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Resilience observatory on the rule
of law in EU accession candidates

RESILIO-ACCESS Snapshot Series

Judicial Independence and Expenditure in EU Accession Candidates

Borjan Gjuzelov



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Senior Researcher, Institute for Democracy “Societas Civilis”

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1. Introduction

Judicial independence and adequate resourcing are widely recognised as essential preconditions for impartial adjudication and the effective protection of fundamental rights.¹ This RESILIO-ACCESS Snapshot examines the state of play regarding structural independence and appropriate expenditure in the judiciary in EU accession candidates and draws conclusions on how they can contribute to the resilience of the rule of law.

In this context, resilience of the rule of law is understood as its “capacity to prevent, cope with, or recover from hazardous events or incremental threats without losing its core function, structure, or purpose”.² The project seeks to identify factors underpinning rule of law resilience in the enlargement context, focusing on six Western Balkan states – Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and potential candidate Kosovo³ – as well as Georgia, Moldova, and Ukraine formerly referred to as the Association Trio. These states remain at different stages of integration, but all face persistent challenges in ensuring that judicial governance is aligned with EU standards of independence, accountability, and effectiveness.

Regarding structural independence, EU rule of law and accession country reports consistently underline weaknesses, especially undue political influence and the absence of transparent, merit-based appointments and promotions which undermine the constitutional division of powers

and slow progress on accession benchmarks.⁴ In Serbia, Bosnia and Herzegovina, and North Macedonia, the European Commission (EC) has documented various problems such as politicized appointments in the judiciary, weak disciplinary frameworks, and inconsistent evaluation mechanisms.⁵ In Ukraine, Georgia, and Moldova, EC assessments underline that robust integrity checks are necessary, while stronger accountability mechanisms remain critical for further alignment with EU standards.⁶

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Adequate and predictable financing is equally essential, as chronic underfunding undermines independence and efficacy even where legal safeguards exist.⁷ Across the Western Balkans, courts and prosecutor’s offices face vacancies, cramped facilities, and insufficient IT infrastructure, delaying proceedings and limiting implementation of procedural guarantees such as audio-visual recording of trials.⁸ Additionally, the Council of Europe’s European Commission for the Efficiency of Justice (CEPEJ) notes various challenges regarding staffing, and digital capacities – shortcomings that directly stem from inadequate and unpredictable judicial expenditure.⁹ These resource gaps may weaken efficiency and create vulnerabilities to undue influence.

2. Judicial independence in EU accession candidates

In the RESILIO-ACCESS framework, judicial independence is considered a primary resource for resilience of the rule of law. To evaluate judicial independence, we use Factor 1.2, “Government powers are effectively limited by the judiciary” of the World Justice Project’s (WJP) Rule of Law Index from 2025.¹⁰ The Index draws on two complementary data sources: a General Population Poll, which captures citizens’ perceptions and firsthand experiences with government institutions, and Qualified Respondents’ Questionnaires that provide expert evaluations from legal practitioners and academics.¹¹ Together, these sources form a comprehensive dataset that reflects both societal perceptions and professional assessments of how judicial independence as a key component of the rule of law operates in practice.

Table 1: Judicial independence score in EU accession candidates according to WJP Rule of Law Index 2025

Country	WJP Score	Variation from the average
Kosovo	0.48	+0.10
Montenegro	0.43	+0.05
Georgia	0.42	+0.04
Republic of Moldova	0.41	+0.03
Bosnia and Herzegovina	0.40	+0.02
Average among accession candidates	0.38	0.00
North Macedonia	0.33	-0.05
Albania	0.32	-0.06
Serbia	0.31	-0.06
Ukraine	0.31	-0.07

Source: Author’s compilation.

