

**XXII International Scientific Conference „Legal days –  
Prof. Slavko Carić”  
“LAW AND JUSTICE”**

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The University of Business Academy in Novi Sad  
The Faculty of Law for Commerce and Judiciary in Novi Sad

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October 10<sup>th</sup> and 11<sup>th</sup> 2025 in Novi Sad

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“Legal days – Prof. Slavko Carić”

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## **RULE OF LAW AS THE FOUNDATION OF EUROPEAN INTEGRATION ACHIEVEMENTS AND CHALLENGES OF THE REPUBLIC OF SERBIA WITHIN CHAPTER 24 – JUSTICE, FREEDOM AND SECURITY**

### **Abstract:**

The rule of law represents one of the fundamental pillars of the European integration process and a key prerequisite for membership in the European Union. In the context of Negotiation Chapter 24 – Justice, Freedom and Security, this value encompasses a wide range of reform obligations related to an efficient judiciary, the fight against corruption and organized crime, the protection of fundamental rights, migration and border management, as well as interinstitutional cooperation. This paper aims to provide an analysis of the current state of the rule of law in the Republic of Serbia through the lens of reform requirements and assessments presented by the European Commission in its annual reports. Special attention is given to the normative framework, institutional reforms, and the challenges in their implementation. Through a comparative perspective and an analysis of political and institutional factors, the paper highlights the obstacles that hinder the establishment of the rule of law as a sustainable standard. It concludes that progress in Chapter 24 cannot be viewed solely through a formal-legal lens, but requires a profound shift in institutional culture, political will, and transparency. Finally, the paper offers recommendations for further progress, with special emphasis on strengthening judicial independence and improving oversight of reform implementation.

**Keywords:** *Rule of law, European Union, Chapter 24, judiciary, reforms*

### **1. INTRODUCTION**

The rule of law represents one of the fundamental principles upon which the European Union rests, as well as a key prerequisite for its functioning and enlargement. According to Article 2 of the Treaty on European Union, the rule of law, together with democracy, human rights, and freedoms, constitutes one of the essential values that all Member States and candidate

countries must respect. This concept implies that all public authorities are bound by the law, that laws are clear, predictable, and equally applicable to all, and that there exists an independent and efficient judiciary guaranteeing the protection of citizens fundamental rights.<sup>1</sup>

Since obtaining candidate status for European Union membership in 2012, the Republic of Serbia has embarked on a complex accession process that entails the gradual harmonization of its legislation, institutions, and practices with the Union's *acquis*. The negotiation process, formally launched in 2014, encompasses 35 negotiating chapters, among which Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) hold a particularly important place. In accordance with the enlargement methodology, these chapters are opened among the first and closed at the very end, as progress in these areas constitutes a prerequisite for advancement in all other negotiation fields.

Chapter 24, which covers, *inter alia*, issues of judicial and police cooperation, the fight against organized crime and corruption, the protection of fundamental rights, migration and border management, as well as the implementation of the Schengen *acquis*,<sup>2</sup> is of special significance for assessing the readiness of the Republic of Serbia for membership. Successful compliance with this chapter requires not only formal alignment with the *acquis communautaire*, but also profound institutional and political transformations that guarantee the sustainable implementation of European standards in practice.

## 2. THE NORMATIVE FRAMEWORK OF THE RULE OF LAW IN THE EU AND CHAPTER 24

The rule of law as a concept has deep roots in Europe's legal tradition, while its modern form within the European Union (EU) has evolved through several key stages – from the founding treaties, through the Copenhagen Criteria (1993), to the Treaty of Lisbon (2009). Although the original founding treaties of the European Communities (Treaty of Rome, 1957) did not explicitly employ the term “rule of law,” the notions of legal certainty and the primacy of law were implicitly present through the principles of the supremacy of Community law and the case law of the Court of Justice of the European Communities (today the Court of Justice of the EU). The Copenhagen Criteria (1993) represent a turning point in the formalization of this principle as a condition for accession. According to the political criterion, any state wishing to join the EU must possess “stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities.” This obligation goes beyond the mere adoption of legislation – it requires the establishment of practices and an institutional culture that ensure equality before the law, protection from arbitrary authority, and the existence of an efficient judicial system. Further development of the concept was brought by the Treaty of Lisbon (2009), which in Article 2 of the Treaty on European Union (TEU) explicitly designates the rule of law as one of the fundamental values upon which the EU is founded, while Article 49 TEU further confirms that only European states which respect these values and commit themselves to promoting them may become members of the Union.

