

THE RULE OF LAW IN THE PROCESS OF EUROPEAN INTEGRATION OF BOSNIA AND HERZEGOVINA: A LEGAL CRITERION OR A POLITICAL CHALLENGE?

Elmida Burina¹

¹International University of Travnik; Faculty of Law
elmida.burina@gmail.com

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Abstract

The rule of law is one of the key criteria that candidate countries must fulfil on the path towards membership of the European Union, while also constituting one of the Union's fundamental values. In the case of Bosnia and Herzegovina, this issue concerns not only the formal adoption of legislation and the alignment of domestic law with the EU acquis, but also the actual capacity of institutions to ensure an independent judiciary, an effective fight against organised crime and corruption, legal certainty, and the protection of fundamental rights.

This paper is based on the proposition that the rule of law in Bosnia and Herzegovina's European integration process is both a legal criterion and a political challenge..

Keywords

Rule of law, Bosnia and Herzegovina, European Union, European integration, 14 key priorities, judiciary, corruption.

As a legal criterion, it derives from the values of the European Union, the Copenhagen criteria, and the 14 key priorities of the European Commission. As a political challenge, it is reflected in the country's complex constitutional structure, divided competences, corruption, institutional blockades, and the insufficient implementation of reforms.

The aim of the paper is to highlight the difference between Bosnia and Herzegovina's formal progress in the EU accession process and the effective implementation of the rule of law in practice.

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1. INTRODUCTION

The rule of law, one of the fundamental values of the European Union (hereinafter: EU) and one of the key criteria for the accession of candidate states to the Union, requires the constitution, laws and institutions to function effectively in practice, the independence of the judiciary, legal certainty, the protection of fundamental rights, and the effective fight against organised crime and corruption. In this sense, the rule of law constitutes one of the basic conditions without which a candidate state cannot demonstrate its capacity to assume and fulfil the obligations arising from EU membership.¹

Bosnia and Herzegovina has passed through several phases in the process of European integration, beginning with its inclusion in the Stabilisation and Association Process (1999), the conclusion of the Stabilisation and Association Agreement (signed in 2008, entered into force in 2015) as one of the most important international legal instruments in the relations between Bosnia and Herzegovina and the European Union, the submission of the membership application (2016), followed by the granting of candidate status and the decision to open accession negotiations.

In the contemporary context, EU enlargement policy does not represent merely a technical process of admitting

new member states, but also a question of the future political, institutional and normative development of the Union itself.²

In 2019, the European Commission adopted its Opinion on the application of Bosnia and Herzegovina for EU membership. That document identified 14 key priorities which Bosnia and Herzegovina must fulfil in order to advance towards membership. These priorities relate to the areas of democracy and the functionality of institutions, the rule of law, fundamental rights, and public administration reform.³

The granting of candidate status to Bosnia and Herzegovina on 15.12.2022 and the decision of the European Council of March 2024 to open accession negotiations represent important political and institutional steps in the process of European integration.⁴ However, the fact that the country has made progress towards EU membership does not mean that it has

² Bourguignon, J., Demertzis, M. and Sprenger, E., "EU Enlargement: Expanding the Union and Its Potential," *Intereconomics*, vol. 57, no.4, 2022., pp. 205-208.

³ European Commission, *Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union*, COM(2019) 261 final, Brussels, 29 May 2019.

See: https://www.dei.gov.ba/uploads/documents/prevod-misljenja-evropske-komisije-o-zahtjevu-bosne-i-hercegovine-za-clanstvo-u-evropskoj-uniji-compressed_1602154579.pdf, (accessed 18 March 2026).

⁴ Council of the European Union and European Council, "Bosnia and Herzegovina," Consilium, (Council of the European Union, Bosnia and Herzegovina, official page of the Consilium; European Council, Conclusions of 15.12.2022; European Council, Conclusions of the meeting of 21 and 22.3.2024. The European Council granted Bosnia and Herzegovina candidate country status in December 2022, and in March 2024 decided to open accession negotiations with Bosnia and Herzegovina.)

See: <https://www.consilium.europa.eu/hr/council-eu/> (accessed 18 March 2026).