Table 1 presents WJP data on judicial independence in EU accession candidates. It shows that Kosovo scores the highest, followed by Montenegro, Georgia, and Moldova. Kosovo’s strong result may come as a surprise but can be explained by the relatively stable state of its judiciary, with no major shocks noted in recent EU country reports.¹² Similar conclusions can be drawn for Georgia and Moldova, where – despite notable backsliding in Georgia in 2024 – EU reports highlight no major issues beyond the already mentioned systemic challenges of undue influence, weak accountability mechanisms, and limited resources.¹³

On the other hand, North Macedonia, Albania, Serbia, and Ukraine score worse than the average among accession candidates (0.38). The comparably low score for Ukraine can be interpreted by the effective state of emergency in the country due to the Russia’s war of aggression, as well as the numerous deficiencies detected by the EC.¹⁴ Similarly, the authoritarian, illiberal turn in Serbia has weakened judicial independence, while North Macedonia’s judicial independence has been set back by several major scandals, as well as numerous allegations for undue influences.¹⁵ In addition, Bosnia and Herzegovina share many of the abovementioned problems, as well as the risks of non-merit, ethnic-based appointments, and promotion procedures for judges and prosecutors given its complex, power-sharing model of state organisation.¹⁶

If we compare the current state of judicial independence in EU accession countries with the EU27 member states, we can see notable differences. The average score of 0.41 among the EU accession countries in our focus is well below the EU average of 0.69. Similarly, it is also below the average of the 13 countries that joined in the last three enlargement cycles (2004, 2007, 2013), which was 0.59. For comparative reference, the highest scoring countries in the EU are Denmark (0.96, the highest scored globally), followed by Finland (0.90) and the Netherlands (0.85), while the lowest is Hungary (0.38), followed by Croatia (0.46) and Bulgaria (0.45).

In sum, three main observations emerge. First, countries with a longer tradition of functional, democratic institutions tend to score higher on judicial independence compared with post-communist states, highlighting the enduring influence of institutional culture, governance practices, and historical consolidation of checks and bal-

ances. Second, the gap between the nine accession candidates in our focus and the states that joined the Union in the past two decades demonstrates that EU membership can exert a significant transformative effect, promoting a healthy separation of powers and a more independent judiciary. For aspiring member states, the prospect of EU accession serves as a powerful incentive to strengthen institutional resilience and the rule of law, given that current EU members faced comparable challenges both prior to and in the years following accession.¹⁷ Third, judicial independence is not guaranteed by EU membership alone: as illustrated by Hungary, it can be dramatically undermined if authoritarian leadership centralises power and weakens the control mechanisms of the judiciary and other oversight bodies.

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3. Judicial expenditure in EU accession candidates

Expenditure for the judiciary reflects the extent to which courts are provided with sufficient financial resources to carry out their functions effectively and with integrity. For this analysis, we rely on the most recent data (2022) from the CEPEJ.¹⁸ Specifically, we use the variable “implemented budget in EUR per inhabitant”, adjusted by GDP per capita to capture the influence of broader macroeconomic conditions on the resilience of the rule of law.

Table 2: Judicial expenditure in EU accession candidates

Country	Judicial expenditure (€ per inhabitant)	GDP per capita	Judicial expenditure as % of GDP
Montenegro	60	8.002	0.76
Ukraine	22	3.234	0.68
Bosnia and Herzegovina	44	6.781	0.64

Serbia	48	8.876	0.54
Kosovo	24	4.486	0.53
North Macedonia	25	6.365	0.39
Republic of Moldova	19	5.433	0.35
Albania	16	5.489	0.29
Georgia	15	6.335	0.23

Source: Author’s compilation.

