

## National Convention on the European Union – Chapter 23

Negotiations of the Republic of Serbia with the European Union started on January 21, 2014 at the Intergovernmental Conference in Brussels, when the process of harmonization of the legislation with the European Union acquis, divided into 35 chapters, commenced. Chapter 23 – Judiciary and fundamental rights and Chapter 24 – Justice, freedom and security, relate to the field which needs to be precisely defined in order to achieve standards set high, so these chapters are the first ones to open and the last ones to close.

What is the role of the civil society in this process? Following the model taken from Slovakia, which has been functioning since 2001, National Convention on the European Union was established, as a permanent body for thematically structured debate on the upcoming accession of Serbia to the European Union among the public administration representatives, political parties, non-governmental organizations, experts, commerce, unions and professional organizations.

By opening of the EU accession negotiations, the Convention represents a special platform which is supposed to enable:

- **Regular consultations** of bodies, authorities and institutions of the Republic of Serbia with stakeholders: civil society, local governments and representatives of commerce in the process of negotiations and their different stages,
- **Defining recommendations and opinions** on negotiation position of Serbia, as well as **following** compliance with the criteria and conditions for membership in different sectors in negotiation chapters,
- **Transparent and open dialogue** during analytic review (screening), preparation of negotiation positions, negotiations, and during monitoring of enforcement of reforms and obligations taken over in the negotiations process,
- **Better quality of information provided to the public** about the process of accession, negotiations and consequences (obligations of different groups, economy, citizens, etc.)<sup>1</sup>

It should be especially noted that, during drafting of the legal and strategic documents prescribed by the Government of the Republic of Serbia, this model relies on the principle of obligatory consultations with civil society, Government and its bodies in charge of the EU accession (Negotiating team, Negotiating working groups). Ground for application of this principle lies in the Declaration of the Committee of Ministers of Council of Europe on Code of Good Practice for Civil Participation in the Decision-Making Process.

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<sup>1</sup> Internet presentation of the National Convention on the European Union; available at: <http://eukonvent.org/o-nacionalnom-konventu/>.

The Lawyers' Committee for Human Rights coordinates the work of the Working Group of the National Convention on the EU<sup>2</sup> for Chapter 23, comprised of 50 non-governmental organizations.<sup>3</sup> Chapter 23 contains distinctly divided parts – judiciary, fight against corruption and fundamental rights. This year was marked by the processes of consultation of Negotiating group with NCEU for Chapter 23 with an aim of adopting the final version of the Action Plan for Chapter 23. Each of the versions of the Action Plan had been delivered to the members of the Working group for comments which were later discussed. Besides concrete suggestions and recommendations from regular sessions held in the National Assembly, importance of the NCEU in the process of control of work of the Negotiating group is constantly emphasized.

Work of the NCEU was presented in Nis and Sjenica.

On October 25, 2015, the European Commission gave a positive opinion on the Draft of the Action Plan for Chapter 23, which defines measures and deadlines for reforms which Serbia intends to respect in these areas with an aim of harmonization and standardization with the EU acquis. At the end of October, preparation of the negotiation positions for Chapters 23 and 24 initiated, whereas the document "*Action Plan for Chapter 23*" is before the Council of the EU Working Party on Enlargement and Countries Negotiating Accession to the Union (COELA). Opening of these chapters is expected in the second quarter of 2016.

Sessions of the Working group of the NCEU for Chapter 23 were held on:

- July 15, 2015 – session dedicated to improvement of the Action Plan for Chapter 23;
- September 3, 2015 – session dedicated to the independence of the public prosecution and necessity of amending the Law on the State Prosecutors' Council and Law on High Court Council;
- October 28, 2015 – working session regarding finalization of the preparation for opening of negotiations for Chapter 23;
- December 25, 2015 – working session regarding Draft of the National Strategy for the Prosecution of War Crimes.<sup>4</sup>

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<sup>2</sup> Further in the text – NCEU.

<sup>3</sup> Detailed list of organizations available at: <http://eukonvent.org/pravosude-i-osnovna-prava/>.

<sup>4</sup> Reports from sessions available at: <http://eukonvent.org/radna-grupa-12/>.