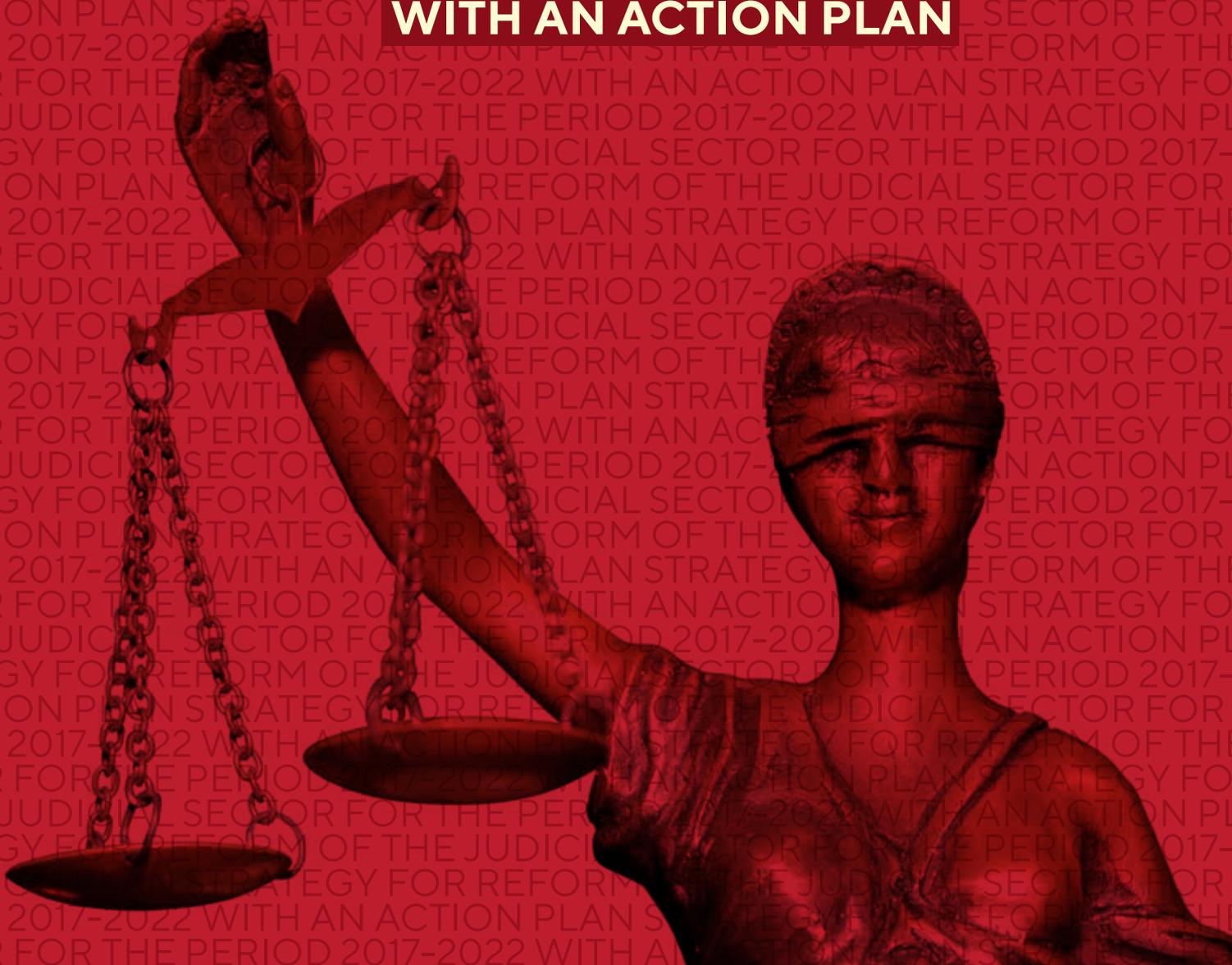




REPUBLIC OF MACEDONIA  
Ministry of Justice

# STRATEGY for REFORM OF THE JUDICIAL SECTOR FOR THE PERIOD 2017-2022 WITH AN ACTION PLAN





REPUBLIC OF MACEDONIA  
Ministry of Justice

STRATEGY for

---

**REFORM OF  
THE JUDICIAL SECTOR**

FOR THE PERIOD 2017-2022

**WITH AN ACTION PLAN**

# Table of Contents

|  |           |
|--|-----------|
| <b>List of acronyms .....</b>  | <b>4</b>  |
| <b>1. INTRODUCTION .....</b>   | <b>5</b>  |
| 1.1. Reasons for adopting a new Judicial Sector Reform Strategy .....  | 5         |
| 1.2. Objectives of the Strategy .....  | 6         |
| <b>2. STRATEGIC GOALS OF JUDICIAL REFORMS .....</b>  | <b>8</b>  |
| 2.1. Independence and impartiality .....   | 8         |
| 2.2. Quality .....   | 9         |
| 2.3. Liability .....   | 12        |
| 2.4. Efficiency .....  | 13        |
| 2.5. Transparency .....  | 14        |
| 2.6. Access to Justice .....   | 15        |
| 2.6.1. Free legal Aid .....  | 15        |
| 2.6.2. Attorneyship .....  | 16        |
| 2.6.3. Enforcement .....   | 16        |
| 2.6.4. Notaryship .....  | 17        |
| 2.6.5. Mediation .....   | 17        |
| <b>3. STRATEGIC PLANNING AND POLICY-MAKING .....</b>   | <b>18</b> |
| <b>4. JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR .....</b>  | <b>19</b> |
| <b>4.1. JUDICIAL INSTITUTIONS .....</b>  | <b>19</b> |
| 4.1.1. Courts .....  | 19        |
| 4.1.2. Judicial Council of the Republic of Macedonia .....   | 19        |
| 4.1.3. Public Prosecutor's Office .....  | 20        |
| 4.1.4. Council of Public Prosecutors of the Republic of Macedonia .....  | 21        |
| <b>4.2. STATE AUTHORITIES, INSTITUTIONS, PROFESSIONAL ASSOCIATIONS AND CIVIL SOCIETY ORGANISATIONS SERVING THE JUDICIAL SECTOR .....</b> | <b>22</b> |
| <b>5. REFORMS IN INDIVIDUAL AREAS .....</b>  | <b>23</b> |
| 5.1. Penal matters .....   | 23        |
| 5.2. Administrative matters .....  | 25        |
| 5.3. Misdemeanour matters .....  | 26        |
| 5.4 Civil matters .....  | 28        |
| <b>6. LEGAL FRAMEWORK OF THE JUDICIAL SECTOR .....</b>   | <b>29</b> |
| 6.1. Normative framework .....   | 29        |
| 6.2. Other relevant documents .....  | 30        |
| 6.3. International reports on the Republic of Macedonia .....  | 30        |
| 6.4. List of international instruments on the independence of the judiciary .....  | 31        |
| 6.4.1. UNO instruments on the independence of the judiciary .....  | 31        |
| 6.4.2. Council of Europe instruments on the independence of the judiciary .....  | 31        |
| 6.4.3. Other instruments on the independence of the judiciary .....  | 31        |
| 6.5. ECtHR Case-Law .....  | 31        |
| <b>Annex Action plan .....</b>   | <b>33</b> |

# LIST OF ACRONYMS

---

|        |   |       |  |
|--------|---|-------|--|
| ACMIS  | Automated Case Management Information System                                    | LAD   | Law on Administrative Disputes   |
| BRM    | The Bar of the Republic of Macedonia  | PPO   | Public Prosecutor's Office   |
| AJPP   | Academy for Judges and Public Prosecutors                                       | PPORM | Public Prosecutor's Office of the Republic of Macedonia  |
| ADR    | Alternative dispute resolution  | CC    | Criminal Code  |
| GDP    | Gross domestic product  | CEARM | Chamber of Enforcement Agents of the Republic of Macedonia   |
| FLA    | Free legal aid  | CMRM  | Chamber of Mediators of the Republic of Macedonia  |
| GRM    | Government of the Republic of Macedonia   | MASA  | Macedonian Academy of Sciences and Arts  |
| SCRM   | Supreme Court of the Republic of Macedonia                                      | Mol   | Ministry of the Interior   |
| HAC    | Higher Administrative Court   | MISA  | Ministry of Information Society and Administration   |
| CS     | Civil sector  | MJ    | Ministry of Justice  |
| GRETA  | Group of Experts on Combating Trafficking in Human Beings                       | MLSP  | Ministry of Labour and Social Policy   |
| SA     | State Attorney's Office   | MF    | Ministry of Finance  |
| ENER   | Single National Electronic Register of Regulations of the Republic of Macedonia | NCRM  | Notary Chamber of Macedonia<br>The Ombudsman   |
| EC     | European Commission   | BPPO  | Basic Public Prosecutor's Office   |
| ECtHR  | European Court of Human Rights  | WG    | Working Group  |
| EJN    | European Judicial Network   | RM    | Republic of Macedonia  |
| EU     | European Union  | CBC   | Court Budget Council   |
| LAJPP  | Law on the Academy for Judges and Public Prosecutors                            | SEA   | Secretariat for European Affairs   |
| LFLA   | Law on Free Legal Aid   | SEPEJ | European Commission for the Efficiency of Justice  |
| LWP    | Law on Witness Protection   | CPPRM | Council of Public Prosecutors of the Republic of Macedonia   |
| LE     | Law on Enforcement  | JCRM  | Judicial Council of the Republic of Macedonia  |
| CPC    | Criminal Procedure Code   | SPPO  | Public Prosecutor's Office for Prosecution of Criminal Offences Related to and Arising from the Content of the Unlawful Monitoring of Communications |
| LPPO   | Law on Public Prosecutor's Office   | CDF   | Council for Determination of Facts and Initiation of Procedure for Establishment of Liability of Judges  |
| LM     | Law on Mediation  | DES   | Department for Execution of Sanctions  |
| LN     | Law on Notaryship   | PRO   | Public Revenue office  |
| CPA    | Civil Procedure Act   | BD    | Board of Directors   |
| LO     | Law on Obligations  | AC    | Administrative Court   |
| LOWBSA | Law on the Organisation and Work of Bodies of State Administration              | FP    | Financial Police Unit  |
| LGAP   | Law on the General Administrative Procedure                                     | FIU   | Financial Intelligence Unit  |
| LM     | Law on Misdemeanours  | CSW   | Center for Social Work   |
| ACA    | Association of Court Administration   | CARM  | Customs Administration of the Republic of Macedonia  |
| LCPPRM | Law on the Council of Public Prosecutors of the Republic of Macedonia           |       |  |
| LJCRM  | Law on the Judicial Council of the Republic of Macedonia                        |       |  |
| LMMCC  | Law on Managing the Movement of Cases in the Courts                             |       |  |

# 1. INTRODUCTION

## 1.1. Reasons for adopting a new Judicial Sector Reform Strategy

The improvement of the judicial system and its functioning is a key prerequisite for the development of the Republic of Macedonia as a democratic state of the rule of law and a multicultural society of citizens with equal rights and freedoms and for its Euro-Atlantic integration. The development of a system of autonomous, independent and impartial judiciary and institutions that gravitate towards the achievement of its function of effective, quality and equitable justice is a central postulate of the principle of the rule of law and the humane and sustainable development of the Macedonian society as a community based on the right legitimised by respecting the highest general civilisation values.

The assessments of the conditions that reason the adoption of the Strategy correspond with the EC's assessments in its progress reports of the Republic of Macedonia in recent years, the Recommendations from the Senior Experts' Group on Systematic Rule of Law issues relating to the communications interception revealed in spring 2015, June 2015, Recommendations from the Senior Experts' Group on systemic Rule of Law issues of September 2017, Urgent Reform Priorities of the European Commission for the Republic of Macedonia June 2015, Preparation of the EU Programme for Support of the Judicial Sector, July 2014 (hereinafter: MK Assessment), the ECtHR case-law reflected in the judgments against the Republic of Macedonia, GRECO Evaluation Report for RM - fourth round, December 2013, GRECO Compliance Report on RM - fourth round, July, 2016, European Commission for the Efficiency of Justice (CEPEJ) - Evaluation Report of the European Judicial Systems and Efficiency and Quality of Justice - last edition 2016 (data from 2014), Opinion of the Venice Commission on the Laws on Disciplinary Liability and Evaluation of Judges of the Republic of Macedonia, December 2015, Reports of the conducted evaluation mission 2012 (Luca Perili Judiciary Effectiveness, James Wohlg Independence and impartiality of the judiciary).

The Draft Strategy for Reform of the Judicial Sector drawn up within the IPA 2010 project "Further support for independent, accountable, professional and efficient judiciary and introduction of probation service and alternative sanctions" and reports from other IPA projects<sup>1</sup> served as the basis for the preparation of this Strategy. Despite all new legal projects and new institutions in the judicial sector, incorporation of international standards and norms into the legal system, the problem of their inconsistent implementation and application has remained. The results achieved in the field of judiciary efficiency remain overshadowed by its impaired independence, resulting in a low degree of quality and distrust of citizens in the institutions of the justice system.

Civil Society Organisations (CSOs) have played a significant role in Macedonian society over the past years as a key factor contributing to resolving the political crisis in the country and maintaining minimum professional standards in the justice sector.

The positive trend of enhanced coordination and networking of the civil society for the purposes of its participation in the cooperation with the Government of the Republic of Macedonia, especially in the part of the reforms in the justice sector, is noticeable. Namely, in July 2017, 73 civil society organisations, scholars and independent experts contributed to the process of drawing up the public policy contents, producing the document entitled "Proposal of Civil Society Organisations for Urgent Democratic Reforms", which contains guidelines and detailed activities for establishing democratic standards and values, achieving progress in certain areas of public policies, as well as restoring the confidence of citizens in key state institutions.

<sup>1</sup> IPA 2007 - "Support for more efficient, effective and modern operation and functioning of the Administrative Court"  
 IPA 2008 - "Further Strengthening of the Institutional Capacities of the Academy for Judges and Public Prosecutors"  
 IPA 2008 - "Implementation of Juvenile Justice Reforms"  
 IPA 2009 - "Support for the reform of the criminal system"  
 IPA 2009 - "Capacity Building of Law Enforcement Institutions for Proper Treatment of Detained and Sentenced Persons"  
 IPA 2010 - "Further support for independent, responsible, expert and efficient judiciary and promotion of probation and alternative measures"  
 IPA 2010 - "Support for Efficient Prevention and Fight against Corruption"  
 IPA 2011 - "Enhancing the Rule of Law"  
 IPA 2012 - "Strengthening National Capacities to Fight against Corruption and Organised Crime"  
 IPA 2012 - "Strengthening judicial cooperation in criminal and civil matters"



The Association of Judges as a professional association has proved itself to be a very important civil organisation in the justice sector that has succeeded to survive in the past period and to impose itself as a relevant factor trying to maintain the professional dignity and expertise of the judges. This has not remained unnoticed by the international community, which has noted its activity as a positive one.

At the same time, the adoption and implementation of a new Strategy for the reform of the justice sector is essential to the preservation and promotion of the effects/benefits of the previous reform processes and activities, but also to the prevention of the regressions in the justice sector of the state identified over the past few years.

The new Strategy gives instructions, directions for improving the judicial system by overcoming the existing normative and institutional deficiencies permeating throughout the system, but above all, takes into account the main issue with the interference of the executive power and the partisanship as causes of the regression and dysfunctionality of the judicial sector. The Strategy should represent a roadmap for the Government to ensure all the preconditions within its competence to create an independent, impartial, efficient, high-quality and transparent judiciary responsible for the protection of individual rights and freedoms of citizens while protecting the public interest. On the other hand, the Strategy sets out guidelines for creating legal conditions, as well as an environment for the judiciary to properly apply the principle of liability in its work. In recent years there has been a lack of such liability, primarily with the courts and the public prosecutor's office. Normative measures set out in the Strategy will often mean "going back" to legal decisions before 2009, as analyses indicate that the normative chaos in the penal, administrative, misdemeanour and civil law started exactly at that period and has continued uninterruptedly until 2017.

With the adoption and implementation of the new Strategy, the Government demonstrates serious commitment to implement reforms in the judicial system whose main goal is to restore the confidence in the institutions by providing legal certainty and access to impartial and quality justice for citizens.

## 1.2. Objectives of the Strategy

The Strategy has several main objectives, which represent unity and presuppose the phased overcoming of the weaknesses identified in the judiciary, its placement on the track of European and international standards and its stable functioning as the main pillar of the democratic state of the rule of law.

- Establishment of the principle of the rule of law as a top political and legal principle in regulating the relations among the three holders of power, with due respect to the autonomy, independence and integrity of the judicial power;
- Removal from the legal order of the laws threatening the autonomy, independence and impartiality of the judges and the autonomy of the public prosecutor's office;
- Removal from the legal order and modification of the legal decisions that block the exercise of the judicial control function over the legality of the conduct of the executive power and the state administration;
- Re-examination of the functioning of certain institutions, in particular the Judicial Council and the Council of Public Prosecutors, whose constitutional and legal competence are the guarantees for ensuring the independence and efficiency of the judiciary and the public prosecutor's office;
- De-professionalisation and setup of criteria and procedure for liability of the members of the Judicial Council and the Council of Public Prosecutors;
- Reform of the administrative judiciary for the purpose of efficient realisation of its function of control over the acts of the executive power and the state administration;
- Strengthening of the functioning of the SPPO as an autonomous institution within the PPO in dealing with offences within its competence and prosecution of high-profile corruption criminal offences "white collar crime";
- Re-examination of the judicial system and the public prosecution system from the aspect of the network and the competence of the institutions, their personnel and material capabilities;
- Creation of financial, personnel, information and other preconditions, with urgent increases in budgetary investments, in order to increase the efficiency of the judiciary and the public prosecutor's office.
- Re-examination of the system for evaluation of the quality and efficiency of the work of judges and public prosecutors;

- Simplification of the access to justice by strengthening mediation, reviewing free legal aid, court fees, attorneys' fees and costs for enforcement of judgments;
- Extension of the functions of the judicial and public prosecution information system;
- Reinforcement of the system of continuous education of judges, court associates, public prosecutors and their associates and attorneys;
- Reinforcement of the mechanisms of transparency, accountability and liability of judges and public prosecutors through the system of self-regulation of their professional associations;
- Europeanisation of the judiciary and the public prosecutor's office through the introduction of European institutional and procedural legal, managerial and other standards in the functioning of the judiciary, public prosecutor's office and the attorneyship; preparation of judges and public prosecutors for their functioning in the single European area of justice and for the consistent application of the European Convention on Human Rights and other international conventions on human rights and freedoms, harmonisation of the substantive and procedural laws with EU law and harmonisation with the laws of the EU Member States.



## 2. STRATEGIC GOALS OF JUDICIAL REFORMS

### 2.1. Independence and impartiality

#### Current State

The Republic of Macedonia has adopted a legal framework which generally comprises the international standards of independent and impartial judiciary and proper functioning of the judicial system. Despite such normative foundation, there is a need to carry out additional legal interventions the implementation of which will ensure greater independence and impartiality in the work of the judiciary and the public prosecutor's office.

The entry into the judiciary and the public prosecutor's office is one of the most important issues. It is therefore necessary to provide additional new strict rules for the consistent respect of the ranking list prepared by the Academy in the election of new judges/public prosecutors in the Basic Courts/Public Prosecutors' Offices from the ranking list of AJPP graduates<sup>2</sup>. When electing judges/public prosecutors the Judicial Council or the Council of Public Prosecutors should respect the time sequence of the lists submitted by the Academy. At the same time, the existing discretionary right of the Judicial Council/Council of Public Prosecutors not to elect a candidate from the list of graduates must be limited by accurate and precise legal criteria for making such a decision (eg. forged documents, forged final exam, unfulfilled legal general conditions for inclusion in the list of graduates, etc.). At the same time, the decision should be reasoned and publicly announced.<sup>3</sup>

Although the existing constitutional and legal frameworks contain high European standards and represent a good legal basis to ensure the proper functioning of the Judicial Council, in recent years, there has been no progress primarily due to the imprecise definition of the criteria for the members of the JCRM and the CPPRM and the possibility of a different interpretation of the term "distinguished jurist", the lack of control mechanisms, liability and accountability of the work of the members of the Judicial Council. Hence the need for urgent and depth reform of the judicial system, in particular the role of the Judicial Council in providing an independent, efficient and accountable judiciary, is imposed. All previous findings of the Judicial Council also apply to the Council of Public Prosecutors, which is perceived by the general public as insufficiently active and is becoming unrecognisable in the system of judicial authorities.

Also, new legal provisions are needed for the composition of the bodies for managing and running the Academy of Judges and Public Prosecutors. In the future, the establishment of new institutions (courts, state commissions) should not be done by passing laws in fast procedure and without thorough analyses, public discussions and debates (as the case with the Lustration Commission and the Council for Determination of facts and initiation of procedure for establishment of liability of judges was).

Having in mind the aforementioned conditions, especially when it comes to the lustration process, the Law on Determination of a Condition for Restriction to Perform a Public Function, Access to Documents and Publication of Cooperation with State Security Bodies (known as the Law on Lustration) was repealed in 2015. Nevertheless, the harmful consequences for the persons who were victims of this Law have remained even today. In order to protect their personal integrity and dignity, a legal basis for the annulment of the measures taken against them will be established which will result in deletion of the Register in which the names of the so-called collaborators of services are listed, as well as annulment by force of law of all decisions made against these persons.<sup>4</sup>

The circumvention and abuse of the System for Electronic Allocation of Cases (ACMIS) in the courts act in the direction of preventing impartiality, due to which it is necessary to conduct procedures for examining the ways of its use throughout the courts on the entire territory of the state. The system for electronic allocation of cases is still not in operation in the public prosecutor's offices that are technically equipped.

An active stakeholder in the independence of each institution, hence the judiciary, is the financial autonomy. The Association of Judges has serious reactions and remarks on this part of judicial independence and has continuously

<sup>2</sup> Evaluation and Recommendations from the Senior Experts' Group on Systemic Rule of Law Issues 2017, recommendations in the area of the judiciary Chapter 1 page 11, Brussels, 4 September 2017.

<sup>3</sup> REPORT ON THE INDEPENDENCE OF THE JUDICIAL SYSTEM PART I: THE INDEPENDENCE OF JUDGES, adopted by the Venice Commission at its 82nd Plenary Session (Venice, 12-13 March 2010).

<sup>4</sup> Ivanovski, A no.29908/11.

been proposing measures to improve the situation. The independence of the judiciary may be guaranteed, among other things, with improved organisation and management of financial, personnel, information and other resources for the efficient operation of the court service and court personnel. The main role in achieving this strategic goal belongs to the Judicial Budget Council, which in order to implement this role consistently needs to show increased activity in the planning and adoption of the court budget before the competent bodies (presence of the President of JBC at the thematic sessions of the Government of the Republic of Macedonia and the Assembly of the Republic of Macedonia, providing argumentative explanations for the required amount and allocation of the court budget). Furthermore, it is necessary for the JBC to consistently use all legal mechanisms that, in accordance with the existing legislation, are at disposal for the realisation of the basic goal for which it was created.