The case law of the Court of Justice of the European Union (CJEU) has also made a significant contribution to the operationalization of the concept. In Case C-64/16

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1 Treaty on European Union (consolidated version). Official Journal of the EU (C 202), 07.06.2016.

2 Schengen Borders Code (EU) 2016/399, Official Journal of the EU (L 77/1), 23.03.2016

(Associação Sindical dos Juízes Portugueses),<sup>3</sup> the Court established that Member States must ensure judicial independence as a fundamental element of the rule of law, while in Case C-791/19 (*Commission v. Poland*),<sup>4</sup> it confirmed that institutional reforms undermining judicial independence constitute a violation of Article 19 TEU. This evolutionary development demonstrates that the rule of law within the EU is not a static concept but rather a dynamic value that is continually shaped through normative instruments and jurisprudence. Candidate countries are therefore expected to adopt not only legal norms but also the standards of their consistent application.

There are several key legal documents and instruments of the EU that form the backbone of the normative framework of the rule of law. These include: the Treaty on European Union (TEU), in which Article 2 defines the rule of law as one of the fundamental values of the EU, alongside democracy, freedom, and human rights; Article 6, which confirms the binding force of the Charter of Fundamental Rights and the respect for the European Convention on Human Rights; and Article 49, which conditions membership on the respect for and promotion of these values. The Charter of Fundamental Rights of the EU (2000/C 364/01)<sup>5</sup> codifies fundamental rights directly linked to the rule of law, including the right to a fair trial (Article 47), an independent and impartial judiciary, freedom of expression, and equality before the law. Its application is binding on all Member States, as well as on candidate countries harmonizing their legislation. In addition, secondary sources of EU law and monitoring instruments play an important role, such as the European Commission's annual Rule of Law Report, which covers all Member States and indirectly serves as a reference point for candidate countries; the EU Rule of Law Framework (2014), a mechanism for early detection of systemic threats to the rule of law; and conditionality instruments, which include the possibility of suspending EU budgetary funds if a Member State (or candidate country) seriously jeopardizes the rule of law (Regulation (EU) 2020/2092). Furthermore, the case law of the CJEU, with judgments such as C-619/18 (*Commission v. Poland*)<sup>6</sup> and C-157/21 (*Hungary*),<sup>7</sup> defines specific standards regarding judicial independence and the prohibition of political pressure on the judiciary, which are equally relevant for both Member States and candidate countries.

For candidate countries, including the Republic of Serbia, alignment with these norms constitutes the basis for progress in the accession negotiations. Every reform in the areas of the judiciary, public administration, or security must comply with these standards, and the European Commission monitors this compliance through regular reports and specific monitoring mechanisms within Chapters 23 and 24. The European Union has developed a set of institutional and legal mechanisms for monitoring and safeguarding the rule of law, both within the Union and in relation to countries in the accession process. These instruments serve to detect systemic problems at an early stage, ensure corrective measures, and, where necessary, apply sanctions or conditionality regarding financial assistance.

For candidate countries, these mechanisms have a dual function – they serve both as a roadmap for reforms and as a benchmark of progress towards membership. In order to respond promptly to serious threats to the rule of law, the European Commission established the EU Rule of Law Framework in 2014. This framework operates as a three-stage process:

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3 Case C-64/16 *Associação Sindical dos Juízes Portugueses*, Judgment of 27 February 2018.

4 Case C-791/19 *Commission v. Poland*, Judgment of 15 July 2021

5 Charter of Fundamental Rights of the European Union (2000/C 364/01).

6 Case C-619/18 *Commission v. Poland*, Judgment of 24 June 2019

7 Case C-157/21 *Commission v. Hungary*, Judgment of 16 November 2021

(1) assessment of the situation and dialogue with the Member State, (2) recommendations for addressing the identified shortcomings, and (3) monitoring the implementation of the recommendations. Although it is formally applied only to Member States, the principles and methodology of this framework are also used in the progress reports on candidate countries, including the Republic of Serbia, as reference standards for assessing systemic issues in the areas of the judiciary, the fight against corruption, and fundamental rights.<sup>8</sup>