As shown by Table 2, Montenegro stands out as a clear outlier, recording the highest judicial expenditure per inhabitant, which also represents the largest share of GDP among the nine countries analysed. High spending is likewise observed in Serbia and Bosnia and Herzegovina, where judicial budgets account for a comparatively larger share of GDP. Yet, despite being considered frontrunners in this regard, EU reports underline that both Montenegro and Serbia continue to face staff shortages as well as persistent ICT and infrastructure gaps.¹⁹ In Bosnia and Herzegovina, the judiciary struggles with a considerable backlog of cases – particularly unpaid utility bills – raising concerns about overall efficiency. Meanwhile, entity and cantonal governments often fail to provide adequate funding for court enforcement departments.²⁰ Conversely, Ukraine allocates a relatively high proportion of its limited GDP to the judiciary but records low per capita expenditure – a gap now even more pronounced under continuing martial law, which has resulted in significant understaffing and a growing backlog of cases, too.²¹

At the other end of the spectrum, Georgia, Albania, and Moldova report notably low judicial expenditures per capita, alongside a small share of GDP allocated to judicial financing. Although the data reflects the situation in 2022 – when Georgia had not yet obtained EU candidate status, and Albania and Moldova had not effectively entered accession negotiations – these low values are concerning. They help explain current challenges such as lengthy procedures and case backlogs in Albania and Moldova, as well as high numbers of vacant judicial positions in Albania and Georgia.²²

Lastly, Kosovo and North Macedonia fall in the middle of the ranking, with similar judicial expenditures per capita amounting to around 0.5% and 0.4% of GDP, respectively. Despite not being at the bottom of the list, North Macedonia's figures remain below the legally prescribed minimum of 0.8% of GDP, while in Kosovo the European Commission continues to emphasise the need to improve judicial efficiency, particularly in high-level corruption cases.²³

While the general CEPEJ data provides a valuable comparative overview of judicial financing, it has some limitations, however, in explaining country-specific developments. For one, national choices in budget distribution may strongly influence the quality and resilience of justice systems. Wealthier countries spend far more on legal aid, while lower-income states in South-Eastern and Eastern Europe direct proportionally more resources to courts and prosecution services. For example, Serbia devotes more than 80% of its judicial budget to courts, while Albania and Moldova spend over 35% on prosecution services. Countries such as Iceland, Ireland, and Norway dedicate more than 30% of their budgets to legal aid, ensuring stronger access to justice for vulnerable groups.²⁴ These differences illustrate that political decisions about the allocation of funds, not just the overall amount, shape access to justice and the effectiveness of reforms.

4. Judicial independence and expenditures: a litmus test between words and reality

While governments frequently claim commitment to judicial independence, their true dedication to adequate judicial expenditure often proves less certain. In fact, the extent to which states provide stable and sufficient funding serves as a strong indicator of their genuine willingness to equip the judiciary to resist undue influence and safeguard rule of law resilience.

International standards emphasise that judicial budgets must be adequate, stable, and insulated from political interference. According to the European Network of Councils for the Judiciary (ENCJ), judicial authorities, through judicial councils or independent court administration, should participate in all stages of budget preparation, allocation, and execution to ensure transparency and autonomy.²⁵ The Venice Commission further underscores that judges' "remuneration should be guaranteed by law and commensurate with the dignity of their profession and burden

of responsibilities".²⁶ Beyond securing individual salaries, the Consultative Council of European Judges (CCJE), another advisory body of the Council of Europe, identifies budgetary autonomy as a critical safeguard of judicial independence and stresses that funding should be protected from politically motivated fluctuations: "Although the level of funding a country can afford for its courts is a political decision, care must always be taken, in a system based on the separation of powers, to ensure that neither the executive nor the legislative authorities are able to exert any pressure on the judiciary when setting its budget."²⁷

In practice, however, judicial financing often falls short of these standards despite legally binding provisions. In North Macedonia, for example, since 2010 the Law on the Judicial Budget envisions stable funding of at least 0.8% of GDP to ensure judicial independence, yet the actual allocation has never reached this level, with funding fluctuating between 0.3–0.4% of GDP.²⁸ When the EU highlighted this shortfall and made adequate judicial financing a priority within the ongoing rule of law reform agenda, the Prime Minister expressed reluctance to proceed with the reforms, claiming that "the judges and prosecutors do not deserve even their current salaries while asking for higher ones".²⁹ While such a statement can be interpreted as a worrying sign of political interference with the judiciary, it also underscores that increasing judicial financing is not merely about raising salaries but about improving the broader institutional conditions and capacities of the judicial branch. This example vividly demonstrates how judicial financing functions as a litmus test for the sincerity of political commitments to judicial independence: while the rhetoric of reform remains strong, the practical allocation of resources often reveals the true limits of political will.