### Strategic Guidelines:

- Establishment of legal criteria for (non)election of graduates from the AJPP by the JCRM and the CPPRM. Stipulation of a legal obligation for the JCRM and the CPPRM for consistent respect for the timetable of the lists submitted by the Academy in the election of judges/public prosecutors. Compulsory explanation and public announcement of the decision on the election/non-election of a candidate from the list. Decisions of the Judicial Council and the Council of Public Prosecutors for the election of judges and public prosecutors should be explained in detail and reasoned and publicly announced.
- The members of the Judicial Council and the Council of Public Prosecutors need to be elected from among the most experienced judges and public prosecutors who at least meet the requirement for performing the office of a judge and a public prosecutor in the courts of Appeal, that is, higher prosecutor's offices.
- The condition "distinguished jurist" in the Constitution of the Republic of Macedonia for the election of the members of the Judicial Council and the Council of Public Prosecutors on a proposal by the Assembly of RM and the President of RM should be legally specified and include criteria for the length of work experience, matters they have professionally dealt with, acquired certificates, awards, published professional and scholarly papers, etc. These members who will meet the stated conditions should not be from among the judges.
- Establishment of a legal framework for annulment of the measures and legal consequences from the lustration process.
- Proper functioning of the system for the allocation of court cases (ACMIS) by conducting regular control and audit on its functioning in order to prevent any abuses of the system.
- Autonomous and sustainable court budget, consistent with the legal allocation from the gross national income, with greater participation of the JCB for the realisation of this guideline. Improvement of the conditions for the work of the judges by providing adequate space, technical equipment and indispensable office materials.

## 2.2. Quality

### Current State:

In all previous analyses conducted by national and foreign experts unharmonised case law of the courts has been found, which is a problem and results in legal uncertainty of the citizens. Regarding the decisions on the same or similar legal grounds, there appear to be deviations in the interpretation and application of the laws by the courts of first instance, and in particular courts of Appeal of the same or different departments.

The Supreme Court has the authority to provide fundamental legal opinions and views for the uniform application of the Constitution, laws and other regulations in order to ensure equality of legal entities before the law, thus exercising respect for human freedoms and rights. In order to align the case law the Supreme Court should fulfill its constitutional obligation by establishing basic views and basic legal opinions. It is necessary to emphasise this role and competence of the Supreme Court in providing appropriate safeguards for greater uniformity of case law and clarity and predictability of court judgments for greater legal certainty of citizens.<sup>5</sup> In order to achieve this goal, what is required is increased number of trainings of judges within the AJPP in analysis of the published court decisions that would be important to harmonise case-law according to European standards.

<sup>5</sup> Evaluation and recommendations by the Senior Experts' Group on Systemic Rule of Law Issues 2017, recommendations in the judiciary area Chapter 1 page 11, Brussels, 4 September 2017.



Regarding the assessment of the quality of work and the procedure for promotion of judges and public prosecutors, the existing regulations do not provide objective criteria and accurate and precise procedures. The evaluation system must be aimed at promoting the quality of court decisions, the subject-matter, methods and procedures for evaluation should be well defined, understandable and set by the judges and the evaluation should be transparent.

The Judicial Council elects and announces the promoted judges (elected in a higher court) without providing any specific arguments why these judges are considered to be the best. The evaluation system focuses on quantitative criteria which should be avoided as a single standard or basis for evaluation and it is necessary to introduce qualitative criteria.

Similar situation has been found in the area of the public prosecutor's office in the Republic of Macedonia and urgent changes are required in the evaluation system, on identical principles with the evaluation of the efficiency and quality of court proceedings and adjudication.

The previous legal amendments stipulated lower criteria concerning the required work experience, that is, years of service for election of judges to the Appeal, Supreme, Administrative and Higher Administrative Court, which certainly affected the quality of the decisions, and with that the provision of greater expertise in the performance of the juridical function.

Professional exams such as the bar, notary, enforcement, mediator, etc., are taken electronically, which does not allow for proper assessment of the quality of the persons who are taking them. The general conclusion of the entire expert public is that the exam for entering a legal profession, especially in the field of the justice sector, is not acceptable and it is completely inexpedient to be carried out without the candidate verbally presenting his knowledge and demonstrating his speaking skills. Moreover, "case studies" from any legal area cannot be resolved on a computer. The legal acts that define the manner of taking and conducting these exams need to provide for measurable and objective criteria for assessing the knowledge of the candidates.

Attorneyship in the country is the only profession in the judicial sector for which no legal obligations are foreseen for continuous training. Such an obligation is stipulated for judges and public prosecutors, but not for attorneys. It is impossible to talk about the quality of the judicial sector, and not to foresee obligations for professional development and advancement of the attorneys. The Bar Association should be responsible for the organisation and planning of such trainings, as attorneyship in the Constitution of the Republic of Macedonia is defined as an autonomous and independent public service. This determination to introduce compulsory training for attorneys is not contrary to the Constitution of the Republic of Macedonia, as the Constitution allows these issues to be regulated by law.<sup>6</sup> Thematic trainings for attorneys that are part of the programme of the Academy for Judges and Public Prosecutors will continue in the future to be organised and implemented by the Academy.

The initial and continuous training of judges and public prosecutors in the AJPP should be aimed at maintaining intellectual and professional fitness of judges and public prosecutors, upgrading them with new knowledge and skills, mastering the changes in the laws, as well as any new regulations in the areas in which they judge and work, stimulating the international exchange of experiences, using the practice of the ECtHR, legal writing and legal reasoning, etc., in a word, preventing their professional aging. It is necessary to legally specify the criteria and conditions for the composition of the members of the governing and managing bodies and their election for the purposes of harmonisation with social reality.

In order to create an eventual legal opportunity for entry of long-standing and experienced practitioners in the higher courts, a comprehensive and complete analysis of the curricula and initial training programmes within the AJPP should be prepared. The results of the analysis will be the basis for possible further changes in the curricula and programmes, but also in the legislation, in order to increase the quality of the work of the judiciary. The analysis will be prepared with the participation of the international expert public.

For better and more efficient functioning of the AJPP, its staffing and technical upgrading is necessary, at the same time ensuring adequate spacial conditions.

It is necessary to strengthen the capacities of probation officers, as well as to intensify the training in the AJPP for all judges working on the criminal matters in the direction of application of the probation and other alternative measures.

---

<sup>6</sup> Art.53 of the Constitution of the Republic of Macedonia: Attorneyship is an autonomous and independent public service that provides legal assistance and performs public authorisations in accordance with the law.

Existing criteria for jury judges are not appropriate for the performers of this function, which leads to disincentives and lack of jury judges. Additionally, the extremely low pecuniary compensation contributes to this. In order to improve the overall quality in the work of the justice sector, the Ministry of Justice, in cooperation with all other stakeholders in the justice sector with international expert assistance, will start developing a plan and assessment of the human resources management in the justice sector. This document will serve for proper, quality, efficient and long-term development planning in this sector. While preparing such a comprehensive analysis that was not prepared in the past period, the recommendations from the IPA 2011 twinning project “Strengthening the Rule of Law” and the research conducted within the Human Resources Sector of the Ministry of Justice will be great contribution. The same type of analyses and researches will have to be carried out by the expert and analytical services of all institutions of the justice sector.

### Strategic Guidelines:

- Harmonise case law through increased number of trainings of judges within the AJPP in analysis of the announced court decisions.
- Review of the criteria for evaluation of judges and public prosecutors using comparative good practices and experiences. The evaluation should primarily be based on new objective quantitative and qualitative criteria and focus on professional skills, capability, integrity and experience: professional ability (knowledge of the law, ability to conduct court proceedings, capacity to write well-reasoned judgments), personal ability (ability to deal with the assigned number of cases for handling, ability to decide, openness to accept new technologies), social skills, that is, the ability to mediate and show respect for the parties and, in addition, to possess leadership ability and skills for those who are in positions where they are required.<sup>7</sup>
- Redefinition of the criteria for promotion of judges and public prosecutor by taking into consideration their length of juridical/prosecutorial service, his evaluation and the complexity of the cases on which he decides.
- Repeal electronic taking of professional exams and introduction of oral and written examination of the candidates in front of professional commissions, and on the basis of measurable and objective criteria for assessment of their knowledge.
- Introduce legal obligation for continuous training of attorneys organised by the Bar association with a legally set number of hours annually.
- Analysis of eventual creation of new programme for special initial training for experienced long-standing practitioners, as well as for continuous trainings through redefinition of programmes and methods for conducting trainings.
- New legal criteria for the composition of the governing and managing bodies of the AJPP.
- Personnel and technical upgrading followed by the provision of adequate spatial conditions.
- Functional system for probation and other alternative measures, by improving the quality of training of judges who adjudicate on criminal matters in the field of alternative measures and probation, conducting trainings for newly elected probation officers, and adopting a new comprehensive Strategy for Probation.
- Redefine the criteria for the election of jury judges and increase the fees for their work.<sup>8</sup>
- Development of human resources of the justice sector through the drafting of a plan and programme.

---

<sup>7</sup> Judicial Reform II – Efficiency etc. Perilli.

<sup>8</sup> MK Justice Assesment v.11.2



## 2.3. Liability

### Current state

When it comes to the liability of the judicial authorities, that is, those performing the activities and functions in this area, there has been noted a state of denying liability by all stakeholders in the judicial system concerning the unfavourable conditions and consequences of their work. This has most often been done by shifting responsibility from one institution to another and by hiding behind the narrow interpretation of one's own powers and competencies.

Particularly worrying is the fact that there is no legal basis (nor a factual possibility) for liability of the members of the Judicial Council and the Council of Public Prosecutors.

Disciplinary liability of judges is defined in two different laws, the Law on Courts, and the Law on JCRM. There has been a trend for judges to be dismissed instead of being imposed a milder disciplinary sanction. Some of the grounds for disciplinary liability are not precise and overlap, which leads to confusion and bias in conducting the proceedings and imposing the sanctions. It has also been noted that there is no direct connection between some of the disciplinary violations and the guilt with judges as individuals. All this leads to the lack of proper balance between liability and independence of judges.<sup>9</sup>

Disciplinary liability of public prosecutors is regulated by bylaws and functional and transparent mechanisms are lacking in terms of clearly defining the grounds for determination of liability, initiation and conduct of the proceedings for determining disciplinary liability and proportionality of disciplinary measures.

It is necessary to envisage enhanced mechanisms for monitoring and exposing cases of overstepping and abuse of the official powers of the police, not only by the MoI, but also by establishing organisational units for monitoring and resolving such situations within the Public Prosecutor's Office and the Office of the Ombudsman. Within this framework, a unit will be established in the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption, which will deal with this type of cases, with its own investigators who will only act in the investigation of these crimes. Such a unit with the same competencies in the part of the civil control of the police will also be established in the office of the Ombudsman.

In 2014 the Association of Judges adopted a Code of Judicial Ethics that fully complied with the Bangalore Principles for the Independence of the Judiciary, but in practice an Advisory Body has not yet been established. It is necessary to establish it urgently so that the implementation of the Code of Ethics can be initiated. In parallel with the application of the Code, it is also necessary to conduct appropriate trainings for ethical conduct of judges in accordance with the provisions of the adopted Code.

The basis for adopting the Code of Ethics is currently set in international standards (Bangalore principles), but there is no such legal obligation in domestic regulations.

### Strategic Guidelines:

- Legal criteria and procedure for determining liability of the members of the Judicial Council and the Council of Public Prosecutors.
- Functional and transparent mechanisms for liability of judges and public prosecutors, establishment of objective and measurable criteria for the establishment of liability of judges and public prosecutors, pluralisation of sanctions, dismissal only for more severe and continuous disciplinary breaches.
- Functional and transparent mechanisms for liability of public prosecutors.
- Setting up an organisational unit within the Public Prosecutor's Office and the Ombudsman's Office for monitoring and disclosing cases of overstepping and abuse of the official powers of the police.
- Building culture and awareness of one's own personal and institutional liability in the work of the judiciary and the public prosecutor's office.
- Legal basis for adopting a Code of Judicial Ethics.<sup>10</sup> Establishment of the advisory body in accordance with the new Code of Judicial Ethics.

<sup>9</sup> Compliance Report Fourth Evaluation Round GRECO 27 June-1 July 2016, <https://www.coe.int/en/web/greco/evaluations/fyfrom>

<sup>10</sup> Remarks and opinions of the Venice Commission of Dec.2015, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)042-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)042-e).

## 2.4. Efficiency

### Current state:

The rate of decided cases in most courts is 100%, which means they are able to master the influx of new cases throughout the year. For several years now, undecided court cases have not been a significant problem. For certain number of old cases that have not yet been decided, the Judicial Council, in cooperation with the presidents of the courts, has adopted a Strategy for their adjudication by projection and proposed measures to overcome the situation.

In 2016, the budgets of courts and prosecutor's offices were significantly lower than the European average per capita, while the number of judges and court staff per 100,000 inhabitants was significantly higher than the European average. Although the number of judges per capita is an important criterion for measuring the results of the work of the courts, the efficiency is also dependent on the status of the court administration. The fact that only 14.5% of the court administrators are expert associates is a concern. There are no appropriate criteria for the election and accountability of court administrators. In addition, the principle of equitable representation of the members of the communities in the Republic of Macedonia who are not the majority, especially the smaller ones, is not consistently applied.

Absence of capacities for strategic planning, budgetary and financial management and insufficiently developed capacities of expert services is observed in the judiciary and the Public Prosecutor's Office.

The lack of practice for the full disclosure of all judgments began to be overcome by the complete putting into operation of the new centralised portal [www.sud.mk](http://www.sud.mk), which covers the Judicial Council of RM and all 34 courts on the territory of the Republic of Macedonia. In this way, a functional court database with a search function is provided.

The expert opinion system greatly influences the efficiency and quality of court proceedings. There have been ample criticisms concerning the current way of organisation and operation of this system as a result of which it will be reviewed. The legislative changes will take place in the direction of abandoning the role of the state (the Ministry of Justice) as a stakeholder in the judicial expertise system in order to ensure equal treatment of all entities related to the expert opinion on the market. This amendment will prevent the existence of unfair competition in the field of expert opinion and will overcome the problem of disregarding the principle of "equality of arms" and the impartiality of the expert opinion.

### Strategic Guidelines:

- Monitor judicial efficiency using the indicators defined in EU Justice Scoreboard (result list), CEPEJ and other international standards.
- Consistent implementation of the Action Plan for adjudicating the old cases and regular monitoring of the situation. Introduction of special tools for identifying and prioritising cases that could lead to violation of the principle of a trial within a reasonable time.
- Harmonise the number of judges in RM with the European average per capita through the natural drain of judges.
- Reinforce the capacities of the judicial and public prosecutorial service.
- Full functionality of the court database ([www.sud.mk](http://www.sud.mk)).
- Review the system of expert opinion through legal amendments.



## 2.5. Transparency

### Current state:

Various relevant international reports note the lack of transparency in the work of the Judicial Council and the Council of Public Prosecutors with regard to content of the reasonings for their decisions. A problem for the consistent application of the principle of transparency and inclusion of the public in the work of the judiciary is the lack of an efficient system of collection, processing and analysis of statistics for the work of the courts. The methodology for court statistics is not applied in practice because the software for collecting, processing and analysing the statistical data for the work in the judiciary is dysfunctional. This situation will be able to be overcome through the development and efficient management of the system for collecting, processing and analysing statistical data on the work of the courts and public prosecutor's offices by the new aforementioned organisational units within the JCRM and the CPPRM.

This system, already established in the JCRM, needs to become functional through the setup of a separate organisational unit within the JCRM with broad powers to manage the mentioned data records, analyse them, and regularly inform the members of the JCRM, the Supreme Court of RM and the Ministry of Justice on the identified conditions and proposed solutions. This system of collecting, processing and analysing statistical data on the work of the public prosecutor's offices should be established also in a separate organisational unit within the CPPRM. At the same time, statistics should be available to the interested public. The different levels of access to the database that will be run by the specialised unit should be provided by the State Statistical Office, the Supreme Court of RM, the Ministry of Justice and all lower courts in RM.

Furthermore, critical remarks may be addressed regarding the underdeveloped internal channels related to PR policy and communication between judiciary management bodies as well as the lack of multiple official channels and capacity of the courts/public prosecutor's office to communicate effectively with the legislative power and other government branches with regard to the most strategic and operational issues. In the past period all courts appointed persons responsible for public relations, while professionals were hired as PR persons – spokesmen in the Courts of First Instance Skopje 1 and 2, the Supreme Court, the Judicial Council of the Republic of Macedonia and the Public Prosecutor's Office of the Republic of Macedonia. However, this measure is evidently insufficient in maintaining consistent transparency in the work of the courts.

The form of the annual reports on the work of the courts, the Judicial Council and the Supreme Court is inconsistent, thus creating problems regarding clarity, comprehensibility and legibility of the reports especially in the part with statistics due to the non-synchronised data. The same remark also refers to the incompatibility of the reports on the work of the public prosecutor's offices, the Public Prosecutor's Office of the Republic of Macedonia and the Council of Public Prosecutors.

Strengthened transparency in the work of the judiciary and public prosecutor's office will also be ensured through the public's access to the Ministry of Justice reports on the carried out controls of the functioning of ACMIS and the system for allocation and management of cases in the public prosecutor's office and the reports on the supervision over the application of the Court Rules of Procedure.

### Strategic Guidelines:

- Strengthen the transparency of the Judicial Council and the Council of Public Prosecutors.
- Collection, processing and analysis of statistical data on the work of courts and public prosecutor's offices in JCRM and CPPRM.
- Strengthen the capacities for public relations.
- Align the form of the annual reports of courts, public prosecutor's offices, JCRM, and CPPRM.
- Publication of the reports on the conducted regular controls of the functioning of ACMIS and the system for allocation and management of cases in the PPO.

## 2.6. Access to Justice

### 2.6.1. Free legal Aid

#### Current State

The determination of the Republic of Macedonia to become a full member of the EU imposes the obligation to regulate the legal aid system in accordance with the EU legal framework and standards in this area.

The Law on Free Legal Aid was adopted in 2009, while its application started in 2010, when three basic problems were detected: 1) insufficient accessibility for the most vulnerable categories, including children at risk (due to poor implementation); 2) restrictive criteria for identifying qualified parties that may provide legal aid; 3) enormously high costs paid out to a small number out of the total number of registered attorneys who provide legal aid. The existing system, apart from attorneys, consists of less than 30 regionally located legal professionals of the MoJ and legal professionals supported by 7 civil society organisations who mobilise the community throughout the country and are involved in the mediation process, providing free legal aid. The number of submitted FLA applications remains relatively low. The percentage of approved FLA applications is below 50% of the total number of applications submitted. While the budget of RM for free legal aid for years now has been MKD 3,000,000 (EUR50,000) making it one of the most modest budgets in Europe, the average legal aid costs per case in RM are the highest in Europe.<sup>11</sup> The system for legal aid in criminal cases is regulated with the Criminal Procedure Code and is implemented by the judiciary. In practice, however, since the courts do not have funds in this budget line, they cover the costs from the general budget line of the court for contracts and services.

The situation in the free legal aid system years back has been marked with insufficient funds in the free legal aid system in absolute and relative context in relation to the comparative European standards and lack of a holistic approach in linking the functions and the allocation of the roles of various actors from the government and non-government sector within the legal aid system.

#### Strategic Guidelines:

- Effective, efficient, and sustainable FLA system by adopting a new Law on Free Legal Aid:
  - to extend the scope of FLA beneficiaries;
  - to strengthen the capacities of the MoJ Regional Offices;
  - to increase the scope of FLA providers;
  - to extend the FLA areas excluding the criminal area which will be regulated by the CPC;<sup>12</sup>
  - to optimise the legal fees for FLA;
  - to extend the costs related to FLA;
  - to monitor the quality of the work of the FLA providers.
- Improvement of the funding of the legal aid system by bringing it closer to the CEPEJ average value in terms of the GDP in the country.
- Cooperation among all stakeholders in the FLA system.
- FLA awareness-raising.

<sup>11</sup> EC Progress Report on the Republic of Macedonia for 2014, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf) and 2015, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf).

<sup>12</sup> IPA 2011 "Strengthening the rule of law".



## 2.6.2. Attorneyship

### Current State:

Attorneyship has existed in continuity as an autonomous and independent public service in RM since 1945. The current Law on Attorneyship was passed in 2002, but has since then been substantially amended with several decisions of the Constitutional Court which repealed some of the provisions of the Law on Attorneyship. Membership in the Bar association amounts to over 2,500 practicing attorneys, and there is also a trend of increasing membership for about 100 people annually, primarily because of the inability to provide employment for young legal professionals in the commercial sector. In 2016, there was a substantial increase of the legal fees, which significantly affected the FLA, notarial services and forced execution.

In the direction of strengthening the attorneyship that can respond to the reformed justice sector, a comprehensive analysis is needed that will detect the basic directions for systemic reform of the attorneyship, the status, position and competences of the Bar association.

### Strategic Guidelines:

- The Bar association to open law offices for the provision of free legal aid in the region of every court in RM.
- Improvement of the cooperation between the MoJ and the BRM in connection with the content and practical application of the legal fees, in order to improve access to justice in accordance with the objectives of this Strategy.
- Analysis of the existing legal position and work of the attorneyship and commence its reform in accordance with the reforms in other segments of the justice sector.

## 2.6.3. Enforcement

### Current State:

The new system of enforcement in RM, introduced with the Law on Enforcement in 2005, was the most revolutionary solution in the country introduced in accordance with the Strategy for Judicial Reforms of 2004, which made RM a leader not only in the region, but wider. The enforcement agents have been operating since 2006 and their performance is continuously monitored. A fast enforcement status has been achieved where 50% of the completed cases end within 1 year without any cost to the state. There are over 500 employees in the enforcement offices, and a huge amount of assets (over 1 billion euro) are reintroduced again in the legal circulation in the country.

This situation led to that from 2014 the topic of enforcement not to be an issue in the European Commission reports until the Report of 2016.

The adoption of the new Law on Enforcement in 2016, which began to be applied on 01.01.2017, meant a deviation from the existing concept and caused severe reactions in the economic sector of the country, with proceedings being initiated before the Constitutional Court. This situation was also detected by the EC in its 2016 report, where it is stated that the hasty adoption of several laws, in summary procedures and without proper consultation with the relevant stakeholders, generates problems whose resolution requires a consistent political will. The main problems detected included the obligatory representation of the creditor before the enforcement agent by an attorney in enforcement requests exceeding EUR10,000, the mandatory attempt for extra judicial debt collection for public utility bills before initiating a procedure for issuing a notarial payment order, an extremely complex procedure of appointment of enforcement agents and assignment of deputy enforcement agents, ineffective procedure for taking an electronic exam, as well as exorbitant tariff of the enforcement agents.<sup>13</sup>

### Strategic Guidelines

- Strengthen the professional capacities of the enforcement agents, simplification of the enforcement procedure, enforcement costs reduction, appropriate design of the exam for enforcement agents and the manner of taking the examination.
- Continuous monitoring of the enforcement effects and the quality of work of the enforcement agents.

<sup>13</sup> EC 2016 Progress Report on the Republic of Macedonia, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_the_former_yugoslav_republic_of_macedonia.pdf)

#### 2.6.4. Notaryship

##### Current State

The notaryship was established in the Republic of Macedonia in 1996 as an autonomous, independent public service with public authorisations to do verification of documents in accordance with the law, at the request of citizens, state bodies, legal entities and other interested institutions. The functioning of the notaryship has had a positive influence on the overall functioning of the legal system, and in particular on the promotion and increase of legal certainty.