Since 2020, the European Commission has published annual *Rule of Law Reports* for all Member States, analyzing the functioning of judicial systems, the fight against corruption, media freedom, and institutional checks and balances. Although candidate countries are not covered by this document, its reporting methodology serves as a model for assessing the state of play in the accession process. In practice, the Progress Reports on the Republic of Serbia (e.g., COM (2024) 692 final) contain specific sections mirroring this structure, thereby allowing comparability with Member States.<sup>9</sup> One of the most recent EU instruments is the conditionality mechanism governing access to EU funds in cases where a Member State seriously endangers the rule of law. Although this mechanism does not formally apply to candidate countries, its logic is reflected in the accession negotiations: progress in Chapters 23 and 24 becomes a condition for opening and closing other chapters, while failure to deliver on reforms may lead to a suspension of negotiations and the loss of access to pre-accession funds (IPA III).<sup>10</sup>

For countries engaged in accession negotiations, the EU has developed specific instruments:

- Action Plans for Chapters 23 and 24 – containing measurable objectives, deadlines, and progress indicators;
- Interim benchmarks – which must be met before the chapters can be provisionally closed;
- Regular reports of the European Commission and expert missions – which assess the actual implementation of adopted legislation rather than mere formal alignment.

These mechanisms make it possible to measure progress objectively, through concrete results such as the number of high-level corruption investigations, the duration of judicial proceedings, compliance with Schengen rules, or the transparency of public institutions.<sup>11</sup>

In 2020, the EU adopted a “new enlargement methodology” with the aim of making the accession process more credible, predictable, and politically guided. The key innovations are reflected in four principles: (1) Credibility – strengthening the demand for genuine reforms and tangible results; (2) Stronger political governance of the process – through regular summits/ministerial formats and greater involvement of Member States

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8 European Commission. (2014). A new EU Framework to strengthen the Rule of Law. Brussels, COM(2014) 158 final.

9 European Commission. (2024). Serbia 2024 Report. Brussels, COM(2024) 692 final.

10 Regulation (EU) 2020/2092 of the European Parliament and of the Council on a general regime of conditionality for the protection of the Union budget, OJ L 433I/1, 2020.

11 Council of the European Union. (2016). *Revised EU enlargement methodology for Chapters 23 and 24*. Brussels, 2016.

in monitoring; (3) Dynamism through the clustering of chapters; and (4) Predictability, with clear incentives for progress and sanctions for stagnation (“reversibility”). Particular emphasis is placed on the “*fundamentals first*” approach – the rule of law, the functioning of democratic institutions, public administration reform, and the economic criteria are opened first and closed last, thereby determining the overall pace of negotiations.<sup>12</sup>

The methodology introduces clusters (e.g., internal market, competitiveness / connectivity, good governance), which are opened as a whole once the initial benchmarks are met; subsequently, final transitional benchmarks are set for individual chapters within each cluster. At the same time, phased integration (“phasing-in”) into certain EU policies, programs, and markets is envisaged as a reward for measurable progress, while in cases of backsliding, negotiations may be slowed down or suspended, already closed chapters reopened, and financial support adjusted accordingly.<sup>13</sup>

In 2020, the Council of the EU approved the revised methodology and has since emphasized in its conclusions the focus on fundamental reforms (rule of law, fundamental rights, democratic institutions, public administration reform, and economic competitiveness) as the core criterion for advancement.<sup>14</sup> Since 2023/2024, the methodology has been further operationalized through the Growth Plan for the Western Balkans and the new Reform and Growth Facility amounting to €6 billion (2024–2027). These instruments enable earlier inclusion of partners into segments of the Single Market (e.g., the free movement of goods and services and SEPA), accompanied by clear reform conditions and measurable “reform agendas.” This approach accelerates the delivery of tangible benefits prior to full membership and gives concrete expression to the “reward for performance” principle embedded in the new methodology.

Chapter 24 – Justice, Freedom and Security – was incorporated into the European Union’s negotiation framework following the Treaty of Amsterdam (1997), which established the concept of the Area of Freedom, Security and Justice (AFSJ). Previously, issues of internal security, police, and judicial cooperation were largely regulated through intergovernmental agreements, such as the Schengen Agreement (1985) and its subsequent protocols. By integrating these areas into the EU’s institutional framework, they became part of the „*acquis communautaire*“ and a binding obligation for all future Member States. In the enlargement process after 2000 (particularly for the Central and Eastern European countries), Chapter 24 acquired strategic importance, as it became evident that legal and institutional transformation in the fields of security and justice requires a lengthy period and profound reforms. Unlike certain other chapters, where the primary task is the adoption of legislation, the focus here is on actual capacities and results – from the efficiency of courts, through border control, to the fight against organized crime.