5. Conclusion

This Snapshot analysis underscores that judicial independence and adequate resourcing are central to rule of law resilience in EU accession countries and beyond. Across the nine focus states, levels of judicial independence and expenditure remain well below EU averages, reflecting persistent challenges such as politicised appointments, weak accountability, and institutional fragility. Evidence from past accession rounds demonstrates that EU integration can act as a catalyst for reform, strengthening judicial autonomy and fostering a healthier separation of powers. Yet EU membership alone does not guarantee

resilience, as the case of Hungary illustrates: the centralisation of power and weakening of oversight mechanisms may significantly undermine judicial independence.

In this context, judicial independence and expenditure are closely interlinked. Potential gaps between formal political commitments to independence and the actual financing of the judiciary can undermine both accession reforms and the overall strength of the rule of law. A consistent framework for allocating adequate resources is essential to safeguarding judicial independence. At the same time, sufficient funding can support – but cannot by itself guarantee – impartial adjudication and effective justice. Tackling political influence and institutional weaknesses is therefore crucial to building functional and impartial judiciaries capable of upholding rule of law resilience.

Thus, sustainable rule of law resilience requires a combination of external incentives, such as the prospect of EU accession, with endogenous institution-building grounded in professional integrity, merit-based recruitment and promotion, and impartial accountability mechanisms. These factors should ultimately make of fair rules of the road to be applied consistently in practice and aligned with the formal commitments undertaken during the EU accession process.

“Potential gaps between formal political commitments to independence and the actual financing of the judiciary can undermine both accession reforms and the overall strength of the rule of law.”