In April 2016, a new Law on Notaryship was passed which greatly disrupted the previous concept of the notaryship and the principles of the Latin notaryship, which was also noted by the EC in its 2016 report.

##### Strategic Guidelines

- Strengthen the professional capacities of the notaryship and increase the efficiency of their work.
- Restore the notary act in accordance with the principles of the Latin notaryship.
- Monitor the results and quality of notaryship.

#### 2.6.5. Mediation

##### Current State

In the Republic of Macedonia *mediation* was introduced in 2006, but its application is still at a very low level. In 2013 a new Law on Mediation was adopted. However, the European Commission Progress Report has made observations for years in view of the dysfunctional concept of mediation.

There is still a lack of licenced mediators primarily due to the complex and inadequate exam for mediators.

The Mediation Board is also ineffective, and the process of establishing the Chamber of Licenced Mediators was also delayed. The judiciary stimulates the dual concept of mediation (mediation before initiating court proceedings and mediation during the proceedings itself). The Academy for Judges and Public Prosecutors is passive in organising trainings on the topic of ADR, especially concerning mediation and arbitration.

The number of reported and registered cases in the Register of Mediation Procedures kept by the Ministry of Justice does not coincide with the number of cases recorded in the individual registries of the mediators. This situation is a result of the inconsistencies in the Law regarding the obligation of the mediators to report the cases to the MoJ and the different interpretations. Mediation attempts, although foreseen as an option in the Law on Justice for Children, are not applied because the Public Prosecutor's Office does not have enough financial resources to comply with the Law. Awareness among individuals of the advantages of mediation remains low and efforts should be made to further raise it.

##### Strategic guidelines

- Improve the concept of mediation through legislative changes in the part of the exam for mediators in order to review the exam for mediators, to take into account the necessary competences and skills that they should possess; introduction of electronic service in mediation, harmonisation of the keeping of registries for mediation proceedings being kept by the Ministry of Justice and the mediators.
- Frequent use of mediation by public authorities by facilitating assumptions and encouraging public authorities to resolve mutual disputes through mediation.
- Stimulate the application of mediation in court proceedings in the implementation of the Law on Justice for Children, litigation proceedings against journalists for defamation and insult, consumer disputes, insurance disputes.
- Promote the benefits of mediation for raising awareness, in accordance with the European Commission Directive 2008 on Mediation in Civil and Commercial Disputes and the Directive on Mediation in Consumer Disputes.



## 3. STRATEGIC PLANNING AND POLICY-MAKING

### **Current State**

Determining the development policy and reform of the judiciary in the country does not involve only legislative initiative and amendment of the existing legislation, but also numerous other activities such as monitoring the situation in the area, analyses, undertaking concrete measures and actions.

The Ministry of Justice plays a key role in the reform of the judicial sector and with its expertise at the technical level it is involved in the developmental and reform process with most of its capacity. For the consistent realisation of this competence, it is necessary in the Ministry to establish an organisational unit for strategic development of the judiciary with responsibility for collecting and analysing data related to the implementation of the strategy and coordination with the corresponding organisational units from other judicial institutions. This organisational unit needs to have a three-fold function: permanent tasks for collecting data from other organisational units for drawing up reports and providing incentives and professional assistance for the implementation of the set goals; the organisational unit is a permanent promoter and support of the whole process and the organisational unit provides technical and expert assistance to the Judicial Reform Council.

The Judicial Reform Council is an advisory body of the Minister of Justice, which, with its expert and analytical opinions and consultations, contributes to the creation of policies and legal acts within the competence of the Ministry regarding the reform of the justice sector. The Council also gives such contribution in the preparation of the Ministry's strategic documents.

For successful implementation of all strategic guidelines and activities covered by this document, numerous legislative amendments are needed, as well as adoption of a number of new legal acts. The Ministry of Justice is responsible for the preparation of all legislation for which it is necessary to engage domestic experts (external and from the professional service of the Ministry) and international expert assistance. At the same time, the engaged professionals need to prepare and analyse the direction and guidelines of changing the legislation. To this end, the Ministry of Justice forms working groups in certain areas for which it provides adequate budgetary funds.

In order to monitor the implementation of the reform of the judicial sector, adopted by the Government of the Republic of Macedonia, it is necessary to set up a body headed by the President of the Government of the Republic of Macedonia which will include the Minister of Justice, the Minister of Finance and other representatives of the Government of the Republic of Macedonia as well as other representatives of relevant authorities.

### **Strategic Guidelines**

- Coordination of the reform in the justice sector.
- Active role of the Judicial Reform Council.
- Formation, coordination and funding of the working groups for the preparation of analyses and legal projects for the implementation of the Strategy.
- Monitoring of the implementation of the Strategy for Reform of the Judicial Sector through the indicators defined with the Action Plan.

## 4. JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR

### 4.1. JUDICIAL INSTITUTIONS

#### 4.1.1. Courts

The concept of the court organisation in the Republic of Macedonia reflects the minimum standards established by several international legal acts while observing the principles of prevalence, immediacy and functionality, taking into account the procedural principles that refer to the two-instance procedure, that is, the right to an effective remedy and access to court.

The current structure of the first instance courts and the annual reports on their work indicate uneven case work, with significant deviations suggesting need to take measures aimed at assessing their functionality and cost-effectiveness. Hence, the efforts to optimise the number of first instance courts and transform them into court departments within the closest courts of first instance in terms of territory are justified.

The number of judges per capita in the Republic of Macedonia is higher than the European average, which imposes the need to make an analysis that will be the basis for optimising the number of judges, performed in a legally defined procedure and respecting the constitutional guarantees for the independence of judges. This approach will provide organisational and financial benefits in terms of creating better organisational and financial prerequisites for judges. The new legal provisions for the Annual Work Schedule should enable the establishment of a judge's profile for dealing with certain types of cases, taking into account the proportion of the complexity of the case with the judge's experience, more precisely with the years of service of the judge.

#### 4.1.2. Judicial Council of the Republic of Macedonia

The applicable Law on the Judicial Council prescribes for 8 members of the Judicial Council to be elected in direct elections by judges, 5 members from among the distinguished jurists upon the proposal of the President of the State and the Assembly of RM, the President of the Supreme Court and the Minister of Justice. What has been identified is the need to change the terms and criteria for the election of the members of the Judicial Council in order to specify the notion "distinguished jurist" as previously noted in one of the strategic guidelines in this Strategy. Furthermore, it is necessary to foresee the participation of the President of the Supreme Court in the work of the Judicial Council without the right to vote, same as for the Minister of Justice.<sup>14</sup> In addition, in order to prevent the interruption of the connection between a member of the JS from the ranks of the judges and the "judicial profession", it is necessary for the members of the Judicial Council from among the judges to provide a legal basis to continue to perform their primary function, that is, to continue to adjudicate but with reduced workload (deprofessionalisation of the Judicial Council). The same solution should be applied also to the other members of the Judicial Council, with the exception of its President.

While some efforts have been made by the Judicial Council to improve transparency, especially by regularly updating its website and allowing journalists and civil society organisations to attend their sessions, it has been noted that there is a lack of clear procedures for the public and the accessibility of the work of the Council. Hence, it is necessary to publicly post all decisions made by the Council in particular regarding election, promotion, evaluation, disciplinary liability, dismissal of judges, analyses, conclusions, reports and announcements for all Council activities on the web portal.

<sup>14</sup> ECHR Judgment *Mitrinovski v. RM* (A. No.6899/12); *Poposki and Duma v. RM* (A. No.69916/10 and 36531/11), *Jaskovski and Trifunovski v. RM* (A. No.56381/09 and 58738/09).



In 2015, in order to separate the stages of the proceedings for disciplinary liability of judges (initiating the procedure, conducting an investigation and deciding on disciplinary liability of a judge), a new body was established, that is, the Council for Determination of facts and initiation of procedure for establishment of liability of judges, tasked to act as an investigative body upon petitions and complaints against judges. However, such a Council established as a new institution does not guarantee better management of the courts. According to the recommendations of the Venice Commission, it is planned to completely abolish the Law on the CDF and to return into force the initiation of disciplinary procedure for the members of the Judicial Council, thereby stipulating that the members who were involved in the initiation of the disciplinary procedure and “investigators” shall not participate in the process of ruling in the specific disciplinary case as “judges”.

#### **4.1.3. Public Prosecutor’s Office**

In 2010, a new Criminal Procedure Code was adopted which came into force in December 2013. It significantly changed and increased the powers of the public prosecutor’s office, especially in preliminary proceedings, but also during the other stages of criminal proceedings. However, a new Law on the Public Prosecutor’s Office has not been adopted. It may be concluded that the Public Prosecutor’s Office operates on the basis of non-compliant material and organisational regulations. In addition, no quality staffing of the Public Prosecutor’s Office has been carried out.

A serious issue that has been identified is the failure to establish investigative centres within the public prosecutor’s office, which should be a tool of the public prosecutor in undertaking the necessary actions in the preliminary proceedings and provide a way of institutionalising the cooperation between the prosecutors and the police.

There is an electronic case management system which does not allow electronic distribution with respect to the principle of uncertainty. Regarding the case management system, what is required is its consistent application, greater engagement and willingness of the public prosecutors and the public prosecutor’s office, as well as increase in the technical resources. Its actual putting into use as well as the introduction of an electronic allocation system will contribute to institutionalising the principle of the functional (personal, procedural) independence of the prosecutor. There is a significant high degree of lack of computers, scanners, servers, printers, while the networks are in a particularly critical condition.

The absence of capacities for strategic planning, budgetary and financial management has been noted.

A special problem is the lack of spatial separation of the public prosecutor’s offices and the courts. For that purpose it is necessary to ensure spatial conditions for successful performance of the work of prosecutor’s offices. According to the CEPEJ Report, there is a lower rate of non-prosecutorial staff per prosecutor (1.0) compared to the European average of 1.6.

The system for evaluation of the prosecutor’s office is organised in such a manner that the hierarchically superior prosecutor evaluates the subordinated prosecutors. The criteria for the evaluation of public prosecutors are part of the bylaws of the Council of Public Prosecutors of the Republic of Macedonia, where the emphasis is placed on quantitative rather than qualitative parameters.

Therefore, it is necessary to separate the system for individual evaluation of the prosecutors from the system for evaluation of the work of the prosecutor’s office as an institution, and to regulate the procedure for establishment of a disciplinary violation and the unprofessional and unethical performance of the public prosecutor’s function with the Law on the Public Prosecutor’s Office.

For the proper functioning of the Public Prosecutor’s Office it is necessary to establish operational cooperation among institutions and synchronisation with the law enforcement authorities, the courts, the penitentiary institutions and the Bar association.

The organisation of the Public Prosecutor’s Office will follow the court organisational setup in the country.

The insufficient activities in the criminal investigations of the public prosecutor’s office in general, and especially the BPPO for Prosecuting Organised Crime and Corruption in cases of high political significance, due to involvement of holders of high political positions in the state, have led to the establishment of a special prosecutor’s office – the Public Prosecutor’s Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Unlawful Monitoring of Communications (SPPO).

Due to the existing legal solution regarding the mandate of the Public Prosecutor’s Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Unlawful Monitoring of Communications,

taking into account the number and complexity of the cases under the competence of this prosecutor's office, it is necessary to create legal preconditions to ensure continuation of its work. It should be done with a new Law on the Public Prosecutor's Office whereby the SPPO will be transformed into a separate public prosecutor's office with autonomous competences within the PPO system. The same law will specifically define and delineate the competences of the existing SPPO and the competences of the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption. Taking into account the existing human and technical resources of the SPPO, its competence as a separate public prosecutor's office for the entire territory of RM, with a seat in Skopje, within the PPO should be extended to cover prosecuting high-profile corruption cases (white-collar-crime) defined by the new law on the public prosecutor's office.

The management system of the Public Prosecutor's Office still depends on the unlimited jurisdiction of the Public Prosecutor of the Republic of Macedonia. It is necessary to rationalise the duties and responsibilities within the management system for the prosecution and the key competencies of the public prosecutor's office. It is recommended that the SPPORM have a primary role in the development of policies in the field of institutional governance and management in the public prosecutor's offices, while PPORM have a primary role in the development of policies related to the application of the criminal law and procedure by the public prosecutor's offices.

#### **4.1.4. Council of Public Prosecutors of the Republic of Macedonia**

The Council of Public Prosecutors is a passive and ineffective stakeholder in the creation and development of all relevant policies for the activity of the Public Prosecutor's Office. Its role is completely insignificant in ensuring the principle of functional independence of prosecutors from their superiors. All this emphasises the need to increase and strengthen the role of the Council of Public Prosecutors in the process of planning and preparation of appropriate legal solutions in the area of criminal proceedings, penal policy and most importantly, the prosecutor's freedom in decision-making.

The administrative support capacity of the Council of PP should be significantly developed so as to ensure that the Council of PP will carry out its extended role in strategic planning, access to the profession and career development, ethical and disciplinary issues, budgetary issues and communication and public relations.

The lack of strategic planning capabilities is also linked to the underdeveloped research and analysis capacities of the administrative services tasked with providing comparative overview and analyses for the formulation of legislative changes on behalf of the PPO.

The election of prosecutors in the basic public prosecutor's offices, performed by the Council of the PP, is prescribed in detail to a certain extent, but the criteria and procedures for appointment in the higher public prosecutor's offices are insufficiently regulated.

The existing rules provide for "vertical" advancement to a higher prosecutor's office, but not "horizontal" deployment within the same prosecutor's office according to the area of specialisation.

The Council of PP has a Rulebook to regulate the supervision over the work and action of the PPO, but has no active role in the PPO. The supervision is carried out directly by the immediate superior public prosecutor. It is necessary to foresee a more active role of the Council of PP during the supervision by keeping it regularly updated as well as by giving the opportunity to the Council of PP to initiate supervision.

The competence and procedure of the Council of PP regarding the manner of acting upon petitions from the public against a particular prosecutor are not precisely regulated by law. Also, there is no possibility for a member of the Council of PP on his own initiative to instigate a disciplinary procedure against a public prosecutor.

The transparency of the Council of PP is at an unsatisfactory level, given that the website is not updated on a regular basis. The presence of journalists and the civil sector at the sessions is limited; therefore it is necessary to put in place clear procedures regarding the transparency of their work through public announcement and reasoning of all decisions adopted by the Council, especially concerning election, promotion, evaluation, disciplinary liability, dismissal, analyses, conclusions, reports and notifications for all Council activities on the web portal.



## **4.2. STATE AUTHORITIES, INSTITUTIONS, PROFESSIONAL ASSOCIATIONS AND CIVIL SOCIETY ORGANISATIONS SERVING THE JUDICIAL SECTOR**

- 4.2.1. Assembly of the Republic of Macedonia
- 4.2.2. Constitutional Court of the Republic of Macedonia
- 4.2.3. Government of the Republic of Macedonia
- 4.2.4. Ministry of Justice
- 4.2.5. Ombudsman
- 4.2.6. Academy for Judges and Public Prosecutors
- 4.2.7. MASA and universities
- 4.2.8. The Bar association of the Republic of Macedonia
- 4.2.9. Notary Chamber of the Republic of Macedonia
- 4.2.10. Chamber of Enforcement Agents of the Republic of Macedonia
- 4.2.11. Chamber of Mediators of the Republic of Macedonia
- 4.2.12. Association of Judges of the Republic of Macedonia
- 4.2.13. Association of Public Prosecutors
- 4.2.14. Association of Court Administration
- 4.2.15. Professional associations
  - Association of Criminal Law and Criminology
  - Macedonian Penal Society
- 4.2.16. Civil society organisations

## 5. REFORMS IN INDIVIDUAL AREAS

### 5.1. Penal matters

The frequent and numerous amendments to the Criminal Code and especially the large number of extra-criminal regulations have led to the loss of sense of codification of all criminal offences in the Criminal Code. These phenomena have caused problems at several levels: first, in the stipulation of criminal offences, deviating from the principles and nomotechnics contained in the Criminal Code, and second, in creating difficulties for judges, public prosecutors and other competent entities in the application of the provisions regulating the criminal offences in other laws, bearing in mind their confusion and non-compliance with the Criminal Code. At the same time, what is noted is non-compliance of the prescribed penalties with the severity of the criminal offence, that is, the protected good. The need for harmonisation of the penal law with the latest EU directives has also been noted.

The identified circumstances call for the need for adoption of a new Criminal Code which, apart from the abovementioned contents, may introduce an additional criminal sentence – prohibition to perform any legal profession – for judges sentenced with an effective court decision for a criminal offence related to the misuse of the juridical office.<sup>15</sup> Such a prohibition should be provided for as a condition for the election of a judge also in the Law on Courts.

The Criminal Procedure Code was adopted in 2010 and started to be implemented on 1 December 2013. It changed the system of criminal justice with an emphasised role of the Public Prosecutor's Office with regard to the preliminary proceedings, stipulated the establishment of investigative centres within the PPO, introduced a separate stage for assessment of the act of indictment, changed the concept of the main hearing, redefined the procedural role and powers of the court, the parties and the defence attorney, and the concept of settlement regarding the criminal sanction was also accepted.

Abuse of the measure of pre-trial detention in the criminal proceedings for minor criminal offences has been detected as opposed to the trend of complete absence of the detention as a measure concerning cases related to corruption and with a political note which fall under the competence of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of Unlawful Monitoring of Communications. Detention is also abused as a measure for coercing a suspect to a plea bargain. It is necessary to clarify the provisions for detention and to develop a system of uniform practices of judges and public prosecutors.

In order to monitor the quality of the legal aid provided by defence attorneys appointed *ex officio* as well as that provided by defence attorneys appointed by the courts for the poor, and to prevent favouring attorneys at the expense of effective defence, it is necessary to establish an independent mechanism within the Bar association of RM for evaluation of the quality of the defence provided.

Particular concern lies with the dysfunctionality of access to a defence attorney in the criminal proceedings. There are no detailed standardised written procedures and mechanisms to ensure or facilitate the exercise of the right of the suspect to a defence attorney when being summoned for interrogation by the police, especially if in detention, which is only one of the reasons why the suspects in the Republic of Macedonia almost never use a defence attorney in the police.

The need to overcome the inconsistent interpretation due to inaccuracy of certain legal provisions and their practical application, harmonisation with the newly adopted EU Directives and fulfillment of the recommendations of GRETA, are the basis for amendments to the CPC.

For the purpose of fulfilling the internationally accepted obligations of RM, and in order to compensate the victims of crimes, it is necessary to legally regulate the establishment of a special state fund for compensation of victims.

The witness protection system established in 2005 indicates numerous problems and inconsistencies in its implementation. Considering that the Law on Witness Protection has been applied for over a decade, and in the meantime the penal system underwent major legislative changes, there is a need to review certain provisions contained in it. The Ministry of Justice works toward adapting to the perceived problems in the practical imple-

<sup>15</sup> Item 29, Evaluation and recommendations by the Senior Expert Group on Systemic Rule of Law Issues 2017, Judicial Reference Chapter 1 page 11, Brussels 4 September 2017.



mentation, both from the aspect of the measures for protection, institutional strengthening and functionality of the authorities foreseen with the existing Law (the Council of Witness Protection and the Witness Protection Unit), as well as its alignment with other regulations in the penal area. Also, one of the priorities in relation to this Law is to regulate the issue of protecting witnesses in the proceedings for prosecuting criminal offences related to and arising from the content of the unlawful monitoring of communications.

The Justice for Children system was established with the Law on Juvenile Justice, and updated with the Law on Justice for Children. It still faces bad material conditions, lack of basic education and systematic re-socialisation of children deprived of liberty, thus pointing to the serious concern and need for efforts to further strengthen the rights of the child. At the same time, non-compliance with the Criminal Procedure Code and the Law on Misdemeanours was noted, as well as with the EU Directives. All this urges changes in the Law on Justice for Children, aimed at complying it with the other laws and EU Directives, enhancing the protection of children-victims of crimes, introducing procedural provisions concerning the main hearing, facilitating the access of children-victims to legal advice and representation, and setting up a Compensation Fund for Children-Victims. The changes must also strengthen the mechanisms for prevention of child offenders at local and central level, as well as institutional, material and functional strengthening of the State Council for the Prevention of Child Delinquency.

International co-operation in criminal matters is regulated by the Law on International Cooperation in Criminal Matters of 2010, which began to be applied at the same time as the CPC, 1 December 2013.

In 2008, an agreement with EUROJUST was signed; the country has also signed an agreement with EUROPOL and is a member of INTERPOL, ILECU and SELEC/SEEPAG. The country has appointed points of contact for the EJM.

All relevant international instruments in the area of international judicial cooperation and international legal assistance and their additional protocols have been signed and ratified. The Third Additional Protocol to the European Convention on Extradition has also been ratified. At the same time, the country has signed numerous bilateral agreements with the countries in the region and wider.

In order to overcome the perceived problems in the practical application of the law, especially with regard to the shortened extradition procedure and the provisions for the extradition detention, the Law on International Cooperation in Criminal Matters will be amended. It is necessary for all practitioners involved in the implementation of the law to be provided with regular training for the proper interpretation and implementation of the forms of international cooperation.

Upon the recommendations of the Venice Commission, subject to changes will be the Law on Protection of Whistleblowers and the Law on Protection of Privacy.

Considering that the National Strategy for the Development of the Penitentiary System (2015-2019) was adopted within the Ministry of Justice, this section covers only issues that are not contained in the National Strategy, but also some problems arising from its application and which require concrete proposed solutions.

The adoption of a new Law on Execution of Sanctions is foreseen to harmonise the legislation in the area of execution of sanctions with the strategic goals given in the National Strategy. In some courts, the number of judges for the execution of sanctions shall increase.

In order to provide an efficient penitentiary system with a professional approach in organising and supervising the work of the penitentiary and correctional institutions with the purpose of improving the key areas of the functioning of the penitentiary system, fulfillment of and compliance with the highest European standards for execution of sanctions, it is necessary to evaluate the success in implementing in practice the General Cognitive Programme for cognitive-behavioral approach in the treatment of convicted persons and reviewing the competence of the Director of the Directorate for Execution of Sanctions, increasing the competencies of the directors of the penitentiary and correctional institutions, establishing an effective system for handling appeals upon reported cases of inadequate treatment of prisoners and the use of excessive force, and proper recording and evaluation of the cases.

With regards to probation, it is necessary to fully staff the probation service with the adequate professionals throughout the country. It is also necessary to adopt the bylaws arising from the Law.

## 5.2. Administrative matters

The administrative dispute as a judicial protection of the citizens' rights from illegal acts and work of the administration in the Republic of Macedonia has a long tradition. It was introduced for the first time in the Law on Administrative Disputes in 1952, supplemented by a new Law on Administrative Disputes in 1977, and the third and last Law on Administrative Disputes adopted in 2006 according to which a separate specialised administrative judiciary was established in the country. This Law was amended in 2010 with provisions for the establishment of a Higher Administrative Court without stipulating provisions for conducting proceedings before this Court. The biggest problems that citizens face in the administrative-legal relations with the state (with the public authorities according to the terminology of the LGAP) include:

- firstly, regarding the length of the overall administrative procedure (administrative procedure before public authorities, followed by an administrative dispute), and
- secondly, in failing to enforce the decisions of the administrative judiciary.