For candidate countries, including the Republic of Serbia, Chapter 24 is among the most important, as it provides the basis for assessing the functionality of the rule of law, together with Chapter 23 (Judiciary and Fundamental Rights). It directly influences the perception of the candidate country’s credibility, both among EU Member States and international partners, and conditions progress in other negotiation chapters – without

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12 European Commission, **Enhancing the accession process – A credible EU perspective for the Western Balkans**, COM(2020) 57 final, 5 Feb 2020

13 European Commission, **EU accession process – clusters** (brochure), Oct 2022 (six clusters; „fundamentals open first and close last“)

14 Council of the EU, **Conclusions on enlargement (2022)** – emphasis on the rule of law, fundamental rights, democratic institutions and public administration reform.

the fulfillment of interim benchmarks in Chapters 23 and 24, negotiations in other areas, including the economy and the internal market, may be slowed down or blocked. In cases of stagnation or backsliding, the EU may apply the principle of “reversibility” – temporarily suspending negotiations or reverting to an earlier stage until the identified problems are resolved.<sup>15</sup> In its 2023 Enlargement Report, the European Commission emphasized that “Chapters 23 and 24 represent the „litmus test“ of a candidate country’s readiness for membership, as they reflect the level of institutional maturity, political will, and capacity to implement EU law in practice“.<sup>16</sup>

The key areas of Chapter 24 include: Judicial and police cooperation in criminal matters – based on mutual trust and the mutual recognition of decisions (European Arrest Warrant – EAW)<sup>17</sup> and instruments for the enforcement of sanctions, supported by Eurojust/Europol and data exchange through SIS II, VIS, and ECRIS. Candidate countries are required to ensure full legal harmonization, IT system interoperability, designated contact points, and the routine use of Joint Investigation Teams (JITs). For the Republic of Serbia, priorities include technical integration (SIS II/ECRIS) and strengthening capacities for cross-border investigations, accompanied by practices that build mutual trust among partners.

The fight against organized crime, corruption, and terrorism – EU standards encompass the criminalization of terrorism<sup>18</sup> and money laundering<sup>19</sup>, as well as advanced mechanisms for the freezing and confiscation of assets, supported by GRECO guidelines and operational cooperation with Europol/Eurojust (and the EPPO in relation to the EU budget).<sup>20</sup> The Republic of Serbia is expected to translate these norms into measurable outcomes: a higher number of high-quality financial investigations and final convictions in cases of high-level corruption, sustainably funded specialized units, effective whistleblower protection, and stronger oversight of public procurement.

Migration, asylum, and border management – The Common European Asylum System (CEAS) prescribes harmonized procedures, reception conditions, Dublin responsibility, and EURODAC, while the Schengen Borders Code, VIS, and SIS II regulate border control and the movement of persons. Candidate countries are required to ensure interoperability, adequate asylum capacities, infrastructure, and cooperation with Frontex. As a transit route, the Republic of Serbia needs to increase its accommodation and operational capacities, accelerate procedures, and modernize border control equipment and IT systems, while ensuring full respect for human rights.<sup>21</sup>

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15 Council of the European Union. (2021). *Revised Enlargement Methodology: Ensuring Credibility and Reversibility*. Brussels, 2021.

16 European Commission. (2023). *EU Enlargement Strategy and Main Challenges*. Brussels, COM(2023) 700 final.

17 Council of the European Union. (2002). *Council Framework Decision 2002/584/JHA on the European Arrest Warrant and the Surrender Procedures between Member States*, OJ L 190/1, 2002.

18 Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism, OJ L 88/6, 2017.

19 Directive (EU) 2018/1673 on combating money laundering by criminal law, OJ L 284/22, 2018.

20 GRECO Recommendations and Evaluation Cycles (Council of Europe) – relevant sources for the prevention of corruption; United Nations Convention against Transnational Organized Crime (Palermo Convention), 2000; United Nations Convention against Corruption (UNCAC), 2003.

21 Regulation (EU) No 604/2013 (Dublin III) establishing the criteria and mechanisms for determining

Protection of fundamental rights and freedoms – The EU Charter of Fundamental Rights, the European Convention on Human Rights,<sup>22</sup> and anti-discrimination directives form the foundation for fair trial rights, the prohibition of discrimination, freedom of expression and media pluralism, minority rights, and access to justice.<sup>23</sup> Obligations include the establishment of independent bodies (ombudsman, commissioner), transparency of media ownership, and effective judicial protection. The Republic of Serbia is expected to strengthen the safety of journalists, the capacities of independent institutions, the equal application of minority rights, and access to justice.

