

10 facts to know about the EU-BiH Structured Dialogue on Justice

1. WHAT IS THE EU-BiH STRUCTURED DIALOGUE ON JUSTICE?

OPPORTUNITY

The EU-BiH Structured Dialogue on Justice is a very important opportunity for Bosnia and Herzegovina (BiH).

This new tool, developed by the European Commission, has been launched with a view to supporting reforms of the justice system in the country and bringing it closer to the EU. This platform provides the context to discuss all reforms that are necessary to allow BiH to progress in the alignment of its judicial system with the EU *acquis* and relevant standards.

The Structured Dialogue is a newly-established mechanism, and **BiH is the first enlargement country to benefit from the new methodology**. The idea for the Dialogue stemmed from the commitment of the European Commission to advance structured relations on the rule of law with potential candidates, even prior to the entry into force of the Stabilisation and Association Agreement (SAA). This is simply because justice cannot wait. Citizens deserve the highest possible standards when it comes to the justice system. The Structured Dialogue therefore represents opportunity: an opportunity to guarantee progress in one of the most challenging sectors in the path towards EU membership.

2. WHO ARE THE PARTIES INVOLVED THE STRUCTURED DIALOGUE?

THE EU

BOSNIA AND HERZEGOVINA

The Dialogue is a **bilateral exercise** between the EU and Bosnia and Herzegovina. The plenary meetings of the Dialogue are open to the participation of relevant high-level practitioners and authorities. The European Commission neither invites nor excludes participants. The Dialogue is primarily based on the representation modalities of formal sub-committees, organised under the Stabilisation and Association Process to guarantee review of legislation, procedures and institutional arrangements, against the backdrop of the EU *acquis* and standards. Yet, as the recent history of the Enlargement process has shown the importance of the justice sector and, more broadly, of all rule of law issues, the plenary sessions of the Structured Dialogue are open to high ranking participants, when compared to other technical meetings organised in the context of the Stabilisation and Association Process. It is up to local authorities, however, to identify systematically relevant interlocutors.

3. WHAT DOES THE EU EXPECT FROM BiH INTERLOCUTORS?

COMMITMENT

Commitment towards one goal: the development and consolidation of an **independent, credible, effective, efficient, impartial and accountable judiciary**. Commitment towards a collaborative methodology: any ideas or proposal to introduce changes in the judiciary shall first and foremost be discussed in the context of the Structured Dialogue.

4. WHAT IS THE MAIN RULE OF THE DIALOGUE?

OWNERSHIP

Neither the European Commission, nor the EU, imposes reforms. The Structured Dialogue is organised in the framework of the Stabilisation and Association Process. In order to reach an agreement on adequate reforms, in each sector, **ownership, engagement and responsibility of local authorities are essential**. Members of the judicial system are expected to engage in a constructive, continuous and technical process, to guarantee that **domestically-developed reform schemes** can reach the legislator and be guaranteed prompt democratic follow-up.

5. WHO DECIDES THE AGENDA OF THE STRUCTURED DIALOGUE?

THE EU

BOSNIA AND HERZEGOVINA

The agenda is determined together with the different involved in the judiciary reform process. Far in advance of the plenary meetings of the Structured Dialogue the European Commission proposes a list of agenda items to the BiH authorities, through the normal entry point for the organisation of Sub-Committees: the Directorate for European Integration. Once the BiH authorities have contributed and agreed to the Commission proposal, the Commission consolidates the position of the EU on each agenda item.

The EU position is the outcome of a consultative process between the European Commission and the relevant geographic working group at the European Council (COWEB). Within this forum, all 27 EU member states review the topics on the agenda, discuss the information and assessment proposed by the Commission, and agree on specific "positions" and "conclusions" to each relevant point. Only at this stage is the position of the EU consolidated. The points raised by the delegation of the EU to the Structured Dialogue plenary meetings therefore represent not only the technical stances of the European Commission, but the view shared by the EU and its 27 member states.

6. WHAT IS THE NECESSARY REQUIREMENT FOR THE DIALOGUE TO WORK?

RESPONSIBILITY

The Dialogue can bring results only through responsible proposals and decisions. It represents the most suitable forum to channel concerns and discuss proposals for change, to identify problems and shortcomings, and agree on solutions. The Dialogue is about ensuring the independence, professionalism and accountability of the justice sector, reinforcing the judicial institutions at all levels. The Dialogue is a technical exercise based on the idea that depoliticising the debate on justice related issues is the only possible way to secure the independence of the judiciary for good.

7. WHO ISSUES THE RECOMMENDATIONS AT THE END OF DIALOGUE PLENARIES?

THE EUROPEAN COMMISSION

At the end of each plenary session, the European Commission issues a set of technical recommendations. These recommendations directly stem from the positions and conclusions already agreed by the 27 EU member states in the course of the preparation of the meeting and from the results of the discussions at the plenary working sessions.

8. WHAT HAPPENS IN BETWEEN THE STRUCTURED DIALOGUE PLENARY SESSIONS?

SIMPLY MORE DIALOGUE

Plenary sessions of the Structured Dialogue are scheduled to take place in average **2 times each year**. However, the offices of the EU Delegation and the EU Special Representative to BiH in Sarajevo are working on this matter on a permanent basis by gathering relevant information and following up on the implementation of the recommendations issued by the Commission. In this context, they hold periodic meetings with all institutions, authorities and local administrations directly concerned by the implementation of the recommendations, as well as relevant international organisations and civil society representatives.

Regularly, the European Commission also holds **targeted** and **technical bilateral meetings** with key interlocutors from the institutions of Bosnia and Herzegovina, who are responsible for the development of specific legislative or institutional reform packages. Rounds of mid-term bilateral talks are coordinated in advance through the Directorate for European Integration and the institutions concerned.

9. FOR WHOM IS THE DIALOGUE?

ALL CITIZENS OF BOSNIA AND HERZEGOVINA

There is only **one beneficiary: all citizens of Bosnia and Herzegovina**. It is the citizens to whom justice shall ultimately be guaranteed. This requires that all interlocutors gather in a spirit of mutual understanding and work towards positive outcomes.

10. IS THE VOICE OF THE CIVIL SOCIETY HEARD?

YES, CONSISTENTLY

Issues related to the rule of law and to the justice system in particular lie at the very core of the monitoring exercise that leads to the adoption of the annual Progress Report. At the basis of this process, consultations with civil society organisations are held both in Bosnia and Herzegovina and Brussels, with a view to guaranteeing that the voice of civil society reaches EU decision-makers.

In addition to these rounds of **annual consultations**, following the launch of the EU-BiH Structured Dialogue, the EU Delegation and the Office of the EU Special Representative to BiH have organised targeted meetings with civil society organisations active on the justice sector. Their views and information are also gathered systematically through targeted **periodic contacts**, and inform the process of consolidating the EU position on the various items addressed in the context of the Structured Dialogue.