The length of the procedure consisting of five instances of which two before the state administration bodies called public authorities and three in the framework of the administrative dispute before the Administrative Court, the Higher Administrative Court and declaratively before the Supreme Court of RM, make the protection of citizens' rights delayed and expensive.

What can be noted from the research conducted by the academic community and non-governmental organisations, as well as the reports drawn up by the experts within IPA 2007 project<sup>16</sup> is the following: the protection of the rights of the citizens is stalled, the same judgments of the Administrative Court which were previously repealed and remitted for a new trial are upheld, which for the party means only a waste of time and increased expenses.

It was found out that it is unnecessary for the public authorities to be represented in the administrative dispute against them by the Attorney General's Office. Namely, under the 2015 LGAP, the official who conducted the administrative procedure is obliged to also terminate it or, in other words, to adopt and sign the decision. He/she replies to the complaints against his/her decision before the second instance state commission which decides on appeals in administrative proceedings. If a citizen, in the capacity of a party, initiates an administrative dispute against the second instance state commission's decision, there is no logical or legal justification for the Attorney General to represent the public authority in such an administrative dispute.

Failure to rule in full jurisdiction by judges of the Administrative Court is an additional problem for citizens creating a ping-pong effect in the protection of their rights. On the one hand, they have received from the Administrative Court a judgment in their favour, but on the other hand, instead of solving their problem on the merits, the judgment refers them back to another administrative procedure before the state administration authorities. In this way, citizens have obtained court justice *de jure* or on paper, but not *de facto* or for real. This problem is a consequence of the failure of the respondent bodies of state administration to submit the files during the administrative dispute which is why the Administrative Court cannot decide meritoriously in a dispute of full jurisdiction. The judgments of the Administrative Court repealing the decisions of the state administration authorities and remitting them for redress with concrete court instructions are not enforced by the state administration authorities as they again make a decision with the same content as the previous repealed decision. The Administrative Court faces a problem of non-enforcement of its judgments, a phenomenon that has not been observed in any country in which the principle of the rule of law is applied consistently.

The disputes from the administrative agreements, although explicitly defined in the LAD of 2006, and since 2015 also in the LGAP as the competence of the Administrative Court, are still mostly decided in the regular courts, meaning that in this area also there is a total disharmonisation in the application of the law.

The conditions for the operation of the Administrative Court (spatial, technical and personnel) are reduced to a minimum and completely incompatible with a court of this rank which handles the most significant disputes against the state.

Because of all the negative findings stated above, it is necessary to draft a comprehensive analysis of the situation in the administrative courts the results of which should be the basis for future legal changes in this matter. The State Attorney's Office does not need to represent the public authorities in administrative disputes, given the new decisions in the LGAP according to which the official conducting the procedure also adopts the final act. Hence, the official representing the public authority will defend his/her decisions in an administrative dispute.

<sup>16</sup> "Capacity building of the administrative judiciary in the Republic of Macedonia in the face of the challenges for achieving European standards" - "Ss. Cyril and Methodius" University Skopje 2015; and IPA 2007 Project "Support for more efficient, effective and modern operation and functioning of the Administrative Court" Annex 6, December 2011.



It is necessary to take measures for consistent application of the mandatory court judgments and to foresee a way to determine how many of the final judgments were enforced within the legally prescribed period of 30 days. This is one of the European principles outlined in the Protocol.

The LAD should contain provisions for sanctioning public authorities which do not submit to the Administrative Court the necessary documents required for proper conduct and conclusion of the administrative dispute.

Specific training of administrative judges is required for the proper adjudication of disputes arising from administrative contracts which will be conducted by national and international experts.

The number of trials with public hearings should increase.

The LAD should be aligned with the 2015 LGAP.

There is a need for supplementing and specifying certain data within the Annual Reports on the work of the Administrative Court, such as how many decisions were made in disputes in full jurisdiction, how many decisions were made after a previously held oral hearing, how many of the decisions were made by a single judge, that is, to specify the ground on which the decisions taken were upheld.

It is necessary to improve the spatial and technical conditions for the work of the Administrative Court in order for administrative judges to perform their work more efficiently, as well as to acquire the necessary dignity and integrity.

### **5.3. Misdemeanour matters**

The misdemeanour legal area in RM has undergone numerous changes in the past period and, yet, it remains dysfunctional and questionable.

The Macedonian legal system recognises two categories of punishable offences: criminal offences and misdemeanour. The criminal offences are regulated with the Criminal Code while the misdemeanours with the Law on Misdemeanours. The 1995 Law on the Courts abolished the former courts of misdemeanours and a single court organisation was established. Prior to the adoption of this Law for the category of minor punishable offences – the misdemeanours – the courts of misdemeanours were competent for the imposition of sanctions but also the authorities of the state administration and the public services which were empowered by law to impose such sanctions.

A decision of the Constitutional Court of the Republic of Macedonia of 1996 repealed the provision from the Law on the Courts which stipulated that other authorities may decide upon certain types of misdemeanours (customs, foreign currency, foreign trade and tax). Such a decision was the result of the Constitutional Court's interpretation that the courts only may decide on all punishable offences, under the Constitution. As a consequence of this Decision, the number of misdemeanour cases increased enormously in the courts of first instance which became continuously inefficient. Due to the untimely adjudication of the misdemeanour cases, most of them became time-barred which questioned the expediency of the proceedings. On the other hand, the state administration authorities, that had their authorisations for conducting misdemeanour procedures and sanctioning accordingly revoked, found themselves in a passive state without the possibility to act effectively in the exercise of their supervisory powers.

With the promulgation of the Amendments to the Constitution of the Republic of Macedonia in December 2005, more precisely with Amendment XX, an opportunity was created, in cases determined by law, for a misdemeanour a sanction to be imposed by a state administration authority or organisation or other body with public authorisations, whose final decision will be subject to judicial protection under conditions and in a procedure regulated by law. This constitutional provision was legally operationalised with the adoption of the Law on Misdemeanours in May 2006. The biggest shortcoming of this Law on Misdemeanours is its nomotechnical complexity, because in the same legal text two completely different types of misdemeanours are systematised as punishable and two totally different legal procedures before different state authorities – judiciary and administration. At the same time, the Law contained a provision according to which special substantive regulations may stipulate fines for misdemeanours outside the frameworks established by the Law on Misdemeanours as a general regulation and systemic law. This legal possibility was used in such a way that with the enormous number of substantive laws the state administration authorities foresaw within their competence the right to impose fines of several thousand (sometimes tens of thousands) of euros in denar equivalent.

This legal solution was largely criticised by the business community as the most affected, by the scholars and the experts whose representatives demanded urgent changes in this provision which allowed two serious dis-

ruptions to the legal order in the country: firstly, prescribing fines for misdemeanour higher than the penalties for the criminal offences defined in the CC and, secondly, non-compliance with the principle *non bis in idem* as there are more frequent occurrences where one person appears as a defendant, convicted and punished both in misdemeanour and in criminal proceedings for the same offence which is defined as a misdemeanour in one substantive regulation, while at the same time it is defined as a criminal offence in the CC.

The new Law on Misdemeanours was adopted in 2015 and to a large extent is identical with the previous 2006 Law on Misdemeanours, where certain nomotechnical changes were made and the numbering of certain provisions changed.

The most anticipated change in terms of reducing the fines imposed by misdemeanour authorities is not only omitted in the last LM, but on the contrary, the fines remain unchanged, sometimes even increased, and there is still a provision stipulating the possibility of “the exception to remain a rule”. Actually, this means that there is a possibility with special substantive regulations to provide for fines higher than the fines determined by the Law on Misdemeanours.

Another important novelty is the introduction of two-instance proceedings in the misdemeanour cases within the state administration. Thus, now the party on which the misdemeanour authority has imposed a misdemeanour sanction has the right to appeal before the State Commission for Deciding in the Second Instance in the area of the inspection supervision and the misdemeanour proceedings defined in a separate Law on Establishing the State Commission for Deciding in the Second Instance in the Field of Inspection Supervision and Misdemeanour Proceedings. This legislative experience is a special curiosity since it has not happened before to adopt a law on establishing a new state authority, to have a different law (LM) regulating the authorisations of the new body while a third law (LGAP) is regulating the rules of procedure for that authority. Even though the newly established State Commission has been operating for two years, there is not single information about it. Its broad scope of competence to decide as a second instance authority for all misdemeanour and inspection procedures was probably the reason for determining exceptionally high salaries for its members, but it is surprising that there are no analyses of the work of the Commission, a strategy or programme for future work, statistics regarding its effectiveness, quality and transparency. The official website of the Commission does not contain any relevant data for analysis. Considering the fact that regular legal protection against the decisions on misdemeanours adopted by state administration bodies with the previous LM was provided through the right to a lawsuit for initiation of an administrative dispute, and that the inspection procedures are only one type of administrative procedures for which there is already a second instance state body, the question arises about the reasons and motives for establishing this Commission. Such provisions in the new LM which allow the administrative authorities to impose fines in millions and court protection that does not delay their enforcement carried out by the PRO in a tax procedure is far from corresponding to the notion of a misdemeanour defined as “minor misconduct compared to a criminal offence”. For a minor misconduct there is a simplified procedure and milder sanctions as opposed to what is prescribed in the current LM. If one is to go by the premise that the difference between misdemeanours and criminal offences is only quantitative (smaller versus larger misconduct) then the question remains why the amount of the fines defined in the LM and CC is inversely proportional to the severity of the misconduct. Such legal solutions are unjust, unfair, and unjustified.

The amount of fines as well as the rules for legal protection of citizens against possible unlawful decisions on misdemeanours prescribed by the LM challenge the consistent application of the principles of the rule of law, legal certainty, fairness and proportionality.

There is an indication of the existence of inflation from misdemeanours under the jurisdiction of non-judicial misdemeanour bodies, as well as a huge number of laws that regulate these offences and the amount of fines for their commission.

Therefore, it is necessary to have a comprehensive analysis of the content and implementation of the legal framework for misdemeanours which will indicate the manners and criteria for the terms “court misdemeanour” and “administrative offence”.

The range of the amount of fines should be determined by law and the possibility of deviating from it should be limited with specific substantive laws.

There is a need to revise the misdemeanour sanctions by introducing, *inter alia*, a warning as a form of sanction for legal entities. The possibility of imposing a warning for natural persons should be stimulated as it is rarely imposed in practice even though it is foreseen with the LM.



## 5.4 Civil matters

The comprehensive reform of the civil law system in the Republic of Macedonia started in 2011 with the initiation of a codification of the civil law in order to improve the quality of civil law regulation, as well as to overcome the legal gaps currently faced by legal practitioners in the application of civil legal norms. The reform is planned to be implemented in four civil law areas: real right legal relations, obligation relations, inheritance legal relations and family legal relations. The regulation of three areas of the civil law matter is at advanced stage of preparation aligned with the latest European legislation covering these areas, as well as the trends of modern legal systems. Considering the longstanding application of the Law on Ownership and Other Real Rights adopted in 2001 and the need for its harmonisation with the other regulations dealing with the real right legal relations, it is planned to draft a new Law on Ownership and Other Real Rights. Once it is estimated that there is an established system of functional civil law norms, the codification of the entire civil law matter will commence. The high amounts of damages for defamation and insult against journalists and public officials will be reduced to symbolic amounts.

Regarding the procedural laws, the reform was made with the adoption of the new Civil Procedure Act (CPA) in 2005 and the amendments in 2010 and 2015. The CPA has contributed to significantly shorten the length of the proceedings and reduce the huge workload of the courts by exempting them from handling payment orders and inheritance proceedings which had burdened the judicial system for many years. However, the practical application of some of the new provisions, especially those related to cross-examination, compulsory expertise upon filing a lawsuit, etc. indicates the need to review these provisions by organising public discussions and debates with the involvement of scholars and experts.

The Law on Expertise was adopted in 2009. However, due to the perceived problems in the application of certain norms of the existing legal solution, especially in the part of entering the profession of an expert by passing the electronic exam for experts, and the structure of the electronic examination, the entry into the profession has been significantly impeded. Therefore, the existing legal regulations will be amended.

## 6. LEGAL FRAMEWORK OF THE JUDICIAL SECTOR

### 6.1. Normative framework

- Constitution of the Republic of Macedonia (Official Gazette nos. 52/1991, 31/1998, 91/2001, 84/2003, 107/2005, 3/2009 and 49/2011);
- Law on the Courts ("Official Gazette of the Republic of Macedonia", nos. 58/2006, 62/2006, 35/2008 and 150/2010);
- Law on the Judicial Council of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" nos. 60/2006, 69/2006, 150/2010, 100/2011, 20/2015 and 61/2015);
- Law on the Academy for Judges and Public Prosecutors ("Official Gazette of the Republic of Macedonia" nos. 20/2015, 192/2015 and 231/2015);
- Law on Enforcing ECHR Judgments ("Official Gazette of the Republic of Macedonia" nos.67/2009 and 43/2014);
- Law on the Court Budget("Official Gazette of the Republic of Macedonia" nos. 60/2003; 37/2006; 103/2008 and 145/2010);
- Law on the Judges' Salaries("Official Gazette of the Republic of Macedonia" nos. 110/2007, 103/2008; 161/2008; 153/2009; 67/2010; 97/2010; 135/2011 and 231/2015);
- Law on Court Administration("Official Gazette of the Republic of Macedonia" nos. 43/2014, 33/2015, 98/2015 and 6/2016);
- Law on Managing the Movement of Cases in the Courts ("Official Gazette of the Republic of Macedonia" no. 171/2010);
- Law on the Public Prosecutor's Office ("Official Gazette of the Republic of Macedonia" nos.150/2007 and 111/2008);
- Law on the Council of Public Prosecutors ("Official Gazette of the Republic of Macedonia" nos.150/2007 and 100/2011);
- Law on the Public Prosecutors' Salaries("Official Gazette of the Republic of Macedonia" nos. 153/2009; 67/2010; 97/2010 and 231/2015);
- Law on the Public Prosecutor's Administration("Official Gazette of the Republic of Macedonia" nos. 62/2015, 231/2015 and 11/2016);
- Law on the Public Prosecutor's Office for Prosecution of Criminal Offences Related To and Arising From the Content of the Unlawful Monitoring of Communications ("Official Gazette of the Republic of Macedonia" no.159/2015);
- Law on Free Legal Aid("Official Gazette of the Republic of Macedonia" nos. 161/2009, 185/2011, 27/2014 and 104/2015);
- Law on Attorneyship("Official Gazette of the Republic of Macedonia" nos. 59/2002, 60/2006, 29/2007, 106/2008, 135/2011, 113/2012 and 148/2015);
- Law on Notaryship("Official Gazette of the Republic of Macedonia" nos. 72/2016 and 142/2016);
- Law on Enforcement("Official Gazette of the Republic of Macedonia" nos.72/2016 and 142/2016);
- Law on Mediation ("Official Gazette of the Republic of Macedonia" nos.188/2013, 148/2015, 192/2015 and 55/2016);
- Criminal Code ("Official Gazette of the Republic of Macedonia" nos. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015 and 226/2015);
- Criminal Procedure Code ("Official Gazette of the Republic of Macedonia" nos. 150/2010, 100/2012 and 142/2016);
- Law on Justice for Children ("Official Gazette of the Republic of Macedonia" no.148/2013);



- Law on Execution of Sanctions (“Official Gazette of the Republic of Macedonia” nos.2/2006, 57/2010, 170/2013, 43/2014, 166/2014, 33/2015, 98/2015 and 11/2016);
- Law on International Cooperation in Criminal Matters (“Official Gazette of the Republic of Macedonia” no.124/2010);
- Law on Probation (“Official Gazette of the Republic of Macedonia” no.226/2015);
- Law on Misdemeanours (“Official Gazette of the Republic of Macedonia” no.124/2015);
- Law on Administrative Disputes (“Official Gazette of the Republic of Macedonia” nos.62/2006 and 150/2010);
- Law on General Administrative Procedure (“Official Gazette of the Republic of Macedonia” no.124/2015);
- Civil Procedure Act (“Official Gazette of the Republic of Macedonia” nos.79/2005, 110/2008, 83/2009, 116/2010 and 124/2015);
- Law on Obligations (“Official Gazette of the Republic of Macedonia” nos.18/2001, 4/2002, 5/2003, 84/2008, 81/2009, 161/2009 and 123/2013);
- Law on Ownership and Other Real Rights (“Official Gazette of the Republic of Macedonia” nos.18/2001; 92/2008; 139/2009 and 35/2010);
- Law on Inheritance (“Official Gazette of the Republic of Macedonia” no.47/1996);
- Law on the Bar Examination (“Official Gazette of the Republic of Macedonia” nos.137/2013 and 153/2015); and
- Law on Civil Liability for Insult and Defamation (“Official Gazette of the Republic of Macedonia” no.143/2012).

## 6.2. Other relevant documents

- Judicial System Reform Strategy 2004–2007 with an Action Plan;
- Strategy for the Justice Information and Communication Technology 2007–2010;
- Penal Law Reform Strategy 2007–2010;
- National Strategy for Development of Penitentiary System 2015–2019;
- Strategy for Development of Probationary Administration in RM 2013–2016;
- Strategic Plan of the Ministry of Justice;
- National Programme for the Adoption of the EU acquis 2017–2019;
- State Programme for Prevention and Repression of Corruption and Prevention and Reduction of Conflict of Interest with an Action Plan 2016–2019; and
- Civil Society Organisations’ Proposal for Urgent Democratic Reforms, July 2017.

## 6.3. International reports on the Republic of Macedonia

- European Commission Annual Progress Report for the Republic of Macedonia 2016, 2015, 2014, 2013 and 2012;
- Recommendations of the Group of Senior Experts’ Group on the systemic issues of the rule of law related to the monitoring of communications disclosed in the spring of 2015, June 2015;
- 2017 Recommendations of the Group of Senior Experts
- Urgent Reform Priorities of the European Commission for the Republic of Macedonia, June 2015;
- Preparation of the EU Judicial Sector Support Programme, July 2014;
- GRECO Evaluation Report on RM – fourth round, December 2013;
- GRECO Compliance Report on RM – fourth round, July 2016;
- European Commission for the Efficiency of Justice (CEPEJ) – Evaluation Report of the European Judicial Systems and Efficiency and Quality of Justice - last edition 2016 (data from 2014); and
- Opinion of the Venice Commission on Laws on Disciplinary Liability and Evaluation of Judges in the Republic of Macedonia, December 2015.

## 6.4. List of international instruments on the independence of the judiciary

### 6.4.1. UNO instruments on the independence of the judiciary

- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- Basic Principles on the Independence of the Judiciary and Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary;
- Universal Declaration of Independence of Justice.

### 6.4.2. Council of Europe instruments on the independence of the judiciary

- Recommendation CM/Rec.(94)12 of the Committee of Ministers to member states on the independence, efficiency and role of judges
- Recommendation CM/Rec.(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities
- European Charter on the Statute of Judges (1998)
- Great Charter (*Magna Carta*) of Judges
- Venice Commission, Report on the Independence of the Judicial System (2010)
- Opinions of the Consultative Council of European Judges (19 Opinions)
- European Guidelines on Ethics and Conduct for Public Prosecutors (A Guide from Budapest Adopted at the General Conference of Prosecutors of Europe of 2005)

### 6.4.3. Other instruments on the independence of the judiciary

- The Universal Charter of the Judge
- Judges' Charter in Europe
- Mt. Scopus Approved Revised International Standards of Judicial Independence
- (Bangalore) Code of Judicial Conduct
- European Network of Councils for the Judiciary, Development of Minimum Judicial Standards I-V (election, evaluation, independence, disciplinary procedures, etc.)