International and interinstitutional cooperation – The European judicial area relies on mutual recognition through the EJN/ENCJ networks (European Judicial Network/European Network of Councils for the Judiciary) and coordination via Eurojust, while security cooperation is conducted through Europol/Frontex and interoperable databases. Candidate countries are required to establish centralized coordination, interoperable IT systems, and actively participate in Joint Investigation Teams (JITs) and operations. The Republic of Serbia needs to consolidate the coordination of the judiciary, police, and regulatory bodies, increase its participation in JITs, and accelerate technical interoperability (SIS II/VIS).

### 3. PROGRESS AND CHALLENGES OF THE REPUBLIC OF SERBIA

The Republic of Serbia, as a candidate country for membership in the European Union since 2012, has been undertaking profound institutional and legislative reforms in order to align its legal system and institutional capacities with EU standards, particularly in the areas of the rule of law and internal security encompassed by Chapter 24. Although certain progress has been achieved in the adoption of laws and strategic documents, numerous reports of the European Commission and international organizations indicate that the results of reform implementation remain limited, while political and institutional challenges persist. Since the beginning of the accession negotiations in 2014, the Republic of Serbia has adopted a series of reform documents and laws aimed at strengthening the rule of law, reinforcing the judiciary, combating corruption, and aligning with Schengen standards. One of the key reforms was the amendment of the Constitution of the Republic of Serbia in 2022, which introduced changes in the judiciary in order to reduce political influence over the appointment of judges and prosecutors. The appointment of judges is now primarily within the competence of the High Judicial Council, while the role of the National Assembly in this process has been significantly reduced.<sup>24</sup> Similar changes were

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the Member State responsible for examining an asylum application; Regulation (EU) No 603/2013 (Eurodac) establishing a database of fingerprints of asylum seekers; Directive 2013/32/EU on common procedures for granting and withdrawing international protection (Asylum Procedures Directive); Directive 2013/33/EU laying down standards for the reception of applicants for international protection (Reception Conditions Directive).

22 European Convention on Human Rights (ECHR), Rome, 1950.

23 Directive (EU) 2016/343 on strengthening certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings; Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences; Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime; Council Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between Member States (OJ L 190/1, 2002).

24 Official Gazette of the Republic of Serbia, *Amendments to the Constitution*, no. 16/2022.

introduced in the prosecution system through the establishment of the High Prosecutorial Council, thereby formally strengthening institutional independence. Although these constitutional amendments were assessed as a positive step, the Venice Commission, in its 2023 opinion, emphasized the need to ensure the effective implementation of the new arrangements, noting that “normative reforms will have no effect unless pressures on holders of judicial office are removed and institutional capacities for independent decision-making are reinforced”.<sup>25</sup>

In recent years, the Republic of Serbia has also adopted and revised several important laws and strategies, such as the Action Plans for Chapters 23 and 24 (initially adopted in 2016 and revised in 2020 and 2023) – defining specific measures, indicators, and deadlines for meeting European standards. The Law on the Organization and Competences of State Authorities in Combating Organized Crime, Terrorism and Corruption (2018) – established the basis for specialized prosecutors’ offices and courts for the most serious criminal offenses. The National Judicial Reform Strategy (2023–2028) – focuses on the digitalization of courts, reducing case backlogs, and strengthening the professional training of judges. The Law on Asylum and Temporary Protection (2018) and the Law on Foreigners (2018) – aligned with EU CEAS standards. The Integrated Border Management Strategy (2022–2027) – aimed at strengthening border control capacities and ensuring interoperability with SIS II and VIS systems.

With the aim of strengthening the fight against corruption and organized crime, specialized prosecutors’ offices and court departments for the suppression of organized crime and high-level corruption have been established, along with the Agency for the Prevention of Corruption, whose competences include oversight of the assets of public officials and the control of conflicts of interest, as well as the Administration for the Prevention of Money Laundering, which cooperates with international bodies (MONEYVAL and FATF).

However, according to the European Commission’s 2024 Report on the Republic of Serbia (COM(2024) 692 final), these mechanisms still demonstrate insufficient effectiveness in conducting investigations and prosecuting high-level corruption cases, while public trust in the judiciary remains low.<sup>26</sup>

Each year, the European Commission publishes the Progress Report on the Republic of Serbia, assessing the progress achieved in meeting the political and economic criteria, as well as in aligning with the EU acquis. In the context of the rule of law and Chapter 24, these reports represent the most relevant assessment instrument, as they contain both quantitative indicators (number of judgments, investigations, asylum procedures) and qualitative evaluations (institutional independence, political pressures, transparency). According to the European Commission’s 2024 Report on the Republic of Serbia (COM(2024) 692 final), Serbia has achieved moderate progress in most areas covered by Chapter 24, but key problems remain in the fields of implementation and institutional independence. The Commission particularly emphasizes progress regarding judicial independence – a positive step was achieved with the adoption of constitutional amendments (2022) and new laws on courts and prosecutors’ offices (2023) – while also noting that political influence on the process of appointment and promotion of judges and prosecutors remains a concern, especially through informal pressure and public statements made by political actors.