Sources

- 1 Martin Shapiro (1981). *Courts: A Comparative and Political Analysis*, University of Chicago Press; Stefan Voigt/Jerg Gutmann (2019). *The Economics of Judicial Independence*, Edward Elgar Publishing.
- 2 Institut für Europäische Politik (2025). How to conceptualise rule of law resilience, 29.10.2025, URL: <https://iep-berlin.de/en/projects/enlargement-neighbourhood-and-central-asia/resilio-access/model/> (last checked: 15.1.2026).
- 3 This designation is without prejudice to positions on status, and is in line with [UNSCR 1244 \(1999\)](#) and the [ICJ Opinion on the Kosovo declaration of independence](#).
- 4 European Commission (2025). 2025 Rule of Law Report – Country chapter abstracts and recommendations, URL: https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en (last checked: 3.9.2025).
- 5 European Commission (2024). Serbia 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/3c-8c2d7f-bff7-44eb-b868-414730cc5902_en?filename=Serbia%20Report%202024.pdf (last checked: 3.9.2025); European Commission (2024). Bosnia and Herzegovina 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eeda451746_en?filename=Bosnia%20and%20Herzegovina%20Report%202024.pdf (last checked: 3.9.2025); European Commission (2024). North Macedonia 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf (last checked: 3.9.2025).
- 6 European Commission (2024). Georgia 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/7b6ed47c-ecde-41a2-99ea-41683dc2d1bd_en (last checked: 3.9.2025); European Commission (2024). Ukraine 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en (last checked: 3.9.2025).
- 7 Voigt/Gutmann (2019).
- 8 European Commission (2025). 2025 Rule of Law Report – Country chapter abstracts and recommendations, URL: https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en (last checked: 3.9.2025); European Commission (2024). North Macedonia 2024 Report, URL: https://enlargement.ec.europa.eu/north-macedonia-report-2024_en (last checked: 3.9.2025).
- 9 CEPEJ (2024). European Judicial Systems CEPEJ Evaluation Report, URL: <https://rm.coe.int/cepej-evaluation-report-part-1-en-/1680b272ac> (last checked: 3.9.2025).
- 10 World Justice Project (2025). Constraints on Government Powers, URL: <https://worldjusticeproject.org/rule-of-law-index/global/2025/Constraints%20on%20Government%20Powers/> (last checked: 4.11.2025).
- 11 Ibid.
- 12 European Commission (2024). Kosovo 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en?filename=Kosovo%20Report%202024.pdf (last checked: 3.9.2025).
- 13 European Commission (2024). Georgia 2024 Report, URL: https://enlargement.ec.europa.eu/georgia-report-2024_en (last checked: 3.9.2025); European Commission (2024). Moldova 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/858717b3-f8ef-4514-89fe-54a6aa15ef69_en?filename=Moldova%20Report%202024.pdf (last checked: 3.9.2025).
- 14 European Commission (2024). Ukraine 2024 Report, URL: https://enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf (last checked: 3.9.2025).
- 15 Dušan Pavlović (2020). The political economy behind the gradual demise of democratic institutions in Serbia, in: *South-east European and Black Sea Studies* 20(1), pp. 19-39; Borjan Gjuzelov (2020). *Between Written and Unwritten Rules: The EU-sponsored Judicial Reforms in North Macedonia* (Doctoral dissertation, Queen Mary University of London), URL: https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/77118/GJUZELOV_Borjan_SPIR_PhD_Final_Thesis_121021_Edited.pdf?sequence=4 (last checked: 9.1.2026).
- 16 European Commission (2024). Bosnia and Herzegovina 2024 Report, URL: https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2024_en (last checked: 9.1.2026).
- 17 Samantha Joy Cheesman/Attila Badó (2023). Judicial reforms and challenges in Central and Eastern Europe, in: *International Journal for Court Administration* 14(2), pp. 1–28, p. 1.
- 18 CEPEJ (2022). QIJS Implemented Judicial System Budget, 2022 per inhabitant, URL: <https://public.tableau.com/app/profile/cepej/viz/BudgetEN/GDPBudget> (last checked: 3.9.2025).

- 19 European Commission (2025). 2025 Rule of Law Report – Country chapter abstracts and recommendations, URL: https://commission.europa.eu/publications/2025-rule-law-report-communication-and-country-chapters_en (last checked: 9.1.2026).
- 20 European Commission (2024). Bosnia and Herzegovina 2024 Report, URL: https://enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2024_en (last checked: 9.1.2026).
- 21 Mykhailo Minakov (2024). Functioning of Ukrainian Courts during the War, in: Focus Ukraine, 8.10.24, URL: <https://www.wilsoncenter.org/blog-post/functioning-ukrainian-courts-during-war> (last checked: 3.9.2025).
- 22 European Commission (2024). Albania 2024 Report, URL: https://enlargement.ec.europa.eu/albania-report-2024_en (last checked: 9.1.2026); European Commission (2024). Georgia 2024 Report, URL: https://enlargement.ec.europa.eu/georgia-report-2024_en (last checked: 9.1.2026); European Commission (2024). Moldova 2024 Report, URL: https://enlargement.ec.europa.eu/moldova-report-2024_en (last checked: 9.1.2026).
- 23 European Commission (2024). North Macedonia 2024 Report, URL: https://enlargement.ec.europa.eu/north-macedonia-report-2024_en (last checked: 9.1.2026); European Commission (2024). Kosovo 2024 Report, URL: https://enlargement.ec.europa.eu/kosovo-report-2024_en (last checked: 9.1.2026).
- 24 CEPEJ (2024).
- 25 ENCJ (2016). Funding of the Judiciary, URL: https://www.encj.eu/images/stories/pdf/workinggroups/encj_2015_2016_report_funding_judiciary_adopted_ga.pdf (last checked: 30.10.2025).
- 26 Venice Commission (2010). Part I: The Independence of Judges. Venice Commission report on the independence of the judicial system (CDL-AD(2010)004).
- 27 Consultative Council of European Judges (2001). Opinion N° 2 of the Consultative Council of European Judges (CCJE) on the funding and management of courts, CCJE (2001) OP N°2.
- 28 National Convention on the European Union in the Republic of North Macedonia (2023). From backlog to breakdown: The EU-supported judicial reform in North Macedonia, URL: https://nkeu.mk/wp-content/uploads/2023/05/ENG-pub-EL_compressed.pdf (last checked: 30.10.2025).
- 29 Telegrafi (2025). Judges and prosecutors do not deserve even their current salaries, 19.9.25, URL: <https://telegrafi.com/en/Mickoski%3A-There-is-no-salary-increase-for-judges-and-prosecutors--nor-do-the-current-salaries-deserve-even-two-percent-confidence./> (last checked: 30.10.2025).

