

**Speech for the**  
**ANNUAL CONFERENCE OF JUDGES OF SERBIA,**  
**Vrnjacka Banja, 5-7 October 2017**

**E U T A L K I N G P O I N T S**

*Check against delivery*

**Dear Chief Justice judge Milojević**

**Dear Minister Kuburović,**

**Your excellences (NL and OSCE Ambassadors confirmed)**

**Dear judges, dear guests,**

- It is a real pleasure for me to join you today. I would like to thank the Supreme Court for inviting me and for giving me an opportunity to address you on behalf of the European Union.
- This traditional conference, which gathers all judges from Serbia, and also colleagues and friends from the region and the international community, is indeed an excellent opportunity to discuss all the matters that are important for the Serbian justice system and the work of the judges.
- Let me start by saying that the rule of law is the very foundation of every democratic society in a modern world. For us in the EU, rule of law is the value shared by all member states. As our President Juncker said it: "The rule of law is not optional in the European Union. It is a must. Our Union is not a State but it is a community of law."
- It is also a requirement for any future membership – one of the famous Copenhagen criteria. Let me here mention the recent visit of the EU Commissioner Hahn to Serbia and his message that Serbia's accession to the EU is a firm and unquestionable objective of the EU.
- We are making steady progress in the accession negotiations with Serbia, with 10 chapters opened and 2 provisionally closed. This is the occasion to repeat that the pace of Serbia's accession negotiations actually depends on Serbia's proven ability to implement reforms, in particular in the rule of law area.

- In previous accessions the Chapter 23 on the Judiciary and Fundamental Rights was the most demanding, as it goes into the core of how a transition country addresses the rule of law, and how it treats its citizens. It is not only about reforming the judicial system but also about the country's core values towards its own and other citizens.
- We have opened this Chapter 23 with Serbia in July 2016 and agreed on a set of benchmarks in order to measure the progress in reforms. The Action Plan sets out the activities. Negotiating Team for CH 23 is reporting on the state of play every six months, together with civil society organisations gathered around the Konvent. For us this dialogue with civil society is very important.
- It is worth mentioning that the adoption of laws, strategies and new procedures is only the first phase of reforms, the more challenging aspect is their implementation or enforcement. In our most recent report (Non-paper, April 2017) it was assessed that *'in many instances, implementation is at an early stage'*.
- Here, as Commissioner Hahn pointed out in his recent visit to Belgrade: quality goes before speed. This focus on quality is crucial because of the importance that the rule of law and an independent judiciary have for Serbia's citizens.
- It is important that these principles are implemented in practice. This requires the **independence** of the judicial and prosecutorial councils, good legal education, proper appointment and dismissal procedures, evaluation and performance criteria, disciplinary procedures. And it also demands **accountability, efficiency and quality** in the delivery of justice.
- In the EU, we have very clear standards for each of these objectives, from Article 2 of the Treaty on the European Union (TEU), whereby among the rule of law principles, the independence of the judiciary is of key importance, and in the Accession criteria of 1993 the first of the famous Copenhagen criteria refers to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. In addition European Convention on Human Rights, Committee of Ministers, Consultative Council of European Judges and Council of Europe Plan of Action all have important elements stipulating on independence, efficiency and responsibilities of judiciary.
- It is clear that judicial reforms have a considerable cost, not only in human resources but also in tangible investments.

- The EU is supporting Serbian efforts in judiciary in a very concrete manner: through our pre-accession instrument referred to as 'IPA', and through which we have been funding refurbishment of court buildings, prisons, provision equipment for more efficient case handling and technical assistance to substantially reduce the case backlog – just to mention few examples.
- It is worthwhile to note that the backlog reduction project called "Judicial Efficiency" financed by the EU, resulted in decrease by more than 800,000 enforcement cases. This remarkable result was possible thanks to a very intense and fruitful cooperation between Supreme Court of Cassation, courts and the EU funded project. We look forward to the successful continuation of these joint efforts.
- Let me recall that the EU and its Member States are Serbia's first economic partners. The EU institutions' financial assistance alone to Serbia amounts to ca. EUR 200 million annually. A considerable amount is dedicated to justice sector - over 30 million EUR to this area alone over the next 2 years.
- The European Union has been and remains the largest donor of assistance to Serbia. Our commitment to Serbia is firm, and it is clear.
- I am therefore pleased to see that a number of EU projects are an integral part of this Annual Conference's agenda, which demonstrates the strong cooperation we have and of the relevance of the areas where we are jointly working together.
- The role of judges and all others who protect citizens' rights and act as guarantors of their freedom and safety is undoubtedly vital in any democratic society. Only a truly independent judiciary can safeguard democracy and human rights and provide legal certainty to economic operators and to effectively fight against crime and corruption.
- We are very closely following the ongoing consultations on amendments to the Constitution and especially in the part related to the judiciary that should improve safeguards for the required independence. Firm Constitutional and legal basis, clearly setting out the principles of judicial independence is needed to ensure that the law is enforced impartially and consistently no matter who is in power, and without undue influence from any other source.
- I would like to encourage all of you to take active part in designing the future reform and defining all the steps and activities that will yield results and make progress in your working environment and in delivering modern accountable democratic society for all in Serbia. You, as judges have a special responsibility, and you have the unique possibility to contribute towards