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25 Venice Commission. (2023). *Opinion on Constitutional Amendments Concerning the Judiciary in Serbia*. Strasbourg.

26 European Commission. (2024). *Serbia 2024 Report*. Brussels, COM(2024) 692 final.

Fight against corruption – The legislative framework is largely aligned with European standards, but the results in prosecuting high-level corruption cases remain limited. The number of indictments and final convictions is low, while investigations are often slow and burdened with procedural flaws.<sup>27</sup>

Fight against organized crime – Cooperation with Europol and participation in regional operations have been positively assessed. Nevertheless, the Commission notes that investigative and judicial capacities remain limited, and Joint Investigation Teams (JITs) with EU Member States are still insufficiently utilized.<sup>28</sup>

Migration and borders – Moderate progress has been made in border management and asylum procedures, but significant investments are still required in infrastructure, staff training, and IT system interoperability with EU networks (SIS II, VIS, Eurodac).<sup>29</sup>

Protection of fundamental rights – The normative framework is aligned with European standards, but media freedom and the safety of journalists remain areas of serious concern, with numerous reported cases of threats and political pressure.<sup>30</sup>

A comparison of the last six European Commission reports reveals the following trends:

- Progress has been slowest in the areas of the fight against corruption and media freedom, where assessments have stagnated for years at the level of “limited progress.”
- Judicial independence shows improvements at the normative level (constitutional and legislative reforms), but implementation assessments have not significantly improved.
- Migration and border management represent an area where steady, albeit slow, progress has been recorded, owing to investments in infrastructure and training.
- Cooperation with EU agencies (Europol, Frontex, Eurojust) has gradually improved, but the need for stronger interinstitutional coordination continues to be emphasized.

Although the Republic of Serbia has adopted a significant portion of legislation and strategic documents in line with European Union standards, the key challenges in the area of the rule of law and Chapter 24 do not lie in the normative sphere, but rather in their consistent and effective implementation, as well as in issues of political will, institutional culture, and public trust. These challenges can be grouped into three interrelated categories: (1) implementation of laws and strategies, (2) political influence on institutions, and (3) low levels of public trust in the judicial and security system.

Implementation of laws and strategies – Numerous laws and strategies adopted in recent years – from the Action Plans for Chapters 23 and 24, through the Law on the Organization and Competences of State Authorities in Combating Organized Crime, Terrorism and Corruption (2018), to the Integrated Border Management Strategy (2022–2027) – constitute a normative framework aligned with EU standards. However, the European

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27 Ibid., Section on Anti-Corruption.

28 Ibid., Section on Organized Crime.

29 Ibid., Section on Migration and Borders.

30 Ibid., Section on Fundamental Rights.

Commission, in its 2024 Report, notes that “the implementation of adopted laws and strategies continues to proceed slowly and unevenly, particularly in the areas of prosecuting high-level corruption, asylum procedures, and interoperability with EU databases”.<sup>31</sup>

The key obstacles to implementation include - a lack of administrative capacities – insufficiently trained personnel in the judiciary, police, and regulatory bodies; financial constraints – insufficient resources for the modernization of infrastructure, IT systems, and staff training; and fragmentation of competences, that is, weak coordination between ministries, independent bodies, and the prosecution service.

Similar problems have been observed in other countries of the region. Montenegro, according to the 2024 European Commission Report, faces almost identical challenges, while Croatia managed to overcome these obstacles only after centralizing the coordination of reforms within a special government body, which enjoyed direct political and budgetary support.<sup>32</sup>

Political influence on institutions – One of the most frequently highlighted challenges in all European Commission reports from 2018 to 2024 is the perception and reality of political influence on the judiciary, the prosecution service, and regulatory bodies. Despite the constitutional amendments of 2022, the Commission assesses that “informal pressures on judges and prosecutors, as well as public statements by high-ranking officials regarding individual cases, remain a common practice that undermines public trust and the credibility of reforms”.<sup>33</sup>

The main forms of political influence include: interference in the appointment and promotion of judges and prosecutors, often through informal networks and political recommendations; pressure on independent regulatory bodies (such as the Agency for the Prevention of Corruption and the Commissioner for Information of Public Importance) through budgetary constraints and leadership appointments; and the instrumentalization of the media to exert pressure on investigative bodies and to shape public opinion regarding sensitive cases.