## 6.5. ECtHR Case-Law

**ANNEX**

**-ACTION PLAN**

---



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                                    |                            |  |                |  |  |                           |   |  |   |   |
|--|------------------------------------|----------------------------|--|----------------|--|--|---------------------------|---|--|---|---|
| Section in the Strategy  | Strategic goal                     | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities  | Deadline   | Financial resources   | Success indicator   |
| 2. STRATEGIC GOALS OF THE JUDICIAL REFORM  | 2.1. INDEPENDENCE AND IMPARTIALITY | 2.1.1.                     | Establishment of legal criteria for (non) election of graduates from the AJP by the JCRM and the CPPRM | 2.1.1.-1       | Establishment of proper and precise legal criteria for (non) election of graduates from the AJP by the JCRM and CPPRM  | <ol style="list-style-type: none"> <li>Setting up working groups for drafting legal solutions (LJCRM and LCPPRM) with the involvement of expert, academic public and CS.</li> <li>Use of comparative analyses.</li> <li>Drawing up draft laws</li> <li>Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>Submission of a proposed law to the Government of RM</li> <li>Proposed laws adopted by the Government of RM</li> <li>Laws passed by the Assembly of RM</li> </ol> | MoJ                       | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | <ol style="list-style-type: none"> <li>February 2018</li> <li>April 2018</li> <li>May 2018</li> <li>and 5. June 2018</li> <li>July 2018</li> <li>September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected judges and public prosecutors in accordance with the new statutory criteria for election        |
| 2. STRATEGIC GOALS OF THE JUDICIAL REFORM  | 2.1. INDEPENDENCE AND IMPARTIALITY | 2.1.1.                     | Establishment of legal criteria for (non) election of graduates from the AJP by the JCRM and the CPPRM | 2.1.1.-2       | Stipulation of a legal obligation for the JCRM and the CPPRM for consistent respect for the timetable of the lists submitted by the Academy in the election of judges/public prosecutors | <ol style="list-style-type: none"> <li>Setting up working groups for drafting legal solutions (LJCRM and LCPPRM) with the involvement of expert, academic public and CS.</li> <li>Use of comparative analyses.</li> <li>Drawing up draft laws</li> <li>Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>Submission of a proposed law to the Government of RM</li> <li>Proposed laws adopted by the Government of RM</li> <li>Laws passed by the Assembly of RM</li> </ol> | MoJ                       | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | <ol style="list-style-type: none"> <li>February 2018</li> <li>April 2018</li> <li>May 2018</li> <li>and 5. June 2018</li> <li>July 2018</li> <li>September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected judges and public prosecutors in accordance with the time schedule on the lists of the Academy. |
| 2. STRATEGIC GOALS OF THE JUDICIAL REFORM  | 2.1. INDEPENDENCE AND IMPARTIALITY | 2.1.1.                     | Establishment of legal criteria for (non) election of graduates from the AJP by the JCRM and the CPPRM | 2.1.1.-3       | Compulsory explanation and public announcement of the decision on the election/non-election of a candidate from the list by the Judicial Council and the Council of Public Prosecutors   | Drawing up the bylaws of JCRM and CPPRM defining a strict form of the election decision which will necessarily contain a reasoned explanation of the grounds (for example, forged documents, forged final exam, unfulfilled statutory general requirements to be included on the list of graduates, etc.).   | JCRM, CPPRM               | /   | Six months from the adoption of the Law  | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 100% reasoned and announced decisions for the election of judges and public prosecutors                 |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal                    | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities  | Deadline   | Financial resources   | Success indicator   |
|--|-----------------------------------|----------------------------|---|----------------|--|---|---------------------------|---|--|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.2.                     | The members of the Judicial Council and the Council of Public Prosecutors need to be elected from among the most experienced judges and public prosecutors  | 2.1.2.-1       | Legal specification for the election of members of the Judicial Council and the Council of Public Prosecutors from among the most experienced judges and public prosecutors who at least meet the requirement for performing the office of a judge and a public prosecutor in the courts of Appeal, that is, higher prosecutor's offices | 1. Setting up working groups for drafting legal solutions (LJCRM and LCPPRM) with the involvement of expert, academic public and CS.<br>2. Use of comparative analyses.<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ                       | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected new members of JCRM and CPPRM from among the most experienced judges and public prosecutors in accordance with the new legal criteria                     |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.3.                     | Legal specification of the condition „distinguished jurist“ for the election of the members of the Judicial Council and the Council of Public Prosecutors on a proposal by the Assembly of RM and the President of RM who should not be from among the judges, that is, public prosecutors. | 2.1.3.-1       | Legal specification of the condition „distinguished jurist“ including criteria for the length of work experience, matters they have professionally dealt with, acquired certificates, awards, published professional and scholarly papers, etc.  | 1. Setting up working groups for drafting legal solutions (LJCRM and LCPPRM) with the involvement of expert, academic public and CS.<br>2. Use of comparative analyses.<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ                       | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected new members of JCRM and CPPRM distinguished jurists who are not from the ranks of judges and public prosecutors in accordance with the new legal criteria |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.4.                     | Establishment of a legal framework for annulment of the measures and legal consequences from the lustration process   | 2.1.4.-1       | Legal framework for annulment of the measures and legal consequences from the lustration process   | Submission of the final text to the Government of RM  | MoJ                       | Judicial Reform Council   | December 2017  | The finances are provided within the envisaged amount specified in point 3.1.3.-1 |   |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                                   |                            |  |                |  |  |                           |  |   |   |   |
|--|-----------------------------------|----------------------------|--|----------------|--|--|---------------------------|--|---|---|---|
| Section in the Strategy  | Strategic goal                    | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities                                     | Deadline  | Financial resources   | Success indicator   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.5.                     | Proper functioning of the system for the allocation of court cases (ACMIS) by conducting regular control and audit on its functioning in order to prevent any abuses of the system | 2.1.5.-1       | Overcoming the possibilities for abuse of the system for electronic allocation of cases through the establishment of a body for evaluation of the use of ACMIS, conducting procedures for examining the ways of its use, by amending the Law on the Case Movement in the Courts. | 1. Setting up a working group for the Law on the Management of the Movement of Cases in the Courts (LMMCC)<br>2. Preparation of a draft law<br>3. Introduction of the public to the proposed legal solution (announcement of ENER and public discussion)<br>4. Submitting a proposed law to the Government of RM<br>5. Proposed Law passed by the Government of RM<br>6. Law adopted by the Assembly of RM<br>7. Proposed Rules of Procedure for Amending the Court Rules of Procedure and<br>8. Adoption of internal procedures in the courts | MoJ                       | JCRM, SCRM, judges, Association of Judges, representative from LCA, CS | LMMCC<br>1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>Court Rules of Procedure<br>8. December 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Functional ACMIS system in accordance with the evaluations and audits                             |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.5.                     | Proper functioning of the system for the allocation of court cases (ACMIS) by conducting regular control and audit on its functioning in order to prevent any abuses of the system | 2.1.5. -2      | Regular annual audits on the functioning of ACMIS by independent auditors.   | Engaging independent auditors.   | MoJ                       | CBC, external independent audit institutions                           | Continuously from 2018  | MKD 360,000.00  | Functional ACMIS system in accordance with the evaluations and audits                             |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.6.                     | Autonomous and sustainable court budget, consistent with the legal allocation from the gross national income   | 2.1.6.-1       | Improving the situation with the application of the Law on Court Budget.   | Analysis of the possibilities for consistent application of the Law on Court Budget and improvement of its application on an annual basis  | Court Budget Council, MF  | /  | May 2018  | Continuously every year   | Budget for 2019 of 0.6 of the GDP, and for 2021 of 0.8%.  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.1.INDEPENDENCE AND IMPARTIALITY | 2.1.6.                     | Autonomous and sustainable court budget, consistent with the legal allocation from the gross national income   | 2.1.6-2        | Improving the manner and procedure for allocating the funds from the Court Budget.   | Determining (improving) the methodology with objective criteria for the preparation and allocation of the Court Budget.  | Court Budget Council, MF  | /  | July 2018   | Continuously every year   | Budget for 2019 of 0.6 of the GDP, and for 2021 of 0.8%.  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY                       | 2.2.1.                     | Harmonisation of case law  | 2.2.1.-1       | Increased number of trainings for judges within the AJPP concerning analyses of the published court decisions according to the European standards  | 1. On-going posting of the adopted court decisions on the court web portal<br>2. Trainings within AJPP for analyses of the published court decisions<br>3. Preparation of collections of court decisions   | AJPP                      | AJPP   | Continuously from October 2017 to 2022  | IPA/ International assistance   | Reduced number of applications before the ECtHR, on the grounds of unharmonised case law by 2021. |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity  | Competent body/ authority   | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator   |
|--|----------------|----------------------------|--|----------------|---|---|-----------------------------|---|---|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.1.                     | Harmonisation of case law  | 2.2.1.-2       | Regular drafting of headnotes and conclusions by the courts of Appeal.  | Regular meetings of judges from different appellate regions, between judges from appellate areas and the Supreme Court with the purpose of making conclusions on legal issues and posting them on the court web portal  | SCRM                        | Courts of Appeal  | Continuously from October 2017 to 2022  | IPA/ International assistance   | Reduced number of applications before the ECtHR, on the grounds of unharmonised case law by 2021.             |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.2.                     | Reviewing the evaluation criteria for judges and public prosecutors.         | 2.2.2.-1       | Amendments to the Laws on the JCRM and the CPPRM aimed at introducing legal provisions for objective criteria and defining precise provisions for jurisdiction and procedure for regular and extraordinary evaluation of judges, presidents of courts and public prosecutors based on the balance between quantitative and qualitative criteria, as well as professional skills, ability, efficiency, integrity and experience. | 1. Setting up working groups for drafting legal solutions (LJCRM and LCPPRM) with the involvement of expert, academic public and GS<br>2. Use of comparative analyses.<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM<br>8. Preparing a single template for evaluation | 1.-5. MoJ<br>8. JCRM, CPPRM | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | Amendments to the LJCRM<br>1. October 2017<br>2.- 5. November 2017<br>6. December 2017<br>7. January 2018<br>8. three months after the adoption of the laws<br>Amendments to the LCPPRM<br>1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>8. three months after the adoption of the laws | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Judges and public prosecutors evaluated according to the quantitative and qualitative criteria made for 2019. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.3.                     | Redefining the criteria for promotion of the judge and the public prosecutor | 2.2.3.-1       | Adoption of:<br>Law on Public Prosecutors<br>Law on the Council of PP<br>Law on the Courts<br>Law on the Judicial Council of RM<br>in the direction of introducing criteria for promotion that will be in correlation with the juridical/prosecutorial years of service, the severity, the type and complexity of the cases, the professional evaluation  | 1. Setting up working groups for drafting legal solutions with the involvement of expert, academic public and GS.<br>2. Use of comparative analyses.<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM   | MoJ                         | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018  | IPA/ International assistance   | 100% Promoted judges and public prosecutors according to the new legal criteria of 2019.                      |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                |                            |   |                |  |   |                           |   |  |   |  |
|--|----------------|----------------------------|---|----------------|--|---|---------------------------|---|--|---|--|
| Section in the Strategy  | Strategic goal | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                          | Deadline   | Financial resources   | Success indicator  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.3.                     | Redefining the criteria for promotion of the judge and the public prosecutor  | 2.2.3.-2       | Compulsory explanation and public announcement of the decisions of JCRM and CPPRM for the promotion of judges and public prosecutors   | Preparation of the bylaws of the JCRM and CPPRM to define the form of the election decision which will necessarily contain a reasoned explanation of the grounds for the promotion  | JCRM, CPPRM               | /   | Six months from the adoption of the Law  | does not cause fiscal implications  | 100% reasoned and announced decisions on promoted judges and public prosecutors. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.4.                     | Repeal the electronic taking of professional exams and introduce oral and written exams for the candidates before expert commissions, based on measurable and objective criteria for evaluation of their knowledge. | 2.2.4.-1       | Adoption of legal solutions by which the electronic exams will be replaced by an oral exam and written exercise „case studies“ before the Commission.                              | <ol style="list-style-type: none"> <li>Setting up working groups for the Law on Notaryship, Law on Enforcement, Law on the Bar Exam, Law on Mediation, Law on Expert Reports, Law on Assessment.</li> <li>Drawing up draft laws</li> <li>Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>Submission of a proposed law to the Government of RM.</li> <li>Proposed laws adopted by the Government of RM</li> <li>Laws passed by the Assembly of RM</li> <li>Drawing up bylaws and new Programme for the implementation of exams.</li> </ol> | MoJ                       | CEARM, NCRM, CMRM, Chamber of Assessors, Chamber of Experts | LN and LE<br>1. September 2017<br>2. October 2017<br>3. November 2017<br>4. November 2017<br>5. December 2017<br>6. February 2018<br>7. Two months after the adoption of the laws<br><br>Laws on: bar exam, assessment, expertise and mediation<br>1. December 2017<br>2. February 2018<br>3. March 2018<br>4. May 2018<br>5. June 2018<br>6. September 2018<br>7. two months after the adoption of the laws | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Conducted exams according to the new ways of taking them from 2019.              |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.5.                     | Introduce legal obligation for continuous training of attorneys   | 2.2.5.-1       | Amendments to the Law on Attorneyship for the purpose of introducing continuous training for attorneys, organised by the Bar with a statutory fund of sessions on an annual basis. | <ol style="list-style-type: none"> <li>Setting up a working group for drawing up amendments to the Law on Attorneyship</li> <li>Preparation of the draft law</li> <li>Introduction of the public to the proposed legal solution (announcement of ENER and public discussion)</li> <li>Submitting a proposed law to the Government of RM.</li> <li>Proposed laws adopted by the Government of RM</li> <li>Laws passed by the Assembly of RM.</li> </ol>  | MoJ                       | BRM   | April 2018<br>2. May 2018<br>3. and 4. May 2018<br>5. June 2018<br>6. September 2018   | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 10 hours per year of conducted continuous training for all attorneys for 2019.   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.5.                     | Introduce legal obligation for continuous training of attorneys   | 2.2.5.-2       | Developing a Program and methodology for the implementation of mandatory continuous training for attorneys by BRM.   | Developing a Program and methodology for the implementation of mandatory continuous training for attorneys by BRM.  | BRM                       | /   | Three months after the adoption of the law   | does not cause fiscal implications  | 10 hours per year of conducted continuous training for all attorneys for 2019.   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities       | Deadline  | Financial resources   | Success indicator   |
|--|----------------|----------------------------|---|----------------|---|---|---------------------------|--|---|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.6.                     | Preparation of an analysis for eventual creation of a new programme for special initial training for experienced long-standing practitioners as well as for continuous training for all judges and public prosecutors | 2.2.6.-1       | Preparation of an in-depth and comprehensive analysis of the situation in RM and comparative experiences and best practices.  | Analysis of the overall curriculum and plans of the AJPP prepared by domestic and international experts   | MoJ                       | AJPP                                     | April 2018  | IPA/ International assistance   | Prepared and presented analysis in front of domestic and international public                                 |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.7.                     | New legal criteria for the composition of the governing and managing bodies of the AJPP   | 2.2.7.-1       | Legislative changes in the Law on AJPP to remove formal criteria that constitute an obstacle to the effective functioning of the Academy  | 1. Setting up working group for drafting amendments to the Law on AJPP.<br>2. Drawing up draft law<br>3. Introduction of the public to the proposed legal solution (announcement by ENER)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM | MoJ                       | AJPP                                     | 1.November 2017<br>2.- 5.December 2017<br>6. January 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected and functional bodies of governing and managing the AJPP from 2019.                                   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.8.                     | Personnel and technical upgrading followed by the provision of adequate spatial conditions  | 2.2.8.-1       | Employment of professional staff, establishment of new appropriate organisational units, provision of adequate technical spatial conditions.  | Provision of funds.   | Government of RM          | AJPP, MF                                 | 2021  | MKD 23,300,000.00   | 5 new employments, and the functioning of the AJPP in appropriate spatial and technical conditions from 2022. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.8.                     | Personnel and technical upgrading followed by the provision of adequate spatial conditions  | 2.2.8.-2       | Construction of new spatial conditions  | Decision of the Government  | Government of RM          | MF, Government of RM                     | continuously from early 2019 to 2022                      | MKD 146,000,000.00  | New premises  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.2.QUALITY    | 2.2.9.                     | Functional system for probation and other alternative measures  | 2.2.9.-1       | Trainings of judges who judge criminal matters in the field of alternative measures and probation, trainings of newly-elected probation officers, Strategy for Probation for the period 2018-2023 | 1. Programmes and training plans,<br>2. Working Group for the drafting of the Strategy.   | MoJ- DES                  | AJPP, Macedonian Penological Association | 1. June 2018<br>2. September 2018                         | IPA/ International assistance   | Trained judges and probation officers from 2019. Adopted Strategy   |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                |                            |  |                |  |  |                           |   |  |  |  |
|--|----------------|----------------------------|--|----------------|--|--|---------------------------|---|--|--|--|
| Section in the Strategy  | Strategic goal | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities  | Deadline   | Financial resources  | Success indicator  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.10.                    | Redefine the criteria for the election of jury judges and increase the fees for their work       | 2.2.10.-1      | Introducing clear criteria for election of jury judge, as well as increasing the fee provided for their work.  | 1. Setting up working groups for drafting a Law on the Courts with the involvement of expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ                       | MF, JCRM, SCRM, judges, Association of Judges, representative from LCA, CS  | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1  | New jury judges elected and increased fee for their work by 50% from 2019.               |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.2.QUALITY    | 2.2.11.                    | Development of the human resources management within the judicial sector                         | 2.2.11.-1      | Preparation of the plan and program for assessment of the current situation regarding human resources within the judicial sector with guidelines for long-term management in this area | Analysing the current situation with participation of domestic and international experts   | MoJ                       | JCRM, JBC, CPPRM, MISA  | Continuously from January 2018 to June 2018  | IPA / International assistance/national budget-finances are provided within the envisaged amount specified in point 3.1.3.-1 | Full scope of the human resources current situation and future needs                     |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.3. LIABILITY | 2.3.1.                     | Legal criteria and procedure for determining personal liability of the members of JCRM and CPPRM | 2.3.1.-1       | Introduction of legal provisions on the grounds and procedure for personal liability of members of the Judicial Council and Council of Public Prosecutors                              | 1. Setting up working groups for drafting legal solutions with the involvement of expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM     | MoJ                       | JCRM, SCRM, CPPRM, PPORM, Association of Judges, Association of Prosecutors | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1  | Initiated liability procedures for members of JCRM and CPPRM in accordance with the law. |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator  |
|--|----------------|----------------------------|---|----------------|---|--|---------------------------|------------------------------------|--|---|--|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.3. LIABILITY | 2.3.2.                     | Functional and transparent mechanisms for liability of judges | 2.3.2.-1       | Adoption of the Law on the Courts, the LJCRM, regarding:<br>1. Strengthening the disciplinary liability of the judge by clearly specifying the grounds for dismissing a judge with prescribing only the most severe disciplinary breaches as grounds for dismissal;<br>2. Quantitative data such as the percentage of repealed or modified decisions to constitute a ground for the judge's liability, but not a ground for dismissal of the judge. | 1. Setting up working groups.<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ                       | JCRM, Association of Judges        | 1.October 2017<br>2. -5 November 2017<br>6. December 2017<br>7. January 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Zero disciplinary procedures for the liability of judges without the presence of an expert public and without announcement of a reasoned decision on the JCRM website and a reduced number of filed and sustained appeals by judges against the JCRM decision from 2019. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.3. LIABILITY | 2.3.2.                     | Functional and transparent mechanisms for liability of judges | 2.3.2.-2       | Repeal the Law on the Council for Determination of Facts and Initiation of a Procedure for Establishment of Liability for a Judge and amending the LJCRM aiming at restoring its competence for the initiation and conduct of disciplinary proceedings  | 1. Setting up working groups.<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ                       | JCRM, Association of Judges        | August and November 2017   | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Repealed Council for Determination of the Facts and Initiation of a Proceedings for Establishment of Liability for a Judge in December 2017.   |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                |                            |   |                |  |  |                           |                                    |  |   |  |
|--|----------------|----------------------------|---|----------------|--|--|---------------------------|------------------------------------|--|---|--|
| Section in the Strategy  | Strategic goal | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.3. LIABILITY | 2.3.3.                     | Functional and transparent mechanisms for liability of public prosecutors   | 2.3.3.-1       | Adoption of a LPPO and LSPORM with regard to:<br>1. Strengthening disciplinary liability of the public prosecutor by clearly specifying the ground for liability and dismissal of a public prosecutor with prescribing only the most severe disciplinary breaches as a ground for dismissal;<br>2. Specifying quantitative and qualitative criteria for the liability of public prosecutors. | 1. Setting up working groups for drafting legal solutions with the involvement of public prosecutors (representative from SPPORM for LSPORM), academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM   | MoJ                       | Council of PP, PPORM               | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018                     | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Zero disciplinary procedures for the liability of public prosecutors without the presence of an expert public and without announcement of a reasoned decision on the CPPRM website and a reduced number of filed and sustained appeals by judges against the CPPRM decision from 2019. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.3. LIABILITY | 2.3.4.                     | Unit within the PPO and the Ombudsman's Office for external control for following, monitoring and disclosing cases of overstepping and abuse of the official powers of the police | 2.3.4-1        | 1. Introduction of legal provisions for new units in the PPO and the Ombudsman's Office<br>2. Employment of a new staff and equipment of the units<br>3. Organisation of specialised trainings for the public prosecutors and the staff within the special units   | 1. Setting up working groups for drafting legal solutions with the involvement of expert, academic community and CS.<br>2. Drawing up draft laws<br>3. Introduction of the public to the proposed legal solution (announcement by ENER)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed laws adopted by the Government of RM<br>6. Laws passed by the Assembly of RM<br>7. Deployment of 3 prosecutors from the PPO for Organised Crime in the new unit and 6 new employees in the unit as well 3 employees within the unit in the Ombudsman's Office<br>8. Training for the prosecutors and the staff within the units | MoJ                       | Mol, PPORM, Ombudsman, AJPP        | 1. October 2017<br>2, 3 and 4. November 2017<br>5. December 2017<br>6. January 2018<br>7. 2018-2019<br>8. Continuously 2018-2019 | MKD 5,418,000.00  | Conducted procedures within the new units from 2019.   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity   | Competent body/ authority                                   | Other competent bodies/authorities                                 | Deadline   | Financial resources   | Success indicator  |
|--|-----------------|----------------------------|--|----------------|---|--|---|--|--|---|--|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.3. LIABILITY  | 2.3.5.                     | Building culture and awareness of one's own personal and institutional liability in the work of the judiciary and the public prosecutor's office | 2.3.5-1        | 1. Involve the Association of Judges and the Association of Public Prosecutors in monitoring the procedures for deciding on disciplinary liability through legal changes of JCRM and CPPRM<br>2. Strengthen the capacities of judicial ethics bodies within the Association of Judges and the Association of Public Prosecutors<br>3. Continuous trainings on ethical conduct within the AJPP | 1. Regular attendence of associations in proceedings before JCRM and CPPRM<br>2. Election of professionals in the bodies of the associations<br>3. Preparation of a modern training program on the topic Ethical Conduct   | Association of Judges and Association of Public Prosecutors | AJPP   | Continuously from November 2017  | IPA / International assistance  | Complaints on unethical behaviour by judges and public prosecutors and 100% published opinions from 2018 of the ethical advisory bodies. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.3. LIABILITY  | 2.3.6.                     | Code of Judicial Ethics as a legal category  | 2.3.6-1        | 1. Introduction of a legal ground for the adoption of the Code of Judicial Ethics   | 1. Setting up working group for the drawing up of a Law on the Courts including the expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | 1-5. MoJ  | JCRM, Association of Judges, SCRM, Association of Judicial Service | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Established statutory ground from 2019.  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.3. LIABILITY  | 2.3.6.                     | Code of Judicial Ethics as a legal category  | 2.3.6.-2       | Establishment of an advisory body for judicial ethics in accordance with the Code   | Election of members of the advisory body   | Association of Judges                                       |  | November 2017  | does not cause fiscal implications  |  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.4. EFFICIENCY | 2.4.1.                     | Monitor judicial efficiency using the indicators defined in EU Justice Scoreboard (result list), CEPEJ and other international standards         | 2.4.1.-1.      | Application of the Judicial Statistics Methodology with CEPEJ Standards and Advancement of the Court Statistics System  | 1. Analysis of the need for improving and upgrading court statistics software<br>2. Implementation of the system<br>3. Preparation of analyses and generation of reports according to the indicators from the Judicial Statistics Methodology  | MoJ   | JCRM   | 1. February 2018<br>2. Continuously from February 2018<br>3. Continuously from February 2018                 | IPA / International assistance  | Established functional statistical system with generated reports from December 2018  |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                 |                            |  |                |  |  |                            |   |   |   |   |
|--|-----------------|----------------------------|--|----------------|--|--|----------------------------|---|---|---|---|
| Section in the Strategy  | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity   | Competent body/ authority  | Other competent bodies/authorities                                      | Deadline  | Financial resources   | Success indicator   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.4 EFFICIENCY  | 2.4.2.                     | Consistent implementation of the Action Plan for adjudicating the old cases and monitoring the situation with undecided cases    | 2.4.2.-1       | Functional working bodies set up in the courts to monitor the situation with the old and undecided cases and prepare a draft plan for overcoming the backlog of cases. | 1. Submission of regular monthly reports to JCRM by the presidents of all courts for the old cases and for undecided cases<br>2. Preparation of an annual plan by the presidents of the courts for adjudication on the cases<br>3. Active monitoring of the situation with the adjudication on cases by a president of a court, higher court, JCRM and MoJ   | JCRM, MoJ                  | all courts  | Continuously  | IPA / International assistance  | Decreased number of old and undecided cases by 10% annually from 2019.                          |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.4. EFFICIENCY | 2.4.2.                     | Consistent implementation of the Action Plan for adjudicating the old cases and monitoring of the situation with undecided cases | 2.4.2.-2       | Introducing special tools for identifying and prioritising cases that could lead to violation of the principle of a trial within a reasonable time                     | Taking measures and activities by the president of a court and the working body in the court   | JCRM, presidents of courts |   | Continuously  | does not cause fiscal implications  | Decreased number of old and undecided cases by 10% annually from 2019.                          |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.4. EFFICIENCY | 2.4.3.                     | Harmonisation of the number of judges in the Republic of Macedonia with the European average per capita                          | 2.4.3.-1       | Optimisation of the number of judges with the number of cases in the courts according to European standards through the natural drain of judges (with retirement)      | 1. Analysis of the situation in order to comply with the European standards<br>2. Making decisions on the required number of judges in courts, according to the number of cases in each court and according to European criteria   | JCRM                       |   | 1. September 2018<br>2. Continuously from October 2018  | IPA / International assistance  | Reduced number of judges by 5% with 2022 inclusive  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.4. EFFICIENCY | 2.4.4.                     | Enhancing the judicial and prosecutorial service capacities  | 2.4.4.-1.      | Alignment of the Law on Judicial Service and The Law on Prosecutorial Service with the Law on Employees in the Public Sector and the Law on Administrative Servants    | 1. Setting up working groups for amending the Law on Court Administration and Law on Public Prosecution Administration including representatives from the judicial/public prosecution administration.<br>2. Drawing up draft laws<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed laws adopted by the Government of RM<br>6. Laws passed by the Assembly of RM | MoJ                        | Court Administration Council, MISA, Association of Court Administration | 1. September 2018<br>2 and 3. November 2018<br>4. December 2018<br>5. January 2019<br>6. April 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Unified system of judicial and prosecutorial service with the public and administrative service |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.4. EFFICIENCY | 2.4.5.                     | Full functionality of the web portal (www.sud.mk)  | 2.4.5.-1.      | Regular updating of the court database (www.sud.mk)  | 1. Introduction of the public to the functionalities of the portal<br>2. Conducting public opinion survey about the use of the portal  | JCRM and SCRM              |   | Continuously  | does not cause fiscal implications  | Increased visiting of the portal www.sud.mk   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal    | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator   |
|--|-------------------|----------------------------|---|----------------|---|--|---------------------------|------------------------------------|--|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.4. EFFICIENCY   | 2.4.6.                     | Review the system of expert witnesses through legal amendments  | 2.4.6.-1.      | Legal basis for transfer of powers of the system of court expertise in order to increase the efficiency   | 1. Setting up working group for amending the Law on Expertise and Law on Organisation and Operation of State Bodies including the expert community<br>2. Prepared analysis of the situation<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM | MoJ and MISA              | Chamber of Experts                 | 1. September 2018<br>2. October 2018<br>3 and 4. December 2018<br>5. January 2019<br>6. February 2019<br>7. April 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Repealed Bureau for Judicial Expertise as an authority within the MoJ from December 2019 and establishing a functioning judicial expertise system |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.5. TRANSPARENCY | 2.5.1.                     | Strengthen the transparency of the Judicial Council and the Council of Public Prosecutors                                       | 2.5.1.-1       | Establishment of clear criteria, rules and procedures for publicity of the sessions of the Judicial Council and the Council of Public Prosecutors   | 1. Amendment to the JCRM and CPPRM Rules of Procedures<br>2. Regular publication of the scheduled sessions, agenda and decisions taken<br>3. Access to sessions of the media and the SC  | JCRM, CPPRM               |                                    | 1. September 2018<br>2 and 3. continuously   | IPA / foreign/donor assistance  | 100% published decisions under the legal provisions on confidentiality adopted by JCRM and CPPRM  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.5. TRANSPARENCY | 2.5.1.                     | Strengthen the transparency of the Judicial Council and the Council of Public Prosecutors                                       | 2.5.1.-2       | Publicly announcement of all decisions on the election, promotion and dismissal of judges and public prosecutors, as well as disciplinary liability decisions respecting the legal provisions regarding the confidentiality of data by JCRM and CPPRM | 1. Introduction of search tools for the decisions of the Judicial Council and the Council of Public Prosecutors<br>2. Organisation of briefings for the media, expert and scholarly community<br>3. Improvement of websites  | JCRM, CPPRM               |                                    | Continuously   | IPA / foreign/donor assistance  | 100% published decisions adopted by JCRM and CPPRM  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.5. TRANSPARENCY | 2.5.2.                     | Collection, processing and analysis of statistical data on the work of courts and public prosecutor's offices in JCRM and CPPRM | 2.5.2.-1       | Establishment of specialised organisational units for managing the system for collecting, processing and analysing the statistical data on the work of courts and public prosecutor's offices in JCRM and CPPRM                                       | 1. Amendments to the acts of systematisation of the competent authorities<br>2. Strengthening the capacities of the officials in the specialised organisational units  | JCRM, CPPRM               | MISA                               | September 2018.  | MKD 3,172,000.00  | Publicly available statistics from January 2019   |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                   |                            |  |                |   |   |                           |                                    |   |   |  |
|--|-------------------|----------------------------|--|----------------|---|---|---------------------------|------------------------------------|---|---|--|
| Section in the Strategy  | Strategic goal    | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.5. TRANSPARENCY | 2.5.3.                     | Strengthen the capacities for public relations   | 2.5.3.-1       | Preparation of curricula and programmes and strengthening the communication skills and organising training for people in public relations   | Conducting trainings for people in public relations   | AJPP                      |                                    | July 2018.  | IPA / foreign/ donor assistance   | Trained persons for public relations   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.5. TRANSPARENCY | 2.5.3.                     | Strengthen the capacities for public relations   | 2.5.3.-2       | Developing Methodologies for Uniform Templates for Annual Reports   | 1. Forming working groups with representatives of MoJ, courts, public prosecutors, JCRM and CPPRM for the drawing up of Methodologies for Uniform Templates for Annual Reports<br>2. Prepared Methodologies for Uniform Templates for Annual Reports<br>3. Adopted Methodologies for Uniform Templates for Annual Reports           | MoJ                       | JCRM, CPPRM                        | 1. November 2017<br>2. February 2018<br>3. March 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Annual reports prepared according to the determined template from January 2019 |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.5. TRANSPARENCY | 2.5.4.                     | Align the form of the annual reports of courts, public prosecutor's offices, JCRM, and CPPRM   | 2.5.4.-1       | Revision of the court statistic Methodology regarding the form of the annual reports  | Preparation of the unified form for the annual court reports  | MoJ                       | JCRM, CPPRM                        | Continuously from January 2018                        | does not cause fiscal implications  | Published unified reports of the Ministry of Justice                           |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.5. TRANSPARENCY | 2.5.5.                     | Publication of the reports from the conducted regular controls on the functioning of ACMIS and the system for allocation of cases in the PPO | 2.5.5.-1       | Availability of the Ministry of Justice reports on the controls carried out on the functioning of the ACMIS and the system for allocation and management of cases in the Public Prosecutor's Office and the reports on the supervision over the application of the Court Rules of Procedure | 1. Perform regular controls on the functioning of ACMIS and the system in the public prosecutor's office<br>2. Preparation of reports from the conducted controls<br>3. Publication of the reports from the conducted regular controls on the functioning of ACMIS and the system for allocation and management of cases in the PPO | MoJ                       |                                    | Continuously from January 2018                        | does not cause fiscal implications  | Announced reports of the Ministry of Justice on conducted control              |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal                                 | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator   |
|--|--|----------------------------|--|----------------|--|---|---------------------------|------------------------------------|--|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6. ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.1                    | Effective, efficient, and sustainable FLA system by adopting a new Law on Free Legal Aid   | 2.6.1.1-1      | Adoption of a new Law on FLA in line with EU standards that will strengthen the system of prior legal assistance through: expanding the scope of FLA users, strengthening the capacities of the MoJ regional offices, extending the areas for enabled FLA excluding the criminal sphere, optimising the FLA legal fees and overseeing the quality of attorneys and associations that provide FLA | 1. Set up a working group for drawing up the Law on Free Legal Aid including all stakeholders<br>2. Drawing up draft laws<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed laws adopted by the Government of RM<br>6. Laws passed by the Assembly of RM<br>7. Drawing up and adopting bylaws | MoJ                       |                                    | 1. Completed<br>2. Completed<br>3. November<br>4. December 2017<br>5. February 2018<br>6. April 2018<br>7. Three months after the adoption of the law              | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 100% increase in the number of cases using FLA in 2019 compared to 2016 and 50% higher realisation of a budget foreseen for FLA |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6. ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.1                    | Effective, efficient, and sustainable FLA system by adopting a new Law on Free Legal Aid   | 2.6.1.1-2      | Trainings for employees in the MoJ regional offices for providing FLA and application of the LGAP  | 1. Creating training programs for the regional offices<br>2. Holding continuous trainings   | MoJ                       |                                    | 1.Three months after the adoption of the law<br>2. Continuously from January 2018 after the development of the trainings for the employees in the regional offices | foreign/donor assistance  | Conducted 2 trainings annually to all employees in the regional offices   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6. ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.1                    | Effective, efficient, and sustainable FLA system by adopting a new Law on Free Legal Aid   | 2.6.1.1-3      | Establishment and strengthening of legal clinics at law faculties  | 1. Preparation of Memoranda of Cooperation between the MoJ and the Law Faculties<br>2. Signing Memoranda of Cooperation between the MoJ and the Law Faculties   | MoJ                       |                                    | January 2018   | does not cause fiscal implications  | Implemented Memoranda of Cooperation  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6. ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.2.                   | Improvement of the funding of the legal aid system by bringing it closer to the CEPEJ average value of expenses in correlation with the GDP in the country | 2.6.1.2.-1     | Increased state budget that will correspond to the new FLA system  | Proposed Budget for 2019  | MoJ                       |                                    | July/August 2018   | MKD 5,000,000.00  | 50% increased budget for FLA in 2019 compared to 2016   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6. ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.3.                   | Cooperation among all stakeholders in the FLA system   | 2.6.1.3.-1     | Conclusion of memoranda of cooperation between all stakeholders in the FLA system  | 1. Preparation of the Draft Memorandum of Cooperation<br>2. Coordination meetings for the alignment of the memorandum<br>3. Signing Memoranda of Cooperation  | MoJ                       | BRM, faculties of law, CS          | 60 days after the adoption of the Law  | does not cause fiscal implications  | Number of signed memoranda of cooperation   |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |   |                            |   |                |  |  |   |                                    |  |   |   |
|--|---|----------------------------|---|----------------|--|--|---|------------------------------------|--|---|---|
| Section in the Strategy  | Strategic goal                                | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity   | Competent body/ authority                     | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.1.FREE LEGAL AID | 2.6.1.4.                   | FLA awareness-raising   | 2.6.1.4.-1     | Carrying out a media campaign, preparing brochures and manuals for familiarisation of FLA users, using social networks and other promotion tools   | Engagement of media, production houses, publishing houses, professionals for Web Application Development, etc.   | MoJ   |                                    | Continuously   | MKD 800,000.00 / donations  | 1. Designed and broadcast video for FLA<br>2. Printed and distributed 1,000 brochures / manuals |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.2. ATTORNEYSHIP  | 2.6.2.1                    | The Bar to open law offices for the provision of free legal aid in the region of every court in RM  | 2.6.2.1-1      | Adopt a BRM decision for opening / appointing FLA offices  | 1. Analysis of the situation with coverage in the country with law offices and detection of attorneys who are registered for providing FLA<br>2. Determination of FLA law offices in each area in the country based on conducted analyses<br>3. Decision of the BD of BRM to establish law offices for FLA   | BRM   |                                    | Three months after the entry into force of LFLA  | does not cause fiscal implications  | At least one open FLA office in the area of a court of first instance                           |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6. ACCESS TO JUSTICE<br>2.6.2 ATTORNEYSHIP  | 2.6.2.2                    | Improvement of the cooperation between the MoJ and the BRM in connection with the content and practical application of the legal fees, in order to improve access to justice in accordance with the objectives of this Strategy | 2.6.2.2-1      | Re-examination of the methodology for setting a legal fee to reduce the legal fee in order to enable citizens access to qualitative legal services | 1. Establishment of a working group to analyse the situation with the application of the legal fee from 2016 comprised of attorneys, MoJ, notaries, enforcement agents, CS, representatives of the Chamber of Commerce and detect the problems<br>2. Examination of customer satisfaction from the quality and costs for legal services<br>3. Creation of methodology for determining the prices of legal services<br>4. Determination of special provisions in the fee for ex officio defence attorneys | 1. BRM, MoJ<br>2. BRM, CS<br>3. BRM<br>4. BRM |                                    | 1. March 2018<br>2. Continuous from March 2018<br>3. March - September 2018<br>4. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | New grading of the legal fee  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6. ACCESS TO JUSTICE<br>2.6.2 ATTORNEYSHIP  | 2.6.2.2                    | Improvement of the cooperation between the MoJ and the BRM in connection with the content and practical application of the legal fees, in order to improve access to justice in accordance with the objectives of this Strategy | 2.6.2.2-2      | Determination of special tariff for legal services under the LFLA  | Decision of the BD of BRM for introducing referential provisions in the Legal Fees on the application of the provisions of the LFLA  | BRM   |                                    | Three months after the entry into force of LFLA  | does not cause fiscal implications  | New grading of the legal fee  |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal                              | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities                | Deadline  | Financial resources   | Success indicator   |
|--|---|----------------------------|---|----------------|---|--|---------------------------|---|---|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.2 ATTORNEYSHIP | 2.6.2.3                    | Comprehensive analysis of the existing legal position and work of the attorneyship and commence its reform in accordance with the reforms in other segments of the justice sector   | 2.6.2.3.-1     | Preparation of amendments to the Law on Attorneyship  | 1.Set up a working group for drawing up an analysis including representatives of the BRM and MoJ.<br>2. Setting up a working group for amending the Law on Attorneyship<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM   | MoJ, BRM                  | BRM   | 1. January 2019<br>2. October 2019<br>3. and 4. January 2020<br>5 and 6. March 2020<br>7. May 2020                    | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Implemented reform of the system of attorneyship January 2021                               |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.3 ENFORCEMENT  | 2.6.3.1                    | Strengthen the professional capacities of the enforcement agents, simplification of the enforcement procedure, enforcement costs reduction, appropriate design of the exam for enforcement agents and the manner of taking the exam | 2.6.3.1-1      | Change in the Law on Enforcement to strengthen the professional capacities of the enforcement agents, simplify enforcement, reduce the costs of enforcement, adequately design the exam for enforcement agents and the manner of its taking | 1. Set up a working group for drawing up the Law on Enforcement including representatives from the BRM, NCRM, CEARM, the Ombudsman, Chambers of Commerce and scholars<br>2. Drawing up draft law<br>3. Incorporation of the relevant opinions and indications of the quality and cost of enforcement submitted by the business community.<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       | BRM, NCRM, CEARM, Ombudsman, Chambers of Commerce | 1. Completed<br>2. and 3 October 2017<br>4. November 2017<br>5. November 2017<br>6. December 2017<br>7. February 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | reduced enforcement costs and implemented new mode of taking the exam for enforcement agent |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.3 ENFORCEMENT  | 2.6.3.1                    | Strengthen the professional capacities of the enforcement agents, simplification of the enforcement procedure, enforcement costs reduction, appropriate design of the exam for enforcement agents and the manner of taking the exam | 2.6.3.1-2      | Preparation of the bylaws that will result from the legal changes in order to operationalise the legal solutions  | 1. Formation of a mixed (MoJ and CEARM) working group for the preparation of the bylaws<br>2. Drafting proposed bylaws<br>3. Adoption of bylaws  | MoJ                       |   | Three months after the adoption of the Law on Enforcement   | does not cause fiscal implications  | reduced enforcement costs and implemented new mode of taking the exam for enforcement agent |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |  |                            |  |                |  |   |                           |   |   |   |  |
|--|--|----------------------------|--|----------------|--|---|---------------------------|---|---|---|--|
| Section in the Strategy  | Strategic goal                             | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                    | Deadline  | Financial resources   | Success indicator  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.3 ENFORCEMENT | 2.6.3.2                    | Continuous monitoring of the enforcement effects and the quality of work of the enforcement agents | 2.6.3.2-1      | Establishment of a unified software system for record keeping and case management with enforcement agents and CEARM  | 1. Establishment of a working group for preparation of acts in CEARM for the establishment of a unified software system<br>2. Drafting of acts and submission to MoJ for opinion<br>3. Adoption of acts   | MoJ and CEARM             |   | June-December 2018  | does not cause fiscal implications  | Established software system  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.3 ENFORCEMENT | 2.6.3.2                    | Continuous monitoring of the enforcement effects and the quality of work of the enforcement agents | 2.6.3.2-2      | Connection of the CEARM system with MoJ, ACMIS and other state institutions  | 1. Establishment of an inter-ministerial working group for the preparation of acts for connecting the CEARM systems with other institutions<br>2. Drafting of acts and submission to the MoJ and other institutions for opinion<br>3. Adoption of acts  | MoJ and CEARM             |   | September - December 2019   | does not cause fiscal implications  | Established software system  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.3 ENFORCEMENT | 2.6.3.2                    | Continuous monitoring of the enforcement effects and the quality of work of the enforcement agents | 2.6.3.2-3      | Public opinion survey  | 1. Conduct a public opinion survey regarding the quality and costs of enforcement<br>2. Summarising the results of the survey and creating policies for further development of the profession   | MoJ                       | CS  | Continuously from 2018  | MKD 180,000.00/ donation  | Announced results of conducted surveys for satisfaction of the users of services and the general public  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.4 NOTARYSHIP  | 2.6.4.1                    | Strengthen the professional capacities of the notaryship and increase the efficiency of their work | 2.6.4.1-1      | Change in the Law on Notaryship for redefinition of the notary act, simplified handling, increased efficiency, reduced costs, simplified procedure for appointment and design of the notary exam | 1. Set up a working group for drawing up the Law on Notaryship including representatives from the BRM, NCRM, CEARM, the Ombudsman, Chambers of Commerce and scholars<br>2. Drawing up draft law<br>3. Incorporation of the relevant opinions and indications of the quality and cost of enforcement submitted by the business community.<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       | BRM, NCRM, CEARM, the Ombudsman, Chambers of Commerce | 1. Completed 2. and 3. October 2017<br>4. November 2017<br>5. November 2017<br>6. December 2017<br>7. February 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Report of the International Union of the Latin Notaryship with established conditions regarding the compliance of the notaryship in RM, compared to 2016 |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                  | Strategic goal                           | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                | Deadline   | Financial resources   | Success indicator   |
|--|--|----------------------------|--|----------------|--|---|---------------------------|---|--|---|---|
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.4NOTARYSHIP | 2.6.4.1                    | Strengthen the professional capacities of the notaryship and increase the efficiency of their work | 2.6.4.1-2      | Preparation of the bylaws that will result from the legal changes in order to operationalise the legal solutions | 1. Formation of a mixed (MoJ and NCRM) working group for the preparation of the bylaws<br>2. Drafting proposed bylaws<br>3. Adoption of bylaws  | MoJ                       |   | Three months after the adoption of the Law on Notaryship   | does not cause fiscal implications  | Published Rulebook in the Official Gazette of RM  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.4NOTARYSHIP | 2.6.4.2                    | Restore the notary act in accordance with the principles of the Latin notaryship                   | 2.6.4.2-1      | Change in the Law on Notaryship to reintroduce the notary act  | 1. Set up a working group for drawing up the Law on Notaryship including representatives from the BRM, NCRM, CEARM, the Ombudsman, Chambers of Commerce and scholars<br>2. Drawing up draft law<br>3. Incorporation of the relevant opinions and indications of the quality and cost of enforcement submitted by the business community.<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       | BRM, NCRM, CEARM, Ombudsman, Chambers of Commerce | 1. Completed<br>2. and 3. October 2017<br>4. November 2017<br>5. November 2017<br>6. December 2017<br>7. February 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Restored notary act in the legal turnover from February 2018  |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.4NOTARYSHIP | 2.6.4.3                    | Monitor the results and quality of notaryship  | 2.6.4.3-1      | Establishment of a single software system for record keeping and management of cases at notaries and NCRM        | 1. Establishing of a working group for preparation of bylaws within the Notary chamber<br>2. Preparation of bylaws and achieving positive opinion of MoJ<br>3. Adoption of bylaws   | MoJ and NCRM              |   | June-December 2018   | does not cause fiscal implications  | Established software system   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.4NOTARYSHIP | 2.6.4.3                    | Monitor the results and quality of notaryship  | 2.6.4.3-2      | Connecting the NCRM system with MoJ, ACMIS and other state institutions  | 1. Establishing of the intersectorial working group for preparation of bylaws for interconnection of the systems of NC with other institutions<br>2. Preparation of bylaws and achieving positive opinion of MoJ and other institutions<br>3. Adoption of bylaws  | MoJ and NCRM              |   | September - December 2019  | does not cause fiscal implications  | Functional interoperability   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM | 2.6.ACCESS TO JUSTICE<br>2.6.4NOTARYSHIP | 2.6.4.3                    | Monitor the results and quality of notaryship  | 2.6.4.3-3      | Public opinion survey  | 1. Performing public survey regarding quality and expencies of notary services<br>2. Summing up the survey results and developing policy for future development of the profession   | MoJ and CS                |   | Continuously from 2018   | does not cause fiscal implications  | Announced results of conducted surveys for satisfaction of the users of services and the general public |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |   |                            |   |                |  |   |                                    |   |   |   |   |
