

**Press Release of the NCEU Working Group for Chapter 23 on the occasion of concluding public consultations related to the Revision of the Action Plan for Chapter 23**

On June 5<sup>th</sup>, 2020, the Ministry of Justice of the Republic of Serbia informed the Working Group of the National Convention on the European Union for Chapter 23 on completing the consultative process regarding the amendment of the Action Plan for Chapter 23. [The Report on Public Consultations with NCEU](#), which refers to the second round of consultation, was submitted to the Working Group, and at the request of the group, the latest version of the Action Plan for Chapter 23 also. As the Ministry stated, the Action Plan has been addressed to the state authorities for the opinion within the procedure for adoption.

**The Working Group appeals to the Government not to adopt this document of strategic importance for the process of accession to the European Union if it receives it for adoption before the parliamentary elections.** Since the mandate of the Government has expired and it does not have full legitimacy to make important decisions for the future of the country, the document should not be adopted now, when it has not been adopted in the previous 18 months. Also, there is no clear data on whether the Ministry of Justice submitted the final draft of the Action Plan for Chapter 23 to the European Commission for comments, although it was pointed out at the working sessions to be the next step before adoption. **We opine that it is necessary to obtain the comments of the European Commission on the latest version of the revised Action Plan, as well as to publish the document on the website for transparency and public insight**, as it was done with the first draft of the document.

In terms of **the quality of the consultation process itself**, we remind that the Ministry of Justice has started the consultations with the NCEU Working Group in February 2020. In two cycles of discussion, 5 working sessions were held, which, after a long break, resumed the cooperation with the Ministry of Justice. During the second round of consultations, the Working Group submitted over 150 comments on the document.<sup>1</sup> Submitted comments to a great extent coincide with the objections that the European Commission had to the first draft of the document. In technical terms, the total percentage of **accepted comments from the second cycle is 44.2%, partially accepted 4.9%, and unaccepted 45.4% of concrete comments on the text, while general comments, which are essential for the direction of reforms in the field of rule of law, which the Working Group remains in, have not even been considered.**

As a positive result of the public consultations, we highlight the adoption of a large number of comments from civil society and **the improvement of activities related to media freedom, non-discrimination and procedural guarantees.** However, the Working Group is extremely concerned about **how the comments on the part of the Action Plan for Chapter 23 related to the judiciary have been considered.** Although a large percentage of the accepted proposals is shown, some

---

<sup>1</sup> For information on the previous cycle, see the introductory section [Joint Summary Comment of the NCEU WG for Chapter 23 on the second draft of the revised Action Plan for Chapter 23](#).

important proposals are not fully included in the new text of the Action Plan or are not appropriately included, which changes their core. Additionally, when it comes to comments **from civil society for the part related to the fight against corruption, the percentage of comments that were not accepted is almost 70%.**

**The NCEU Working Group on Chapter 23 considers it problematic that a large part of, the allegedly accepted comments, were not substantially accepted in the proposed form.** This approach calls into question the participation in future consultations of certain members of the working group, in order to avoid those changes that were not proposed, to be attributed to them or due to the constant rejection of comments from experts in the field of justice and the fight against corruption.

Due to all the above mentioned, we remind that **the purpose of consultations with civil society is not to technically respect the form, but to essentially and in good faith accept the expert opinion.** We call on the Ministry of Justice to, in this spirit, consider the comments of the NCEU WG on Chapter 23 for the parts of the document related to the judiciary and the fight against corruption, particularly regarding the drafting of amendments to the part of the Constitution on the judiciary and obtaining the opinion of the Venice Commission, access to information of public importance and prevention of corruption in public procurement.