recovery and Resilience Facility, which we know because of certain milestones, when the previous Polish government did not do what it was required to do to obtain the funds. The speaker concluded that when we talk about reforms with a very strong position against their implementation, a lot of money should be foreseen to really change the position of the member state and to implement those reforms. She added that the available funds certainly represent a good incentive, but that it should be accompanied with greater visibility, more political signals and a greater capacity to influence the national debate. When asked whether the EU is consistent in the application of the conditionality mechanisms available to it, the speaker replied that there is a lack of consistency in two manners. The first manner is in the lack of consistency in the different instruments, i.e. how they are applied across member states, while the second manner is inconsistency in the use of tools in relation to different member states.

Milena Mihajlovic, referring to how the relevant stakeholders, including civil society organizations, can be involved in the shaping and implementation of the appropriate activities within the framework of the Reform and Growth Facility, emphasized that they cannot be expected to have any role in their shaping, because they are already shaped in close cooperation between the EC and our national governments. She went on to explain how, unlike the Montenegrin government, the Serbian government has not yet publicly shared the first version of its reform agenda, which is likely related to the specifics of the negotiations and what specific governments want to achieve. According to her, the government of Serbia remains firm and does not allow for many expectations for it, especially in unfavorable reform areas related to the fundamentals, such as the electoral process and some other areas related to the rule of law. As a good example, she pointed to the government of Albania, which published its reform agenda almost a month ago on the online consultation portal and opened the consultation process that lasted more than a month. The speaker gave special emphasis to the fact that consulting with civil society and national parliaments in the development and design of reform agendas is not voluntary, but it represents the letter of the law, i.e. what the Regulation itself stipulates. She added that the EC, when giving its assessment of the reform agenda, is obliged to note and comment on whether the reform agenda was consulted with these stakeholders and whether their inputs were taken into account. After the most recent TACSO conference on civil society, an open letter was sent to the governments of the Western Balkans and to the EU institutions on this very topic, asking each government to implement at least some minimum period of consultation, such as two weeks. Discussing the implementation, the speaker said that she does not have high expectations, knowing that the agreement will be signed between each of the governments and the EC and national monitoring committees will be formed, which should include representatives from civil society. She compared this exercise with the sector budget support in 2014, which also provided for the inclusion of civil society in the monitoring process, but in the end it was not possible to obtain even the basic information



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about the indicators that were included in the sector reform agreements, which were the basis for disbursement of funds. When asked how civil society and other stakeholders can play a role in the application of strict conditionality mechanisms, the speaker answered that the main practical instrument should be the monitoring committee in each country, provided that access to all the main documents is ensured, so that the civil sector can contribute to the work of the committee. She added that external shadow monitoring processes can be set up, all in order to address differences between the EC evaluation of the conditions and the assessment of the civil sector.

Recommendations

- Western Balkan countries to adhere to effective democratic mechanisms, including the multi-party parliamentary system and the rule of law, as well as respect for human rights obligations, including the rights of persons belonging to minorities, all in order to be able to gain access to the funds provided by the Reform and Growth Facility;
- Western Balkan countries conduct a joint action as candidates and potential candidates, or a potential coalition with member states, to address the need to increase the funds provided for reforms and economic development;
- To conduct mandatory consultations with civil society organizations, national parliaments and other relevant stakeholders in the process of preparing the reform agendas related to the Reform and Growth Facility, as well as to improve the transparency of all relevant documents resulting from the entire process;
- The European Commission to clarify the procedure for withholding funds from the Reform and Growth Facility, in case the conditions are violated by a beneficiary country;
- The European Commission to improve the tests for measuring the fulfillment of the conditions for the payment of the funds, as well as to improve the administrative capacity of the region, in order to ensure the sustainability of the entire reform process;
- Both the European Commission and the Western Balkan countries to enhance the visibility of the conditions and the benefits of the Reform and Growth Facility, as well as to develop a wider national debate about the entire process;
- The European Commission should demand, while the Western Balkan countries to develop the activities of national monitoring committees, as well as to initiate potential external shadow monitoring processes for determining the differences between the evaluations of the EC in relation to the aforementioned conditions and the assessment of civil society.



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Final remarks

The rule of law is a fundamental principle that is crucial to the integrity and prosperity of societies, ensuring trust in institutions and promoting political stability. For the EU, the implementation of the rule of law is not only a criterion for membership, but a fundamental commitment to maintaining common values and standards. As candidate countries like North Macedonia embark on reforms to strengthen judicial independence, fight corruption and align with EU norms, they are paving the way for deeper integration and sustainable growth. These efforts not only improve the quality of life of citizens but also strengthen the resilience and coherence of the EU in a complex geopolitical landscape.

The Rule of Law Mechanism represents a significant step forward in the EU's efforts to protect the rule of law in member states, as well as candidate countries. During its several years of existence, the mechanism has evolved since its initial stages. It provided a space for dialogue between national authorities and EU institutions, encouraging discussions crucial to addressing rule of law challenges. However, the effect of the Rule of Law Mechanism varies from country to country. For example, in Croatia the efficiency of the mechanism is hampered by challenges such as politically limited engagement of key stakeholders. While instrumental in diagnosing problems, the annual Rule of Law Report also faces criticism, such as a lack of precision of the recommendations. While the pursuit of a strong rule of law framework in the EU is ongoing and gradual, the conditionality mechanism stands as a key tool in this process. By learning from its successes and challenges, the EU can strengthen its other mechanisms to preserve fundamental rights and democratic principles among member states and candidate countries alike.

The proposal to include a new fundamental rights pillar in future rule of law reports reflects a deep commitment to respecting and upholding fundamental rights, the fight against xenophobia, racism, anti-Semitism, Islamophobia, homophobia, hate speech and discrimination. This supplement will provide a structured framework for systematically mapping and tracking these issues, ensuring that they are not overlooked or marginalized within broader rule of law assessments. The inclusion of the fundamental rights pillar has potential to improve the effectiveness and relevance of the Rule of Law Report. By integrating findings on equality and fundamental rights, the EU can strengthen its mechanisms to protect fundamental freedoms and strengthen democratic values. This pillar will complement existing ones, such as those focused on the judiciary and the fight against corruption, by emphasizing the intrinsic link between human rights protection and the rule of law. The Reform and Growth Facility is devised to incentivise and financially support reforms, including in the rule of law area. The conditionality mechanism, should it be enacted evenly and fairly across the region, could be a useful tool for a new momentum for these reforms.



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The role of civil society in the accession process remains crucial but inadequately supported. Civil society faces institutional barriers, including restrictive legislative procedures and limited access to key information, which hinder their ability to meaningfully participate in decision-making processes. Addressing these systemic deficiencies requires a concerted effort to improve civil society capacities, expand consultation frameworks, and ensure inclusiveness in all segments of society. The European Economic and Social Committee's initiative on integration encourages civil society discussions with EU representatives and institutions. This initiative not only aims to strengthen the voice of civil society in political debates, but also to encourage a more inclusive and participatory approach to EU integration efforts. In essence, the EESC initiative aims to bridge the gap between the EU and the candidate countries, encouraging mutual understanding and advancing the common goal of European integration based on democratic values and principles. New foras for civil society participation in the EU accession process, such as participation in the preparation, implementation and monitoring of the Reform and Growth facility, could also be created and utilised.