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About the author

Borjan Gjuzelov is a political scientist specialising in anti-corruption and judiciary. He holds a PhD from Queen Mary University of London, where he also served as a teaching assistant. He has authored and contributed to numerous academic and policy publications and collaborated with, among others University College London, King's College London, the Westminster Foundation for Democracy, the Economist Intelligence Unit, the OSCE, UNDP, NDI, OGP, and HELVETAS. He currently works as a consultant and serves as a senior researcher at the Skopje-based think tank Institute for Democracy "Societas Civilis".

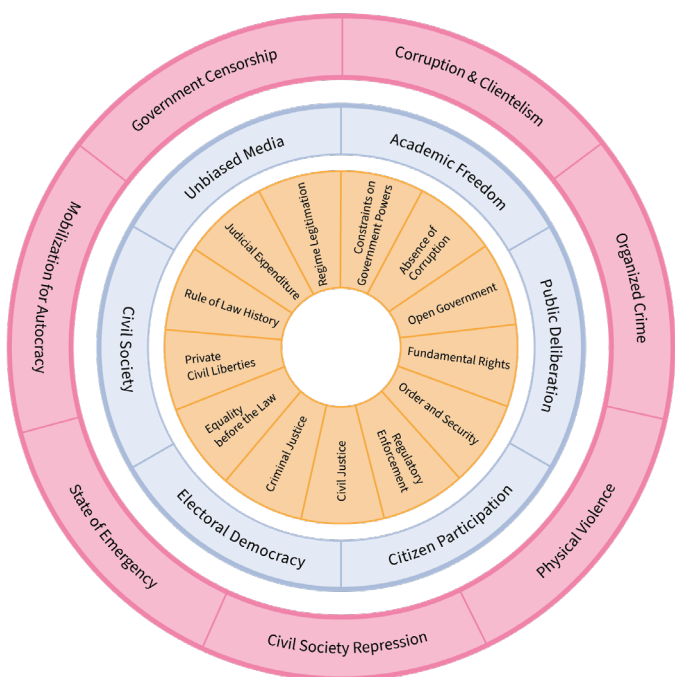
About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate states for EU accession. The project explores how to measure the resilience of the rule of law and assesses the potential of the EU's enlargement policy toolbox to foster resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with or recover from hazardous events or incremental threats without losing its core function, structure and purpose.

About the paper

This paper is part of the **#RESILIO-ACCESS Snapshot Series**, a collection of compact analyses that explain ties between resilience resources of the rule of law identified by the RESILIO-ACCESS model.

RESILIENCE RESOURCES AND STRESSORS



The RESILIO-ACCESS model is based on three dimensions: The system of the rule of law itself provides primary resilience resources such as an effective judicial system, the protection of fundamental rights, and regulatory enforcement.

These resources are embedded into a social environment with subsidiary resilience resources such as civil society, academia, and the media.

However, these resources are constantly being challenged by threats such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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