|--|---|----------------------------|---|----------------|--|---|------------------------------------|---|---|---|---|
| Section in the Strategy  | Strategic goal                          | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority          | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.5MEDIATION | 2.6.5.1                    | Improve the concept of mediation                            | 2.6.5.1-1      | Review of the exam for mediators; Introduction of electronic service; Synchronisation of keeping registers.  | 1. Set up a WG for drawing up the Law on Mediation<br>2. Drawing up draft law<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM  | MoJ                                | CMRM  | 1.January 2018<br>2. and 3 March 2018<br>4. May 2018<br>5. June 2018<br>6. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Conducted exams; established electronic service; harmonised registers from January 2019   |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.5MEDIATION | 2.6.5.2                    | Frequent use of mediation by public authorities             | 2.6.5.2-1      | Enabling preconditions and encouraging public authorities to resolve mutual disputes through mediation.  | 1. The GRM adopts the Conclusion with a recommendation to the Attorney General's Office and the Public Enterprises in the property legal disputes they plan to initiate (if they are suitable for mediation) to try to resolve them previously by mediation.<br>2. The GRM adopts a Conclusion with a recommendation to the Attorney General's Office and the Public Enterprises in the property legal disputes when they are being sued to propose to resolve the dispute through mediation. | Government of RM                   |   | May 2018.   | does not cause fiscal implications  | increase in cases of AG decided by means of mediation by 10% annually starting from 2019. |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.5MEDIATION | 2.6.5.3                    | Stimulate the application of mediation in court proceedings | 2.6.5.3-1      | Increased use of mediation in:<br>1. proceedings relating to justice for children;<br>2. proceedings against journalists for defamation and insult;<br>3. consumer disputes,<br>4. insurance disputes. | 1. Analysis of the necessary financial resources, Decision of the Government for allocation of the financial resources for the PPO and the Decision of the Court Budget Council for determining the funds for the use of mediation in mediable cases from the LJC.<br>2. Analysis of the real number of cases and adopted position at a general session of the Supreme Court.   | MoJ                                | Government of RM, PPORM, JCRM, CBC, SCRM, CMRM, Association for Protection of Consumers | 1. March 2018<br>2. May 2018  | does not cause fiscal implications  | 10% of the cases decided by means of mediation annually from 2019.                        |
| 2.STRATEGIC GOALS OF THE JUDICIAL REFORM   | 2.6.ACCESS TO JUSTICE<br>2.6.5MEDIATION | 2.6.5.4                    | Promote the benefits of mediation for raising awareness     | 2.6.5.4-1      | 1.Concluding a Memorandum between CMRM and AJPP, Chambers of Commerce and MoJ.<br>2. Informing and communicating to the public about the advantages of mediation.                                      | 1. Training of judges for the application of the European Commission Directive on Mediation in Civil and Commercial Disputes of 2008 and the Directive on Mediation in Consumer Disputes.<br>2. Making brochures, preparing a media campaign and other promotional materials.   | MoJ, CMRM, Economic Chambers, AJPP |   | May-18  | MKD 1,400,000.00  | Conducted public opinion survey   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy                 | Strategic goal                            | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities                   | Deadline                           | Financial resources                | Success indicator   |
|---|---|----------------------------|--|----------------|---|--|---------------------------|--|------------------------------------|------------------------------------|---|
| 3. STRATEGIC PLANNING AND POLICY MAKING | 3.1. STRATEGIC PLANNING AND POLICY MAKING | 3.1.1.                     | Coordination of the reform in the judiciary  | 3.1.1.-1       | Establishment of a separate organisational unit within the Ministry of Justice in order to coordinate, monitor and harmonise all reform activities:<br>1. gathering data from other organisational units for preparing reports and providing incentives and professional assistance for the implementation of the set goals;<br>2. continuous promotion and support for the entire process and organisational unit and providing technical and expert assistance to the Judicial Reform Council.<br>3. A matrix with indicators for monitoring judicial reforms | 1. Amendments to the Rulebook on Systematisation and Organisation of Jobs of MoJ.<br>2. Creation of the matrix in cooperation with the CS and scholar institutions | MoJ                       | MISA, MF   | Continuously from May 2018 to 2022 | does not cause fiscal implications | Created functional organisational unit within the MoJ   |
| 3. STRATEGIC PLANNING AND POLICY MAKING | 3.1. STRATEGIC PLANNING AND POLICY MAKING | 3.1.1.                     | Coordination of the reform in the judiciary  | 3.1.1-2        | Establishment of separate organisational units responsible for supporting institutional and sectorial reform in their own institution: JCRM, CPPRM.   | Amendment of the Rulebooks for systematisation and organisation of jobs.   | JCRM, CPPRM               |  | May 2018.                          | does not cause fiscal implications | Created functional organisational units within the JCRM and CPPRM.  |
| 3. STRATEGIC PLANNING AND POLICY MAKING | 3.1. STRATEGIC PLANNING AND POLICY MAKING | 3.1.2.                     | Active role of the Judicial Reform Council   | 3.1.2.-1       | Regular sessions of the Council with concrete proposals and opinions and guidelines for the legal acts in process of preparation under the jurisdiction of the Ministry of Justice.   | Included members of the Judicial Reform Council in the working groups for drawing up legal acts.   | MoJ                       | Reform Council, Government of RM and Assembly of RM  | Continuously from October 2017     | does not cause fiscal implications | Posted announcements on the MoJ's website and adopted laws with the participation of Council members in working groups for drafting laws. |
| 3. STRATEGIC PLANNING AND POLICY MAKING | 3.1. STRATEGIC PLANNING AND POLICY MAKING | 3.1.3.                     | Establishing, coordination and financing of the working groups for preparations of analyses and legal projects for the Strategy implementation | 3.1.3. -1      | Establishing working groups for reforms in:<br>- criminal law area;<br>- judiciary;<br>- civil law area;<br>- administrative law and misdemeanour area  | Decision of the Minister of Justice on establishing working groups by certain areas for preparation of analyses and laws for the Strategy implementation           | MoJ                       | Representatives from the justice sector institutions | Continuously from July 2017-2020   | MKD 3,000,000.00                   | Published laws in the Official Gazette of RM prepared according to conducted and published analyses                                       |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |  |                            |   |                |   |   |                           |   |  |   |   |
|--|--|----------------------------|---|----------------|---|---|---------------------------|---|--|---|---|
| Section in the Strategy  | Strategic goal                             | No. of strategic guideline | Strategic guideline                           | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities  | Deadline   | Financial resources   | Success indicator   |
| 3.STRATEGIC PLANNING AND POLICY MAKING   | 3.1. STRATEGIC PLANNING AND POLICY MAKING  | 3.1.4.                     | Monitoring the implementation of the Strategy | 3.1.4.-1       | Establishment of a body headed by the President of the Government of the Republic of Macedonia, which will include the Minister of Justice, the Minister of Finance and other representatives of the Government of the Republic of Macedonia, as well as other representatives of the relevant authorities. | Regular coordination and monitoring of the data obtained from MoJ, monitoring of the indicators of the AP of the Strategy.  | GRM                       | MoJ, SEA  | January 2018.  | does not cause fiscal implications  | Conclusions of the Government for the realisation of the strategic goals and guidelines |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br>4.1.1. COURTS | 4.1.1.1.                   | Optimisation of the court network             | 4.1.1.1.-1     | Analysis of the court network and the number of courts in the Republic of Macedonia in order to optimise the number of courts through amendments to the Law on the Courts.  | <ol style="list-style-type: none"> <li>1. Set up a working group for drawing up the Law on the Courts including expert, academic community and CS.</li> <li>2. Use of comparative analyses</li> <li>3. Drawing up draft law</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of a proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM</li> </ol> | MoJ                       | JCRM, Association of Judges, SCRM, Association of Judicial Administration | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 20% reduced number of courts in 2019  |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy   | Strategic goal                             | No. of strategic guideline | Strategic guideline      | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator   |
|---|--|----------------------------|--------------------------|----------------|---|---|---------------------------|---|---|---|---|
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.1. COURTS | 4.1.1.2.                   | Specialisation of judges | 4.1.1.2.-1     | Legal regulation of the criteria for preparation of the Annual Work Schedule for Judges according to the ratio of the severity of the case with the years of service and experience as a judge. | 1. Set up a working group for the Law on the Courts<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM<br>8. Opinion on Draft Rules of Procedure for Amending the Court Rules of Procedure submitted to the General Session of the SCRM<br>9. Rulebook adopted by the Minister of Justice following a previous opinion from the General Session of the SCRM | MoJ                       | 1.-7. JCRM, Association of Judges, SCRM, Association of Judicial Administration<br>8. General session of SCRM<br>9. Minister of Justice | Law on the Courts<br>1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>Court Rules of Procedure<br>8. November 2018<br>9. December 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 100% assigned judges with Annual Work Schedule (passed in legal procedure), according to their specialisation and the ratio of the complexity of the case with the years of service and experience as a judge |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.1. COURTS | 4.1.1.3.                   | Specialisation of judges | 4.1.1.3.-1     | Legal grounds and limitations for the extraordinary modification of the Annual Work Schedule for Judges throughout the year   | 1. Set up a working group for the Law on the Courts<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM<br>8. Proposed Rules of Procedure for Amending the Court Rules of Procedure submitted to the General Session of the SCRM<br>9. Rulebook adopted by the Minister of Justice following a previous opinion from the General Session of the SCRM         | MoJ                       | 1.-7. JCRM, Association of Judges, SCRM, Association of Judicial Administration<br>8. General session of SCRM<br>9. Minister of Justice | Law on the Courts<br>1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>Court Rules of Procedure<br>8. November 2018<br>9. December 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Zero extraordinary amended Annual Work Schedule without legal ground  |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |   |                            |  |                |   |   |                           |  |  |   |   |
|--|---|----------------------------|--|----------------|---|---|---------------------------|--|--|---|---|
| Section in the Strategy  | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities   | Deadline   | Financial resources   | Success indicator   |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br>4.1.1. COURTS  | 4.1.1.3.                   | Specialisation of judges   | 4.1.1.3.-2     | Legal requirements for specialised judges for dealing with cases of the SPPORM and the field of international cooperation.  | <ol style="list-style-type: none"> <li>1. Set up a working group for the Law on the Courts</li> <li>2. Use of comparative analyses</li> <li>3. Drawing up draft laws</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of a proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM</li> <li>8. Proposed Rules of Procedure for Amending the Court Rules of Procedure submitted to the General Session of the SCRM</li> <li>9. Rulebook adopted by the Minister of Justice following a previous opinion from the General Session of the SCRM</li> </ol> | Ministry of Justice       | <ol style="list-style-type: none"> <li>1.-7. JCRM, Association of Judges, SCRM, Association of judicial service</li> <li>8. General session of SCRM</li> <li>9. Minister of Justice</li> </ol> | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> <li>8. November 2018</li> <li>9. December 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 100% allocated cases of the SPPO and from the field of international cooperation with specialised judges for dealing with cases from 2019 |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA | 4.1.2.1.                   | Ensuring and guaranteeing the independence, professionalism and liability of the members of the Judicial Council | 4.1.2.1.-1     | Improving the criteria for electing the members of JCRM from among the most experienced judges who at least meet the requirement to perform a judge's function in the courts of Appeal. | <ol style="list-style-type: none"> <li>1. Set up a working group for the drawing up of the Law on the Courts and LJCRM by including the expert, academic community and CS.</li> <li>2. Use of comparative analyses</li> <li>3. Drawing up draft laws</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of a proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM</li> </ol>  | MoJ                       | JCRM, Association of Judges, SCRM, Association of Judicial Administration  | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> </ol>   | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected new members of JCRM   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy   | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator   |
|---|---|----------------------------|--|----------------|---|--|---------------------------|---|---|---|---|
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA | 4.1.2.1.                   | Ensuring and guaranteeing the independence, professionalism and liability of the members of the Judicial Council | 4.1.2.1-2      | Withholding the right to vote of the President of the Supreme Court in the work of the Judicial Council                                 | 1. Set up a working group for the drawing up of the Law on the Judicial Council of RM by including the expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       | JCRM, Association of Judges, SCRM, Association of Judicial Administration | 1.October 2017<br>2.-5. November 2017<br>6. December 2017<br>7. January 2018                              | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | The President of the Supreme Court of RM attends the sessions of the JCRM without a right to vote |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA | 4.1.2.1                    | Ensuring and guaranteeing the independence, professionalism and liability of the members of the Judicial Council | 4.1.2.1-3      | De-professionalisation of the members of the Judicial Council, excluding the President of the Judicial Council                          | 1. Set up a working group for the drawing up of the Law on the Courts by including the expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM                  | MoJ                       | JCRM, Association of Judges, SCRM, Association of Judicial Administration | 1.February 2018<br>2. April 2018<br>3. May 2018<br>4.and 5.June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected judges for members of the JCRM under the new statutory criteria.                          |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA | 4.1.2.2.                   | Strengthening the transparency of the work of the Judicial Council   | 4.1.2.2.-1     | Public announcement of conclusions, statistical analyses and reports of JCRM  | 1. Introduction of search tools for decisions of the Judicial Council<br>2. Organising briefings for the media, experts and scholars<br>3. Improvement of websites   | JCRM                      | Media, CS   | Continuously until 2022   | IPA/ foreign/ donor assistance  | Posted decisions, conclusions, analyses and reports on the website of the JCRM                    |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA | 4.1.2.3                    | Restore JCRM's jurisdiction to initiate and conduct disciplinary proceedings                                     | 4.1.2.3-1      | Abolition of the Law on the Council for Determination of Facts and Initiation of a Procedure for Establishment of Liability for a Judge | 1. Set up a working group<br>2. Drawing up draft laws<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM   | MoJ                       | JCRM  | 1-2. August 2017<br>3. October 2017<br>4. November 2017<br>5. December 2017<br>6. February 2018           | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | 100 % referred proceedings to be handled by the JCRM as the competent body                        |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |   |                            |   |                |  |   |                           |                                    |  |   |  |
|--|---|----------------------------|---|----------------|--|---|---------------------------|------------------------------------|--|---|--|
| Section in the Strategy  | Strategic goal  | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator  |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br><br>4.1.2. JUDICIAL COUNCIL OF THE REPUBLIC OF MACEDONIA           | 4.1.2.3                    | Restore JCRM's jurisdiction to initiate and conduct disciplinary proceedings            | 4.1.2.3-2      | Amending the LJCRM so that members who were involved in the initiation of the disciplinary proceedings and „investigators“ shall not participate in the process of ruling in the specific disciplinary case as „judges“. | 1. Set up a working group for the drawing up of the Law on the JCRM by including the expert, academic community and CS.<br>2. Use of comparative analyses<br>3. Drawing up draft laws<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM  | MoJ                       | JCRM, Association of Judges        | 1-2. August 2017<br>3. October 2017<br>4. November 2017<br>5. December 2017<br>6. February 2018              | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Decreased number of submitted and adopted appeals of judges against a decision of JCRM |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br><br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.1                    | Harmonisation of the Law on Public Prosecutor's Office with the Criminal Procedure Code | 4.1.3.1 -1     | Adoption of a new Law on the Public Prosecutor's Office  | 1. Set up a working group by including public prosecutors, representatives from the CPPRM, Association of Public Prosecutors, academic community, CS, the Ombudsman, judges and attorneys.<br>2. Comparative analyses and consideration of the possible legal solutions<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       |                                    | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Adopted new Law on the Public Prosecutor's Office                                      |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br><br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.2                    | Establishment of investigative centres  | 4.1.3.2-1      | Operationalisation of the legal solution in practice   | 1. Deciding on the establishment of the necessary number of investigative centres<br>2. Provision of spatial and material-technical conditions<br>3. Staffing of the investigative centres  | PPORM                     | MoJ, MF and Mol                    | 1. March 2018.<br>2 and 3 September 2018.  | MKD 26,052,000.00, - The finances for buildings are provided in point 4.1.3.5-1,  | Established and functional IC at least 2 in December 2018.                             |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy   | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator  |
|---|---|----------------------------|--|----------------|---|--|---------------------------|------------------------------------|--|---|--|
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.3                    | Establishment of a system for electronic allocation of cases and consistent implementation of the case management system                               | 4.1.3.3 -1     | Application of the principle of uncertainty in the allocation of cases                        | 1. Upgrading the system<br>2. Technical equipment<br>3. Improve and maintain the network   | PPORM                     | MoJ                                | Continuously from January 2018   | does not cause fiscal implications                          | A functional system for electronic assignment of cases that is continuously applied in the daily work of the public prosecutor's offices |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.4                    | Budgetary and financial management   | 4.1.3.4 -1     | Strengthening the capacities for budget planning and financial management                     | 1. Preparation of analysis with proposed measures for overcoming the identified weaknesses<br>2. Adoption of by-laws<br>3. Staffing<br>4. Technical equipping<br>5. Continuous trainings | PPORM                     | AJPP and MF                        | 1. May 2018<br>2. December 2018<br>3. and 4. January 2019<br>5. March 2019 | MKD 8,300,000.00  | Employed and trained personnel from June 2019<br>Functional technical equipment from March 2019  |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.5                    | Spatial separation of the public prosecutors from the courts   | 4.1.3.5 -1     | Providing separate premises for the public prosecutor's offices located in the court premises | 1. Provision of funds<br>2. Finding / building premises<br>3. Material technical equipment   | PPORM                     | MoJ and MF                         | Continuously from 2018.  | MKD 117,000,000.00<br>National Budget/<br>EUR 1,900,000 IPA | Work of the public prosecutor's offices in new premises  |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.6                    | Increasing the staff in the public prosecutor's office   | 4.1.3.6 -1     | Employment of professional staff according to legal criteria                                  | 1. Provision of funds<br>2. Implementation of a recruitment procedure<br>3. Training of employees in the public prosecutor's administration  | PPORM                     | MF                                 | Continuously from June 2018  | MKD 7,596,000.00 for human resources and equipment          | A 30% increase in number of employees in public prosecutor's administration by 2022  |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.7                    | Establishment of interoperability of the public prosecutor's office with MoJ, FPA, FIA, CARM, PRO, AMSP, courts, penitentiary institutions and the Bar | 4.1.3.7 -1     | Electronic connection of the systems, strengthening and improving the cooperation             | 1. Provision of equipment for electronic networking,<br>2. Providing means for maintaining the systems<br>3. Trainings for using the interoperability system                             | PPORM                     | MoJ, MISA, AJPP                    | 1. January 2019<br>2. and 3. continuously from 2019                        | IPA/ foreign/ donor assistance                              | Established interoperability of the Public Prosecutor's Office with other competent institutions in 2020                                 |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |   |                            |   |                |  |   |                           |                                    |  |   |   |
|--|---|----------------------------|---|----------------|--|---|---------------------------|------------------------------------|--|---|---|
| Section in the Strategy  | Strategic goal  | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator   |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br><br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.8                    | Optimisation of the structure of the public prosecutor's office   | 4.1.3.8-1      | 1. Comprehensive analysis of the structure of the PPO on the territory of RM in correlation with the analysis of the organisation of the court network<br>2. Adoption of a new Law on the Public Prosecutor's Office so that the structure of the Public Prosecutor's Office follows the judicial organisational setup | 1. Set up a working group by including public prosecutors, judges, academic community, civil sector, and experts from the EU.<br>2. Drawing up draft law<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM   | MoJ                       | PPORM                              | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Number of public prosecutor's offices corresponding with the number of courts |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR                    | 4.1.JUDICIAL INSTITUTIONS<br><br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.9                    | Redefinition of the legal status of the SPPPO in a separate public prosecutor's office with autonomous jurisdiction, within the PPO, for the whole territory of RM, seated in Skopje, and expansion of its competence to include prosecution of high-profile corruption cases | 4.1.3.9-1      | Adoption of a new Law on the Public Prosecutor's Office  | 1. Set up a working group by including public prosecutors, representatives from the CPPRM, Association of Public Prosecutors, academic community, CS, the Ombudsman, judges and attorneys.<br>2. Comparative analyses and consideration of the possible legal solutions<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       |                                    | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Incorporated SPPPO in the system of PPO from 2018                             |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy   | Strategic goal  | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities       | Deadline   | Financial resources   | Success indicator   |
|---|---|----------------------------|--|----------------|--|---|---------------------------|--|--|---|---|
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.3. PUBLIC PROSECUTOR'S OFFICE OF THE REPUBLIC OF MACEDONIA | 4.1.3.10                   | Rationalisation of the duties and responsibilities within the managing system for the prosecution and the key competences of the PPO | 4.1.3.10 -1    | 1. Revision of the regulatory framework for the management system of the prosecution, as well as the public prosecutor of RM and the Council of Public Prosecutors of RM<br>2. Revision of the regulatory framework for supervision and hierarchical subordination, the allocation of operational competences between the various units and the system of allocation of cases within the PPO | 1. Set up a working group by including public prosecutors, representatives from the CPPRM, Association of Public Prosecutors, academic community, CS, the Ombudsman, judges and attorneys.<br>2. Comparative analyses and consideration of the possible legal solutions<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of a proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM | MoJ                       | CPPRM                                    | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Separated competencies between the PPO of RM and the CPPRM                                    |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.4.COUNCIL OF PUBLIC PROSECUTORS OF RM                      | 4.1.4.1                    | Providing and guaranteeing the independence, professionalism and liability of the members of the Council of Public Prosecutors of RM | 4.1.4.1-1      | Deprofessionalisation of the members of the Council of Public Prosecutors of RM  | 1. Set up a working group for CPPRM by including public prosecutors, judges, academic community, civil sector and EU experts.<br>2. Drawing up draft law<br>3. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>4. Submission of a proposed law to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM   | MoJ                       | CPPRM, Association of Public Prosecutors | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Elected public prosecutors for members of the CPPRM in accordance with the new legal criteria |
| 4.JUDICIAL INSTITUTIONS, OTHER INSTITUTIONS SERVING THE JUDICIAL SECTOR | 4.1.JUDICIAL INSTITUTIONS<br>4.1.4.COUNCIL OF PUBLIC PROSECUTORS OF RM                      | 4.1.4.2                    | Increasing the transparency of CPPRM   | 4.1.4.2-1      | Law on Amending the LSPORM, amendment of the bylaws  | Established clear procedures in the area of transparency in the work through public posting of all decisions made by the Council in particular for election, promotion, evaluation, disciplinary liability, dismissal, analyses, conclusions, reports and announcements for all activities of the Council on the web portal   | MoJ and CPPRM             | PPORM                                    | Continuously until 2022  | IPA/ foreign/ donor assistance  | Decisions, conclusions, analyses and reports posted on the CPPRM website                      |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                   |                            |   |                |  |  |                           |                                    |   |   |   |
|--|-------------------|----------------------------|---|----------------|--|--|---------------------------|------------------------------------|---|---|---|
| Section in the Strategy  | Strategic goal    | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.1 PENAL MATTERS | 5.1.1.                     | Codification of non-criminal regulations in the Criminal Code and its harmonisation with European and international standards | 5.1.1 -1       | Drafting a new Criminal Code aiming at:<br>1. Harmonisation with EU Directives from the penal area<br>2. Inclusion of all criminal offences from other non-criminal regulations into the Criminal Code<br>3. Redefinition of the provisions for meting out penalties in accordance with the guidelines for terminating the validity of the Law on Determination of the Type and Meting Out the Severity of the Sentence<br>4. Incorporation of the principle of non-punishment of victims, in accordance with international standards<br>5. Review of terrorism-related criminal offences, in accordance with international standards<br>6. Introduction of a ban on performing any legal profession for judges sentenced by a final court judgment for a crime related to abuse of the juridical office | 1. Set up a working group of judges, public prosecutors, attorneys, academic community, CS.<br>2. Analysis of European law in this area<br>3. Holding public discussions and debates<br>4. Drawing up proposed law and its submission to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM<br>7. Regular trainings for proper interpretation and implementation of the law | MoJ                       | PPORM, courts and other bodies     | 1. January 2018<br>2. January - April 2018<br>3. April-May 2018<br>4. June 2018<br>5. July 2018<br>6. October 2018<br>5. Continuously from 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | New codified and harmonised Criminal Code published in the official gazette |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal   | No. of strategic guideline | Strategic guideline  | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator                                       |
|--------------------------------|------------------|----------------------------|--|----------------|---|---|---------------------------|------------------------------------|---|---|---|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.1PENAL MATTERS | 5.1.2.                     | Fair treatment by strengthening the rights of defence and protection of human rights in the criminal proceedings | 5.1.2 -1       | Preparation of the Law on Amendments to the Criminal Procedure Code for the purposes of:<br>1. Harmonisation with the new EU Directives related to the right to interpretation and translation in the criminal proceedings, the right to information in the criminal proceedings, the protection of personal data within the cooperation in the criminal cases, the standards for the rights, the support and the protection of the victims of criminal offences<br>2. Review and supplement the already prepared amendments to the CPC in order to overcome the unbalanced interpretation and unequal practical application of some provisions<br>3. Specify the provisions regarding the imposition, extension and lifting of the detention measure<br>4. Specification of the provisions on settlement for a criminal sanction | 1. Set up a working group of judges, public prosecutors, the Ombudsman, SPPO, representatives from the MoJ, attorneys, academic community, CS.<br>2. Analysis of European law in this area<br>3. Holding public discussions and debates<br>4. Drawing up proposed law and its submission to the Government of RM.<br>5. Proposed law adopted by the Government of RM<br>6. Law passed by the Assembly of RM<br>7. Regular trainings for proper interpretation and implementation of the law | MoJ                       | Mol, SPPO, attorneys               | 1. November 2017<br>2. December 2017<br>3. and 4. February 2018<br>5. April 2018<br>6. May 2018<br>7. July 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Amendments to the CPC published in the Official Gazette |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                    |                            |   |                |  |   |                           |   |   |   |   |
|--|--------------------|----------------------------|---|----------------|--|---|---------------------------|---|---|---|---|
| Section in the Strategy  | Strategic goal     | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.1. PENAL MATTERS | 5.1.3.                     | Compensation for victims of criminal offences                                   | 5.1.3. -1      | Preparation of the Law on State Fund for Compensation of Victims   | <ol style="list-style-type: none"> <li>1. Set up a working group of judges, public prosecutors, attorneys, the Ombudsman, representatives from the MoJ, representatives from the MLSP, academic community, CS.</li> <li>3. Holding public discussions and debates</li> <li>4. Drawing up proposed law and its submission to the Government of RM.</li> <li>5. Proposed law adopted by the Government of RM</li> <li>6. Law passed by the Assembly of RM</li> <li>7. Regular trainings for proper interpretation and implementation of the law</li> </ol>                          | MoJ                       | MoJ, MLSP   | <ol style="list-style-type: none"> <li>1. November 2017</li> <li>2. December 2017</li> <li>3. and 4. February 2018</li> <li>5. April 2018</li> <li>6. May 2018</li> <li>7. July 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Functional State Fund   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.1. PENAL MATTERS | 5.1.4.                     | Improve and strengthen the protection of witnesses and collaborators of justice | 5.1.4. -1      | Preparation of the Law on Amending the Law on Witness Protection: <ol style="list-style-type: none"> <li>1. Further specification of the provisions of the LWP</li> <li>2. Harmonisation of the provisions of the LWP in the context of the cases for unlawful monitoring of communications within the competence of the SPPO</li> <li>3. Harmonisation with EU legislation</li> </ol> | <ol style="list-style-type: none"> <li>1. Set up a working group of judges, public prosecutors, SPPO, attorneys, the Ombudsman, representatives from the MoJ, representatives from the MLSP, Administration for Execution of Sanctions, penitentiary institutions, academic community, CS.</li> <li>2. Drawing up proposed law and its submission to the Government of RM.</li> <li>3. Proposed law adopted by the Government of RM</li> <li>4. Law passed by the Assembly of RM</li> <li>5. Regular trainings for proper interpretation and implementation of the law</li> </ol> | MoJ                       | MoJ, MLSP, Administration for Execution of Sanctions and other competent bodies | <ol style="list-style-type: none"> <li>1. October 2017</li> <li>2. and 3. February 2018</li> <li>4. April 2018</li> <li>5. May 2018</li> </ol>  | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Functional witness protection system based on the new law from May 2018 |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal     | No. of strategic guideline | Strategic guideline                       | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities            | Deadline  | Financial resources   | Success indicator                                   |
|--------------------------------|--------------------|----------------------------|---|----------------|--|--|---------------------------|---|---|---|---|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.1. PENAL MATTERS | 5.1.5.                     | Improving the justice system for children | 5.1.5 -1       | Amendments to the Law on Justice for the Children:<br>1. Consistent respect for the principle of best interest of the child<br>2. Harmonisation with the newly adopted EU Directives concerning procedural guarantees for the protection of children who are suspected or accused in the criminal proceedings<br>3. Strengthening the protection of children victims of crimes, including rehabilitation measures and intensified education of children<br>4. Include procedural provisions regarding the course of the main hearing<br>5. Facilitate the access of children - victims to legal advice and representation<br>6. The Compensation Fund for Children Victims<br>7. Strengthening the mechanisms for prevention of child offenders at the local and central level, as well as institutional, material and functional strengthening of the State Council for Prevention of Child Delinquency | 1. Set up a working group of judges, public prosecutors, attorneys, the Ombudsman, representatives from the MoJ, representatives from the SWC, academic community, CS.<br>2. Drawing up proposed law and its submission to the Government of RM.<br>3. Proposed law adopted by the Government of RM<br>4. Law passed by the Assembly of RM<br>5. Regular trainings for proper interpretation and implementation of the law | MoJ                       | public prosecutor's offices, courts, MoJ, SWC | 1. November 2018<br>2. December 2018<br>3. January 2019<br>4. March 2019<br>5. September 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Enhanced and functional justice system for children |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                             |                            |   |                |   |   |                           |   |   |   |  |
|--|-----------------------------|----------------------------|---|----------------|---|---|---------------------------|---|---|---|--|
| Section in the Strategy  | Strategic goal              | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities  | Deadline  | Financial resources   | Success indicator  |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.1. PENAL MATTERS          | 5.1.6.                     | Improving international co-operation in criminal matters  | 5.1.6 - 1      | Amendments to the Law on International Cooperation in Criminal Matters:<br>1. Overcoming the perceived differing interpretations and practices in its application in order to more precisely distinguish the competencies of the judge and the public prosecutor<br>2. A more precise shortened extradition procedure<br>3. Provisions for imposition of detention of a person for whom there is an ongoing extradition procedure | 1. Set up a working group of judges, public prosecutors, attorneys, the Ombudsman, representatives from the MoJ, academic community, CS.<br>2. Holding public discussions and debates<br>3. Drawing up proposed law and its submission to the Government of RM.<br>4. Proposed law adopted by the Government of RM<br>5. Law passed by the Assembly of RM<br>6. Regular trainings for proper interpretation and implementation of the law | MoJ                       | MoJ, public prosecutor's offices, courts  | 1. November 2018<br>2. December 2018<br>3. February 2019<br>4. April 2019<br>5. May 2019<br>6. September 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Functional and intensified international cooperation in criminal matters                                     |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.1. PENAL MATTERS          | 5.1.7.                     | Enforcement of the system for execution of sanctions  | 5.1.7 -1       | Evaluation of the implementation of the National Strategy for the Development of the Penitentiary System 2015-2019  | Establishment of an expert working group for preparation of analysis with concrete measures   | MoJ                       | AES, professional associations  | Continuously from January 2018  | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Improved assessments of the situation in the penitentiary system by domestic and international organisations |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.2. ADMINISTRATIVE MATTERS | 5.2.1.                     | Increasing the efficiency of the administrative dispute and reducing the length of the administrative court procedure by taking the burden off the budget of RM | 5.2.1.-1       | Restricting the administrative dispute to two instances.<br><br>Preparation of a comprehensive analysis for improvement of the administrative dispute efficiency, with particular reference to the realisation of the obligation for two instances in the administrative court procedure, including international experts.  | Analyses of the efficiency of the current administrative dispute system with proposals for improvement, using the comparative experiences and best practises  | MoJ                       | AC, HAC, Ombudsman, representatives from the academic community and international experts | January-May 2018  | TAIEX   | Published analyses on the website of the Ministry of Justice   |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal              | No. of strategic guideline | Strategic guideline  | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                          | Deadline  | Financial resources   | Success indicator  |
|--------------------------------|-----------------------------|----------------------------|--|----------------|--|---|---------------------------|---|---|---|--|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.2.                     | Relieve the Attorney General from participation in administrative disputes   | 5.2.2.-1.      | New LAD and amendments to the Law on the AG for the purpose of depriving the AG of filing for a remedy in an administrative dispute on behalf of the public authority.   | 1. Set up a working group for a new LAD and amendments to the Law on AGO by including judges from the Administrative Court, Higher Administrative Court, the Supreme Court, the AGO and representatives of the academic community.<br>2. Use of comparative analyses and consultations with foreign experts<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed laws to the Government of RM.<br>6. Proposed laws adopted by the Government of RM<br>7. Laws passed by the Assembly of RM.                                 | MoJ                       | AC, HAC, AG and representatives from the academic community | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018                    | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Shortened length of the administrative court procedure and increased efficacy starting from January 2019 |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.2.                     | Relieve the Attorney General from participation in administrative disputes   | 5.2.2.-2       | Strengthening the capacities of public authorities themselves to defend the legality of the decisions  | Training of officials for participation in administrative disputes  | MISA                      | AJPP  | Continuously after the adoption of the new legal solutions  | does not cause fiscal implications  | Shortened length of the administrative court procedure and increased efficacy starting from January 2019 |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.3.                     | Increased meritorious decision-making of the Administrative Court, that is, adjudication in a dispute of full jurisdiction | 5.2.3.-1       | New LAD for the purpose of specifying the term „meritorious decision-making“ of the Administrative Court. Proper criteria and conditions for compulsory decision-making by the Court in full jurisdiction will be defined. | 1. Set up a working group for a new LAD by including judges from the Administrative Court, Higher Administrative Court, the Supreme Court, representatives of the academic community.<br>2. Use of comparative analyses and consultations with foreign experts<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM.<br>8. Regular trainings for proper interpretation and implementation of the law | MoJ                       | AC, HAC and representatives from the academic community     | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>8. October 2018 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Increased number of meritorious decisions of the AC by 10% annually starting in 2019                     |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                             |                            |   |                |  |   |                           |   |  |   |   |
|--|-----------------------------|----------------------------|---|----------------|--|---|---------------------------|---|--|---|---|
| Section in the Strategy  | Strategic goal              | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                      | Deadline   | Financial resources   | Success indicator   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.2. ADMINISTRATIVE MATTERS | 5.2.4.                     | Ensuring the enforceability of judgments in an administrative dispute | 5.2.4.-1       | A new LAD envisaging sanctions for officials in public bodies who, when deciding again on a case remitted by the Administrative Court, failed to comply with the judgment of the Court and did not decide in accordance with the Court's instructions. | <ol style="list-style-type: none"> <li>1. Set up a working group for a new LAD by including judges from the Administrative Court, Higher Administrative Court, the Supreme Court, representatives of the academic community.</li> <li>2. Use of comparative analyses and consultations with foreign experts</li> <li>3. Drawing up draft law</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM.</li> </ol> | MoJ                       | AC, HAC and representatives from the academic community | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Increased number of enforced decisions of the AC by 10% annually starting in 2019     |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.2. ADMINISTRATIVE MATTERS | 5.2.5.                     | Enabling public hearings in administrative dispute                    | 5.2.5.-1       | New LAD defining the obligation to hold public hearings when an administrative dispute is decided meritoriously (a dispute of full jurisdiction)   | <ol style="list-style-type: none"> <li>1. Set up a working group for a new LAD by including judges from the Administrative Court, Higher Administrative Court, the Supreme Court, representatives of the academic community.</li> <li>2. Use of comparative analyses and consultations with foreign experts</li> <li>3. Drawing up draft law</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM.</li> </ol> | MoJ                       | AC, HAC and representatives from the academic community | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Increased number of conducted public debates by 5% at annual level starting from 2019 |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal              | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity  | Competent body/ authority | Other competent bodies/authorities                            | Deadline   | Financial resources   | Success indicator   |
|--------------------------------|-----------------------------|----------------------------|---|----------------|--|---|---------------------------|---|--|---|---|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.6.                     | Harmonisation of the LAD with the LGAP from 2015  | 5.2.6.-1       | New LAD harmonised with the LGAP   | <ol style="list-style-type: none"> <li>1. Set up a working group for a new LAD by including judges from the Administrative Court, Higher Administrative Court, the Supreme Court, representatives of the academic community.</li> <li>2. Use of comparative analyses and consultations with foreign experts</li> <li>3. Drawing up draft law</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM.</li> </ol> | MoJ                       | AC, HAC, MISA and representatives from the academic community | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Aligned law   |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.7.                     | Increasing the transparency of the work of the Administrative Court                                   | 5.2.7.-1       | Specify and supplement the data contained in the Annual Reports on the Work of the Administrative Court in accordance with ACCMIS  | Inclusion into the Annual Reports for the work of the Administrative Court of number of decisions taken in a dispute of full jurisdiction, number of decisions taken after a previously held oral hearing, number of decisions taken by a single judge, etc.  | AC                        |   | October 2018 година  | does not cause fiscal implications  | Generated reports from ACMIS system starting from January 2019                    |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.8.                     | Improvement of the spatial and material-technical conditions for the work of the Administrative Court | 5.2.8.-1       | <ol style="list-style-type: none"> <li>1. Providing space for courtrooms and offices of the Administrative Court.</li> <li>2. Providing computers, servers, printers, networking.</li> </ol> | <ol style="list-style-type: none"> <li>1. Providing space for courtrooms and offices of the Administrative Court.</li> <li>2. Adapting the premises of an old building of Skopje 1 Court of First Instance</li> <li>3. Purchase of computers, servers, printers, networking</li> </ol>  | MoJ/JBC                   | AC  | Continuously from early 2018   | MKD 18,000,000.00   | Provided spatial and material - technical working conditions                      |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.2. ADMINISTRATIVE MATTERS | 5.2.9.                     | Alignment of case law in resolving disputes arising out of administrative agreements                  | 5.2.9.-1       | Real undertaking of the competence of the Administrative Court to resolve the disputes arising from the administrative agreements  | Specific training of panels in the Administrative Court that decide on disputes from administrative agreements from domestic and international experts on different types of administrative agreements and from experienced administrative judges who adjudicate such disputes in other countries.  | AJPP                      |   | Continuously for three months after the entry into force of LAD  | does not cause fiscal implications  | Adopted aligned decisions on administrative agreements starting from January 2019 |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                          |                            |                                 |                |  |  |  |                                    |   |   |  |
|--|--------------------------|----------------------------|---------------------------------|----------------|--|--|--|------------------------------------|---|---|--|
| Section in the Strategy  | Strategic goal           | No. of strategic guideline | Strategic guideline             | No. of measure | Measure  | Activity   | Competent body/ authority  | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator  |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.3.MISDEMEANOUR MATTERS | 5.3.1.                     | Reduction of misdemeanour fines | 5.3.1.-1       | Determining the exact range of the misdemeanour fines in the LM with limited possibility with substantive laws to determine a higher misdemeanour fine.    | <ol style="list-style-type: none"> <li>1. Set up a working group for a new LM by including misdemeanour judges, representatives of all public authorities having misdemeanour commissions, inspectors, the academic community and CS.</li> <li>2. Use of comparative analyses and consultations with foreign experts</li> <li>3. Drawing up draft law</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the Government of RM</li> <li>7. Law passed by the Assembly of RM.</li> <li>8. Regular trainings for proper interpretation and implementation of the Law</li> </ol> | MoJ  | AJPP                               | <ol style="list-style-type: none"> <li>1. February 2018</li> <li>2. April 2018</li> <li>3. May 2018</li> <li>4. and 5. June 2018</li> <li>6. July 2018</li> <li>7. September 2018</li> <li>8. continuously after the adoption of the Law</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Reduced fines for certain misdemeanours starting in January 2019 |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.3.MISDEMEANOUR MATTERS | 5.3.1.                     | Reduction of misdemeanour fines | 5.3.1.-2       | Harmonisation of all substantive regulations with the provisions of the LM in the direction of reduction of the fines that have been determined with them. | Set up working groups in all public bodies for preparation of amendments to their substantive laws in order to comply them with the LM.  | all ministries responsible for the drafting of substantive laws containing misdemeanour provisions | other bodies within the Ministries | three months after the adoption of the new LM   | does not cause fiscal implications  | Reduced fines for certain misdemeanours starting in January 2019 |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal            | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator                                     |
|--------------------------------|---------------------------|----------------------------|---|----------------|--|--|---------------------------|------------------------------------|---|---|---|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.3.MISDEMEAN-OUR MATTERS | 5.3.2.                     | Distinction between administrative offence and a court misdemeanour | 5.3.2.-1       | 1. Determining the legal boundary for administrative offences under the competence of misdemeanour commissions<br>2. Determining the maximum fine for court misdemeanours  | 1. Set up a working group for a new LM by including misdemeanour judges, representatives of all public authorities having misdemeanour commissions, inspectors, the academic community and CS.<br>2. Use of comparative analyses and consultations with foreign experts<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM.<br>8. Regular trainings for proper interpretation and implementation of the Law | MoJ                       | AJPP                               | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>8. continuously after the adoption of the Law | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Imposed reduced fines starting from January 2019      |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.3.MISDEMEAN-OUR MATTERS | 5.3.3.                     | Improving the efficiency of the misdemeanour proceedings            | 5.3.3.-1       | Analyses of the situation regarding the two instances of the misdemeanour procedure, with specific reference to the Law on Establishing a State Commission for Decision-Making in the Second Instance for Misdemeanours and Inspection Supervision | Preparation of analyses with specific proposals for the Law on Misdemeanours by domestic and international experts.  | MoJ                       | Domestic and international experts | January-May 2018  | TAIEX   | Published analyses on the Ministry of Justice website |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                          |                            |   |                |  |  |                           |                                    |   |   |   |
|--|--------------------------|----------------------------|---|----------------|--|--|---------------------------|------------------------------------|---|---|---|
| Section in the Strategy  | Strategic goal           | No. of strategic guideline | Strategic guideline   | No. of measure | Measure  | Activity   | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.3.MISDEMEANOUR MATTERS | 5.3.4.                     | Prevention vis-à-vis repression as the main objective of the misdemeanour proceedings   | 5.3.4.-1       | Imposition of a warning before a fine is imposed for all administrative offences whenever possible | 1. Set up a working group for a new LM by including misdemeanour judges, representatives of all public authorities having misdemeanour commissions, inspectors, the academic community and CS.<br>2. Use of comparative analyses and consultations with foreign experts<br>3. Drawing up draft law<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the Government of RM<br>7. Law passed by the Assembly of RM.<br>8. Regular trainings for proper interpretation and implementation of the Law | MoJ                       |                                    | 1. February 2018<br>2. April 2018<br>3. May 2018<br>4. and 5. June 2018<br>6. July 2018<br>7. September 2018<br>8. continuously after the adoption of the Law | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Increased number of decisions with imposed warning  |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.3.MISDEMEANOUR MATTERS | 5.3.4.                     | Prevention vis-à-vis repression as the main objective of the misdemeanour proceedings   | 5.3.4.-2       | Imposition of a warning before a fine is imposed for all administrative offences whenever possible | Trainings for the inspectors and members of misdemeanour commissions   | MoJ / MISA                |                                    | continuously after the adoption of the new legal solutions  | does not cause fiscal implications  | Increased number of decisions with imposed warning  |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.4. CIVIL MATTERS       | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-1        | Coordination of the reforms in the civil law sector  | 1. Establishment of a permanent working body for monitoring the reforms in the civil law system consisting of the academic community, chambers of commerce, other state administration bodies<br>2. Preparation of regular reports with proposals for changing the legal solutions and recommendations for the application of laws<br>3. Amendment of the bylaw in the direction of a separate organisational unit for civil law   | MoJ                       |                                    | Continuously from November 2017   | does not cause fiscal implications  | 1. Set up body<br>2. Reports submitted to the MoJ<br>3. Established separate organisational unit in the MoJ |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal     | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator  |
|--------------------------------|--------------------|----------------------------|---|----------------|---|---|---------------------------|------------------------------------|--|---|--|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-2        | Adoption of a new Law on Obligations harmonised with European Directives  | 1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.<br>2. Drawing up draft laws<br>3. Public debate<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the GRM<br>7. Law passed by the Assembly of RM. | MoJ                       | AJPP                               | 1. September 2018<br>2 and 3. December 2018<br>4. January 2019<br>5. March 2019<br>6. April 2019<br>7. June 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | New LO in accordance with EU Directives                                      |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-3        | Preparation of a new Law on Ownership and Other Real Rights   | 1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.<br>2. Drawing up draft laws<br>3. Public debate<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the GRM<br>7. Law passed by the Assembly of RM. | MoJ                       |                                    | 1. September 2018<br>2 and 3. December 2018<br>4. January 2019<br>5. March 2019<br>6. April 2019<br>7. June 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | New Law on Ownership and Other Real Rights published in the Official Gazette |
| 5. REFORMS IN INDIVIDUAL AREAS | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-4        | Preparation of a new Law on Inheritance for the purpose of harmonisation with the European legislation in the area and the most up-to-date European practices | 1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.<br>2. Drawing up draft laws<br>3. Public debate<br>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)<br>5. Submission of proposed law to the Government of RM.<br>6. Proposed law adopted by the GRM<br>7. Law passed by the Assembly of RM. | MoJ                       |                                    | 1. September 2018<br>2 and 3. December 2018<br>4. January 2019<br>5. March 2019<br>6. April 2019<br>7. June 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | New Law on Inheritance published in the Official Gazette                     |



| ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022 |                    |                            |   |                |   |   |                           |                                    |  |   |   |
|--|--------------------|----------------------------|---|----------------|---|---|---------------------------|------------------------------------|--|---|---|
| Section in the Strategy  | Strategic goal     | No. of strategic guideline | Strategic guideline   | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline   | Financial resources   | Success indicator   |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-5        | Amendment to the CPA in order to overcome the problems in its application | <ol style="list-style-type: none"> <li>1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.</li> <li>2. Drawing up draft laws</li> <li>3. Public debate</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the GRM</li> <li>7. Law passed by the Assembly of M.</li> </ol>  | MoJ                       |                                    | 1. September 2018<br>2 and 3. December 2018<br>4. January 2019<br>5. March 2019<br>6. April 2019<br>7. June 2019 | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Amendments to the Civil Proceedings Act published in the Official Gazette       |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-6        | Revision of the civil liability system for insult and defamation          | <ol style="list-style-type: none"> <li>1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.</li> <li>2. Drawing up draft laws</li> <li>3. Public debate</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the GRM</li> <li>7. Law passed by the Assembly of RM.</li> </ol> | MoJ                       |                                    | 1. May 2018<br>2 and 3. June 2018<br>4. June 2018<br>5. July 2018<br>6. July 2018<br>7. September 2018           | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Pronounced sentences for defamation and insult with a symbolic amount of damage |
| 5. REFORMS IN INDIVIDUAL AREAS   | 5.4. CIVIL MATTERS | 5.4.1.                     | Establishing a stable civil law system by filling in existing legal gaps and aligning it with European standards and modern social trends | 5.4.1-7        | Civil law training courses  | Conducting continuous specialised training for the application of laws in the civil law area  | AJPP                      |                                    | Continuously   | does not cause fiscal implications  | Conducted 10 trainings by 2021  |