Comparative experiences show that Croatia managed to significantly reduce political influence through transparent appointment procedures and public competitions, while Montenegro, according to the latest European Commission report, faces the same problem as the Republic of Serbia – weak protection of independent bodies and pressures on prosecutors in high-profile corruption cases.<sup>34</sup>

Public trust in institutions – Low levels of public trust in the judicial system and internal security institutions represent an additional challenge for the consolidation of the rule of law. According to public opinion surveys and perception indices (e.g., Transparency International – Corruption Perceptions Index 2024, in which the Republic of Serbia ranks 101st out of 180 countries), the perception of corruption remains high, while trust in judicial independence is low.<sup>35</sup>

The factors contributing to this situation include: lengthy judicial proceedings and frequent statutes of limitations in criminal cases; a lack of transparency in the work of

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31 European Commission. (2024). *Serbia 2024 Report*, General Assessment. Brussels, COM(2024) 692 final.

32 European Commission. (2013). *Croatia – Final Monitoring Reports on Chapters 23 and 24*. Brussels.

33 European Commission. (2024). *Serbia 2024 Report*, Judiciary and Anti-Corruption Sections..

34 European Commission. (2024). *Montenegro 2024 Report*. Brussels, COM(2024) 701 final.

35 Transparency International. (2024). *Corruption Perceptions Index 2024*. Berlin.

courts and prosecutors' offices, particularly in cases of public interest; and limited access to justice for citizens due to high costs and the lack of free legal aid.

By comparison, Croatia succeeded in improving public perception through the introduction of an online case-tracking system, while Montenegro, according to the European Commission, continues to face "low public trust in the judiciary, which must be addressed through a combination of institutional reform and proactive communication with the public".<sup>36</sup>

#### 4. PERSPECTIVES AND RECOMMENDATIONS

The progress of the Republic of Serbia in aligning with European standards in the field of the rule of law and internal security depends on the state's ability to overcome the identified structural obstacles and to ensure the sustainability of reforms. The European Commission and other international actors emphasize that the next steps must not focus solely on the formal adoption of laws, but above all on their consistent implementation, the strengthening of institutional culture, and the provision of political will to carry reforms forward.<sup>37</sup> The process so far has shown that the Republic of Serbia often adopts laws and strategies aligned with the *acquis communautaire*,<sup>38</sup> yet their implementation remains limited. In its 2024 Report, the European Commission stressed that "the focus of the next phase must be on strengthening the mechanisms for the implementation of reforms, with results measured on the basis of objective indicators,"<sup>39</sup> and therefore the following measures are recommended:

- Establishing a centralized body for the coordination of reforms in the areas of Chapters 23 and 24, with direct political and budgetary support from the Government, following the Croatian model of 2010 - 2013.<sup>40</sup>
- Defining clear, measurable objectives and performance indicators (e.g., number of final convictions in high-level corruption cases, length of court proceedings, interoperability of IT systems).
- Utilizing IPA funds and EU technical assistance to finance training, court digitalization, and infrastructure modernization.

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36 European Commission. (2024). *Montenegro 2024 Report*. Brussels, COM(2024) 701 final.

37 European Commission. (2024). *Serbia 2024 Report – General Overview*. Brussels, COM(2024) 692 final

38 Zakon o organizaciji i nadležnosti državnih organa u borbi protiv organizovanog kriminala, terorizma i korupcije [Law on the Organization and Competences of State Authorities in Combating Organized Crime, Terrorism and Corruption], "Sl. glasnik RS", br. 94/2016, 87/2018 - dr. zakon i 10/2023; Nacionalna strategija za reformu pravosuđa 2023–2028 [National Judicial Reform Strategy 2023–2028], "Sl. glasnik RS", br. 101/2020 i 18/2022; Zakon o azilu i privremenoj zaštiti [Law on Asylum and Temporary Protection], "Sl. glasnik RS", br. 24/2018; Zakon o strancima [Law on Foreigners], "Sl. glasnik RS", br. 24/2018, 31/2019 i 62/2023; Strategija integrisanog upravljanja granicom 2022–2027 [Integrated Border Management Strategy 2022–2027], "Sl. glasnik RS", br. 101/2020 i 18/2022.