designing a more independent, modern and efficient future for you and your colleagues.

I wish you all the success in your demanding and important work.

### **Speech for the**

**MEDIA EVENT 12.00 – 12.30**

**ANNUAL CONFERENCE OF JUDGES OF SERBIA,**

**Vrnjacka Banja, 5-7 October 2017**

#### **E U T A L K I N G P O I N T S**

**Dear Chief Justice judge Milojević**

**Dear Minister Kuburović,**

**dear guests,**

- This morning, addressing the plenary of the Judges Annual Conference, I underlined that judges work is crucial in safeguarding the rule of law, as the foundation of every modern and democratic society.
- I also stressed that Accession Negotiation's Chapter 23 is not only about judicial reforms, but also about the country's core values towards its own and other citizens, when it comes to effective protection of their fundamental rights. Chapter 23 therefore goes to the core of how a democratic country functions.
- The **efficiency in delivery of justice** is essential for the citizens who should have the guarantee that their rights will be effectively protected. We in the EU have developed a methodology for measuring efficiency through our Justice Scoreboard and Council of Europe body for Judicial efficiency indicators. These documents should provide a good guidance for the Serbian judiciary too.
- It is clear that one of the aspects of judiciary where more progress is expected is indeed the efficiency of justice.
- We welcome all the reforms in tackling inefficiency which are in progress and which are already showing some good results.

- It is clear that judicial reforms have a considerable cost, not only in human resources but also in tangible investments.
- The EU is supporting Serbian efforts in judiciary in a very concrete manner: through our pre-accession instrument referred to as 'IPA', and through which we have been funding refurbishment of court buildings, prisons, and provision equipment for more efficient case handling– just to mention few examples.
- In fact, the European Union has been and remains the largest donor of assistance to Serbia: for Chapter 23 - over the coming 2 years. the EU has allocated over 30 million euros to justice sector alone
- Today it is my pleasure to talk about one specific project, the one named "Judicial Efficiency Project". This project has tackled a big problem in the Serbian judiciary – also identified in the 2016 annual Report on Serbia, namely the substantial backlog of cases.
- Thanks to a very intense and fruitful cooperation between Supreme Court of Cassation, courts and the EU funded project "Judicial Efficiency" a remarkable result was achieved: over 800,000 of old enforcement cases were closed, as also stated in the Annual Report of the work of the Courts.
- The joint efforts should now be continued. The conditions are in place to eliminate this backlog entirely in the next few years. It is important to keep this *momentum* through commitments and efforts by all involved parties.
- The project has also developed a new **case weighting system** and improved the **integrity of data** contained in the courts database. Furthermore it has strengthened the capacities of the case law departments by **harmonising the court practices** so that judges can render efficient and better informed decisions.
- Furthermore, together with the Ministry of Justice and the Supreme Court the project has designed and implemented an interoperability framework so that courts and other members of the justice community can share information digitally, for more reliable collection and presentation of **statistics**.
- Digitalisation being also the priority of the Prime Minister – this project has contributed to the overall strategic objectives of the Serbian government.
- It goes without saying that these good results were achieved by the joint work of all the relevant institutions of Serbian judiciary.
- I take this opportunity to commend the leadership and engagement of the Supreme Court of Cassation and the Ministry of Justice for these good results

and wish you all the success with the challenging reforms required within the judiciary.

- The EU is there to help you on this path...