¹ Treaty on European Union, consolidated version, Article 2, which stipulates that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. See also: EUR-Lex, Rule of law, glossary of European Union Law. EUR-Lex, "Rule of Law", *Glossary of European Union Law*, available at: <https://eur-lex.europa.eu/EN/legal-content/glossary/rule-of-law.html>. nit-2026;14(1)

fulfilled the criteria in the area of the rule of law. In the context of Bosnia and Herzegovina, this issue is particularly complex, since the rule of law entails not only the adoption of laws and their alignment with the EU acquis, but also their consistent application, which is often lacking in practice.

The subject of this paper is an analysis of the rule of law in the process of European integration of Bosnia and Herzegovina, with particular reference to the question of whether it should be understood as a legal criterion or a political challenge. The paper proceeds from the assumption that the rule of law is simultaneously both a legal criterion and a political challenge. As a legal criterion, it derives from EU values and legal standards, the Copenhagen criteria, and the 14 key priorities of the European Commission.

As a political challenge, it is reflected in the complex constitutional structure of the state, divided competences, institutional blockades, political influence over the judiciary, corruption, and insufficient implementation of reforms.⁵

The aim of the paper is to highlight the difference between the formal progress of Bosnia and Herzegovina in the EU accession process and the actual application of the principles of the rule of law in practice.

The paper will first analyze the rule of law as a fundamental value and criterion of the EU, followed by an examination of Bosnia and Herzegovina's European integration path and the significance of the European Commission's 14 key priorities. It will

then address the legal and political challenges related to strengthening the rule of law in Bosnia and Herzegovina, particularly in the areas of the judiciary, the fight against corruption, institutional dysfunction, and the weak implementation of reforms.

2. THE RULE OF LAW AS A FUNDAMENTAL VALUE AND CRITERION OF THE EUROPEAN UNION

The rule of law is one of the values upon which the Union is founded, and as such occupies a special place in its legal and political order. Article 2 of the Treaty on European Union (TEU) refers to the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities.⁶ These values are common to the Member States of the Union and constitute the foundation of the political, legal, and institutional identity of the European Union.

In the context of the Union, the rule of law implies that all public authorities act within the limits of the law, in accordance with democratic values and with respect for fundamental rights.

It encompasses the principles of legality, legal certainty, the prohibition of arbitrariness on the part of the executive authorities, an independent and impartial judiciary, effective judicial protection, and equality of all before the law.⁷ The rule of law therefore cannot be reduced to the

⁵ European Commission, *Bosnia and Herzegovina Report 2024*, Brussels, 30 October 2024, available at: https://enlargement.ec.europa.eu/document/download/451db011-6779-40ea-b34b-a0eeda451746_en?filename=Bosnia+and+Herzegovina+Report+2024.pdf (20 March 2026). nit-2026;14(1)

⁶ *Consolidated Version of the Treaty on European Union, Official Journal of the European Union*, C 202, 7 June 2016.

⁷ Council of Europe, European Commission for Democracy through Law-Venice Commission, *Rule of Law Checklist*, Study No. 711/2013, CDL-AD(2016)007, Strasbourg, 18 March 2016, pp. 10-11.

mere formal existence of legal norms, but requires their genuine and consistent application.

In this context, the process of European integration may also be viewed as a process of Europeanisation, that is, as the impact of European rules, standards and institutions on domestic policies, legal structures and institutional practices.

Börzel and Risse point to the so-called „top - down“ approach, which examines how European integration affects domestic policies, political processes and institutions.⁸ Such an approach is also significant for understanding the rule of law in Bosnia and Herzegovina, as it demonstrates that European integration does not entail merely the formal harmonisation of legislation, but also the genuine transformation of domestic institutions and political practice.

What makes the concept of the rule of law particularly important is the fact that it represents a link between democracy, human rights and institutional accountability. These elements are mutually connected and interdependent, such that the rule of law constitutes a guarantee that power is not above the law, that institutions operate within the scope of their competences, and that citizens have the possibility of having their rights protected before independent bodies.

For candidate countries seeking EU membership, the rule of law represents one of the key political criteria for accession. The Copenhagen criteria, established in 1993, require that a candidate state have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of

minorities.⁹ Thereby, the rule of law was established as one of the fundamental preconditions for membership, but also as a measure of a state's genuine readiness to function within the legal and institutional framework of the EU.

When speaking of the enlargement process, the Union regards the rule of law as a substantive question of state functioning. It is not sufficient merely to adopt laws harmonised with the EU *acquis*; those laws must be implemented in practice, institutions must operate independently and accountably, and citizens must be guaranteed effective protection of their rights. For this reason, particular attention is paid in the accession process to the judiciary, the fight against corruption and organised crime, public administration and the protection of fundamental rights.