39 European Commission. (2024). *Serbia 2024 Report – General Overview*, Recommendations Section.

40 European Commission. (2013). *Croatia – Final Monitoring Reports on Chapters 23 and 24*. Brussels.

- Ensuring regular monitoring by the European Commission and civil society in order to prevent the formal implementation of reforms without tangible results.

One of the main challenges in the implementation of reforms is the fragmentation of competences and weak coordination among different institutions – ministries, the judiciary, the police, independent bodies, and civil society. The absence of synchronized action leads to slow enforcement of laws and weak monitoring of results; therefore, the European Commission recommends that the Republic of Serbia:

- Establish operational working groups bringing together all relevant stakeholders (judiciary, police, independent bodies, academia, and civil society) to ensure faster information exchange and joint planning.<sup>41</sup>
- Introduce mandatory semi-annual reports to be submitted by all institutions to the coordinating body, with results made publicly available.
- Digitalize monitoring and reporting processes through a central online platform accessible to institutions and citizens, following the model developed by Croatia in the final phase of its accession negotiations.<sup>42</sup>
- Recognize transparency as a key factor in strengthening public trust – regular publication of statistics, reports, and results of case prosecutions contributes to the perception of impartiality and institutional effectiveness.

## 5. CONCLUSION

The rule of law in the context of European integration is not a mere formal requirement, but a substantive criterion of democratic consolidation and sustainable development. Chapter 24 has a dual role: it assesses technical and institutional capacities (borders, migration, police-judicial cooperation) while simultaneously testing depoliticization and institutional resilience. The Republic of Serbia has made progress in the normative sphere—particularly with the constitutional amendments of 2022 and the adoption of accompanying legislation—yet reports point to a gap between legal provisions and practice: limited convictions in high-level corruption cases, insufficient interoperability with EU systems, and persistent perceptions of political influence combined with low public trust.

The priority must be to shift the focus from the mere adoption of norms to measurable results. This entails depoliticized appointment procedures, stable financing and staff strengthening of specialized units, systematic financial investigations and asset confiscation, as well as transparent performance reporting. In the area of borders, asylum, and migration, technical investments (IT interoperability, infrastructure, training) must go hand in hand with Frontex and CEAS standards. International and interinstitutional cooperation (Europol, Eurojust, joint investigation teams) should become routine rather than the exception.

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41 European Commission. (2024). *Serbia 2024 Report – Governance and Coordination*.

42 Ibid., Digitalization Best Practices.

Centralized coordination of Chapters 23/24 is essential, with clear quarterly objectives and public reporting, alongside the active involvement of civil society. The rule of law is a long-term, dynamic process; the consistent implementation of already adopted reforms—measured through tangible outcomes—constitutes the key lever for accelerating the path to membership and building a predictable and resilient constitutional order.



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## **VLADAVINA PRAVA KAO OSNOV EVROPSKIH INTEGRACIJA DOSTIGNUĆA I IZAZOVI REPUBLIKE SRBIJE U OKVIRU POGLAVLJA 24 PRAVDA, SLOBODA I BEZBEDNOST**

### **Apstrakt:**

Vladavina prava predstavlja jedan od osnovnih stubova procesa evropskih integracija i ključni preduslov za članstvo u Evropskoj uniji. U kontekstu pregovaračkog Poglavlja 24 – Pravda, sloboda i bezbednost, ova vrednost obuhvata širok spektar reformskih obaveza koje se odnose na efikasno pravosuđe, borbu protiv korupcije i organizovanog kriminala, zaštitu osnovnih prava, upravljanje migracijama i granicom, kao i međuinstitucionalnu saradnju. Ovaj rad ima za cilj da pruži analizu trenutnog stanja vladavine prava u Republici Srbiji kroz prizmu reformskih zahteva i ocena koje Evropska komisija iznosi u svojim godišnjim izveštajima. Posebna pažnja posvećena je normativnom okviru, institucionalnim reformama i izazovima u njihovoj primeni. Kroz uporednu perspektivu i analizu političkih i institucionalnih faktora, ukazuje se na prepreke koje usporavaju uspostavljanje vladavine prava kao održivog standarda. Rad zaključuje da napredak u Poglavlju 24 ne može biti posmatran isključivo formalno-pravno, već da zahteva dubinsku promenu institucionalne kulture, političke volje i transparentnosti. Na kraju se nude preporuke za dalji napredak, uz poseban akcenat na jačanje nezavisnosti pravosuđa i unapređenje nadzora nad sprovođenjem reformi.

**Ključne reči:** *Vladavina prava, Evropska unija, Poglavlje 24, pravosuđe, reforme*

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