**ACTION PLAN FOR IMPLEMENTATION OF THE STRATEGY FOR REFORM OF THE JUDICIAL SECTOR 2017-2022**

| Section in the Strategy        | Strategic goal     | No. of strategic guideline | Strategic guideline | No. of measure | Measure   | Activity  | Competent body/ authority | Other competent bodies/authorities | Deadline  | Financial resources   | Success indicator   |
|--------------------------------|--------------------|----------------------------|---------------------|----------------|---|---|---------------------------|------------------------------------|---|---|---|
| 5. REFORMS IN INDIVIDUAL AREAS | 5.4. CIVIL MATTERS | 5.4.2.                     | Expert report       | 5.4.2-1        | Amendments to the Law on Expert Reports in the direction of specifying the norms for entering the profession of an expert, performing the activity and extending the licences | <ol style="list-style-type: none"> <li>1. Set up a working group by including judges, the academic community, civil sector for the drawing up of the Law.</li> <li>2. Drawing up draft laws</li> <li>3. Public debate</li> <li>4. Introduction of the public to the proposed legal solution (announcement by ENER and public discussion)</li> <li>5. Submission of proposed law to the Government of RM.</li> <li>6. Proposed law adopted by the GRM</li> <li>7. Law passed by the Assembly of RM.</li> </ol> | MoJ                       |                                    | <ol style="list-style-type: none"> <li>1. November 2017</li> <li>2 and 3. December 2017</li> <li>4. December 2017</li> <li>5. January 2018</li> <li>6. January 2018</li> <li>7. March 2018</li> </ol> | The finances are provided within the envisaged amount specified in point 3.1.3.-1 | Abolished electronic exam taking and implemented a new way of taking it |

