

1. Fiche to be used for each step:

The step under review	Adoption of a new Code for criminal procedure, aligned with EU acquis and international practice
Baseline	(2024) 0
Deadline of the step	By December 2025
Actual results	<p>From the adoption of the Law on Criminal Procedure in 2010 until today, a number of documents in the field of criminal procedural law have been adopted by international organizations, in particular by the European Union.</p> <p>Consequently, a need arose for their incorporation into the Law on Criminal Procedure. At the same time, the application of the amendments to the Law on Criminal Procedure from 2010 revealed certain nanotechnical ambiguities and weaknesses. For these reasons, the need to revise the law became evident. Accordingly, in 2021, an expert working group for the preparation of a new Law on Criminal Procedure was established within the Ministry of Justice, by Decision No. 21-961/1 of 01 April 2021 (ANNEX 1).</p> <p>This expert Working Group, established with the support of the OSCE Mission, was composed of members from the judiciary, the academic community, and civil society organizations. Based on previous research and analyses, it had the following tasks: 25</p> <ul style="list-style-type: none"> - to conduct an analysis of the implementation of the provisions and the identified weaknesses and ambiguities in the existing Law on Criminal Procedure; - to analyse the level of harmonization of domestic legislation with international conventions, EU regulations, and international standards provided in recommendations and other documents of international bodies in the field of criminal legislation; - to analyse the criminal procedure legislation of the EU Member States; - to analyse the recommendations of the European Commission and other EU institutions contained in the progress reports on the Republic of North Macedonia in the process of European integration, as well as the main obstacles for their implementation at the legislative level; and - to prepare a Draft of a new Law on Criminal Procedure.

The Working Group conducted the drafting of the Law on Criminal Procedure through a transparent, broad, and inclusive process of cooperation and consultations with all institutions whose functioning is connected to criminal legislation, including: courts, public prosecutor's offices, the legal profession (the Bar Association), the State Attorney, the Ombudsman, ministries, financial and other institutions, and in particular non-governmental organizations such as the Blueprint Group and other domestic civil society organizations and experts working in the field of gender-based violence and violence against women, who made a significant contribution to the preparation of the final text. At the same time, throughout the entire process of drafting the legal text, the OSCE Mission to Skopje, the Embassy of the United States of America in the Republic of North Macedonia, and the Delegation of the European Union to the Republic of North Macedonia participated as observers.

The Draft Law was published on the ENER system in November 2022 for public consultation. The submitted opinions, remarks, and comments from the relevant institutions to which the Draft Law was circulated, together with the comments received through the Single National Electronic Register of Regulations of the Republic of North Macedonia, were reviewed by the Working Group and incorporated into the text of the Draft.

In the final phase of preparing the Draft Law on Criminal Procedure, two public hearings were held across the appellate regions, to which representatives of the judiciary, the public prosecutor's offices, the Bar Association, the Ministry of Interior, the judicial police, expert witnesses, and others were invited.

In October 2024, the Working Group finalized the text of the Draft Law on Criminal Procedure, which, in addition to being harmonized with the latest EU directives, also contains solutions aimed at improving provisions related to confiscation, victims of criminal offenses, measures for locating and securing persons and objects, electronic evidence, special investigative measures, financial investigations, access to case files, holding hearings remotely and the taking of evidence remotely, notification of the suspect on the completion of the investigative procedure, court actions upon receipt of the indictment, preparations for and conduct of the main hearing, the adoption and pronouncement of judgments, procedures related to ordinary and extraordinary legal remedies, the shortened procedure, and other aspects of criminal procedure.

Following the preparation of the working version of the Draft Law on Criminal Procedure in December 2024, and in accordance with what was agreed at the meeting for the Bilateral Screening for Chapter 23, the draft was translated into English with the support of the OSCE Mission to Skopje. In the meantime,

certain provisions of the Draft Law were further developed and clarified by the Chair of the Working Group, with the aim of nomotechnical refinement of the text. Thereafter, in May 2025, the Working Group submitted and delivered the Draft Law together with its English version to the Ministry of Justice, after which the Ministry proceeded with the preparation of the correlation tables. Once the concordance tables are prepared, the Law will be submitted to the European Commission for an opinion.

The working version of the new draft Law on Criminal Procedure is in line with the jurisprudence of the ECtHR, the international standards and the European acquis.

The following documents from European legislation were taken into consideration:

1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA.
2. Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union, Official Journal of the EU L 127/39, pp. 39–50 of 29 April 2014.
3. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the criminal law protection of the euro and other currencies against counterfeiting and replacing Council Framework Decision 2000/383/JHA.
4. Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property, OJ L 159M, 13.6.2006, pp. 223–225.
5. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.
6. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.
7. Directive (EU) 2024/1260 of the European Parliament and of the Council of 24 April 2024 on asset recovery and confiscation.
8. Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC.
9. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual

	<p>exploitation of children and child pornography, replacing Council Framework Decision 2004/68/JHA.</p> <p>10. Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and consular authorities while deprived of liberty, OJ L 294, 6.11.2013.</p> <p>11. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ L 142, 1.6.2012, pp. 1–10.</p> <p>12. Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, pp. 1–7.</p> <p>13. Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings, OJ L 297, 4.11.2016, pp. 1–8.</p> <p>14. Directive (EU) 2016/343 of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, OJ L 65, 11.3.2016, pp. 1–11.</p> <p>15. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, pp. 57–73.</p> <p>16. Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.</p> <p>17. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.</p> <p>18. Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.</p>
<p>Evidence provided</p>	<p>Annex 1 – Decision of the Ministry of Justice No. 21-961/1 of 01 April 2021 on the establishment of a Working Group for the drafting of the Law on Criminal Procedure.</p>
<p>Checks performed in the verification of the step and related findings</p>	<p>In the preparation of the draft text of the law, the Working Group took into account the already prepared analyses and the relevant standards and legislation of the European Union, as well as the recommendations of the European Commission.</p>

Compliance with general principles and DNSH principle	The implementation of the step does not contravene the general principles outlined in Article 4 and 11(4) of Regulation (EU) 2024/1449 and Article 3 of the Facility Agreement.
Double funding	The support of OSCE mentioned above was given before the adoption of the Reform Agenda, is used only for preparation of relevant analyses and is not double funding.
Clear conclusion on the achievement of the step	Not achieved