

## INCREASING THE EFFICIENCY OF THE MACEDONIAN AND MONTENEGRIN JUSTICE SYSTEM: INTRODUCTION OF INNOVATIVE EU MONITORING AND EVALUATION MECH- ANISM IN THE SPHERE OF ADMINISTRA- TIVE LAW

SKOPJE, DECEMBER 3 2015

It is a great pleasure to welcome you to our conference on the topic of „Increasing the efficiency of the Macedonian and Montenegrin justice system: Introduction of innovative EU monitoring and evaluation mechanism in the sphere of administrative procedural law“. On behalf of Rule of Law Program South East Europe of the Konrad Adenauer Foundation, I would like to express my profound thanks to our partner organization ZENITH with which we have always had an excellent cooperation.

I am delighted to welcome Mr. Robert Liddell from the EU Delegation to our conference.

It is the objective of the Konrad Adenauer Foundation in general and its Rule of Law Program South East Europe in particular to support both Macedonia and Montenegro to meet the conditions for full membership of the European Union.

The new approach to negotiations with the EU firmly anchors the rule of law at the centre of the accession process. According to the European Commission enlargement strategy, transparency and efficiency of the justice system are regarded as two of the key challenges facing the enlargement countries. Because of these reasons, chal-

lenges related to the chapter Judiciary and Fundamental rights would be tackled early in the negotiations in order to allow maximum time to establish the necessary legislation, judicial institutions, and solid track record of implementation based on the monitoring and evaluation mechanisms imposed by the European Commission. Montenegro is the first country from the SEE region that the new EU negotiations approach is applied to.

An accessible, transparent, impartial and efficient justice system is essential for safeguarding the rule of law. This requires a firm commitment to establishing an appropriate monitoring and evaluation mechanism in line with those in the EU in order to track the efficiency of the established judicial institutions and related procedures. In this line, one of the requirements in the High-Level Accession Dialogue between Macedonia and the EU is precisely the judicial efficiency.

The quality, transparency and efficiency of justice systems are important structural components for a sustainable and satisfactory track record in the area of rule of law and thus, are fundamental to the effective implementation of EU legislation. The recent European Commission progress reports,

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both for Macedonia and Montenegro noted that additional efforts are needed in tackling the transparency challenges within the judicial sector. In the case of Macedonia, the report emphasizes the need of developing an overall strategy for increasing the transparency of judicial institutions while mentioning that challenges related to the efficiency and quality of justice should be addressed in a more comprehensive manner. Furthermore, it stresses that the existing judicial strategy does not contain any analysis on how to make the existing court network and activities more efficient, nor does it project future needs in terms of clear, verifiable indicators. Following the same line of reasoning, concerning the efficiency of judiciary and in this sense of administrative law cases, the report for Montenegro highlights that accurate assessment of court performance is lacking. The currently available information does not provide full or easily accessible information about courts' performance, the length of proceedings and clearance rates, thus creating problems with consistency of data obtained and effective follow-up related to the efficiency of the judicial institutions.

In order to increase the efficiency of the Macedonian and Montenegrin justice systems, the project activities were oriented towards introducing an innovative monitoring and evaluation mechanisms in the specific sphere of administrative procedural law, which are already in force in EU Member States and would be compulsory for the current candidate countries once they obtain full membership, or even sooner. In the case of the most recent EU Member State, namely Croatia, reporting based on these indicators was mandatory even before the actual membership i.e. during the ratification period of the accession treaty. From this standpoint, harmonizing the national mechanisms for monitoring and evaluating the performance of administrative courts and quality and efficiency of judicial pro-

ceedings in administrative cases is of utmost importance for the selected EU candidate countries for increasing the efficiency and transparency of judicial institutions on one hand, as well as standardizing the monitoring and evaluation indicators for the administrative procedural law with those of EU, on the other. Finally, the application of these mechanisms would enable national authorities comparability and benchmarking with EU Member States on the performance and efficiency of administrative law institutions.

Extensive research was made by our partners last year and the result is a policy paper which I consider highly useful.

It analyses the significance the EU Justice Scoreboard could have for Macedonia and Montenegro as a performance management tool, analyses the key requirements for the improvement of the quality, efficiency and independence of the Macedonian and the Montenegrin administrative court systems, provides a gap analysis on aligning national with EU monitoring and evaluation mechanisms, evaluates judicial quality, efficiency, and independence in Macedonia and Montenegro with a focus on administrative law. And it contains very concrete recommendations that will be explained and discussed today.

I hope that this policy paper gets the public interest it deserves and that at least some of the recommendations will be implemented.

Let me conclude by thanking once again all those who have done the research and analysis or have organized this conference and to each of you for your participation and your interest in our project.