In the case of Bosnia and Herzegovina, the rule of law was particularly emphasised through the European Commission's Opinion on Bosnia and Herzegovina's application for membership of the European Union, issued in 2019. In that document, the European Commission identified 14 key priorities that Bosnia and Herzegovina must fulfil in order to advance in the accession process, with particular prominence given to questions of institutional functioning, judicial reforms, the fight against corruption and organised crime, the protection of fundamental rights and public administration reform.¹⁰ It follows from the foregoing that the rule of law in the process of European integration of Bosnia and Herzegovina appears as a concrete set of reform obligations. It is, simultaneously a fundamental EU value, a legal standard

⁸ Börzel, T.A. and Risse, T., "Conceptualizing the Domestic Impact of Europe," in K. Featherstone and C.M. Radaelli (eds.), *The Politics of Europeanization*, Oxford University Press, Oxford, 2003, pp. 57-80.
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⁹ European Council, *Presidency Conclusions, Copenhagen European Council*, 21-22 June 1993, Copenhagen, 1993.

¹⁰ European Commission, *Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union*, COM(2019) 261 final, Brussels, 29 May 2019.

requiring institutions to function effectively, and an accession criterion for assessing a candidate country's capacity to assume and implement the obligations of membership.

3. THE EUROPEAN PATH OF BOSNIA AND HERZEGOVINA: FROM THE STABILISATION AND ASSOCIATION AGREEMENT TO THE 14 KEY PRIORITIES OF THE EUROPEAN COMMISSION

The European path of Bosnia and Herzegovina has developed through the several stages outlined above, which demonstrate that the EU accession process is not solely a political process, but also a legal and institutional one that requires the harmonisation of legislation, the strengthening of institutions and the genuine implementation of reforms.

Of particular significance in this process is the Stabilisation and Association Agreement, which established the legal framework for relations between Bosnia and Herzegovina and the European Union. Its importance is reflected both in the formal approximation to the European Union and in the obligations relating to democracy, the rule of law, institutional stability, and the harmonisation of legislation.

The further development of the European path of Bosnia and Herzegovina has been marked by the European Commission's Opinion of 2019 and the identification of 14 key priorities, which demonstrate that Bosnia and Herzegovina's progress towards membership cannot be measured solely by formal changes in status, but also by the capacity of the state to implement genuine reforms in the areas of the rule of law, the judiciary, public administration, and the protection of fundamental rights.

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3.1. The Stabilisation and Association Agreement as the Legal Framework for the European Path of Bosnia and Herzegovina

The Stabilisation and Association Agreement (SAA) represents one of the key legal instruments in the process of Bosnia and Herzegovina's approximation to the European Union. In an earlier work on the Structure, Significance and Scope of the Stabilisation and Association Agreement, the author noted that the SAA, comprising ten chapters, serves as an integration instrument integrates Bosnia and Herzegovina into European political and economic processes, strengthens its position in the region, and contributes to the strengthening of institutions within the state. At the same time, in terms of its content, the SAA points to the need to fulfil the criteria for membership, in particular the legal criterion, the adoption and implementation of the EU acquis, and the economic criterion.¹¹ The Agreement was signed on 16 June 2008 in Luxembourg and entered into force on 1 June 2015.¹²

Pursuant to Article 1, paragraph 2 of the SAA, one of the objectives of the association is to support the efforts of Bosnia and Herzegovina in strengthening democracy and the rule of law. In addition, the Agreement aims to contribute to the

¹¹ Burina, E., "Struktura, značaj i doseg Sporazuma o stabilizaciji i pridruživanju," *Revija za pravo i ekonomiju*, god. 24, br.2., Pravni fakultet Univerziteta "Džemal Bijedić" u Mostaru, Mostar, 2023, pp. 378.

¹² *Stabilisation and Association Agreement between the European Communities and Their Member States, of the One Part, and Bosnia and Herzegovina, of the Other Part*, Directorate for European Integration of Bosnia and Herzegovina, signed on 16.6.2008, entered into force on 1.6.2015. See: Direkcija za europske integracije BiH, Sporazum o stabilizaciji i pridruživanju: <https://www.dei.gov.ba/bs/page-stabilization-agreement> (accessed 10 April 2026).

political, economic, and institutional stability of Bosnia and Herzegovina, to the development of political dialogue, to the harmonisation of legislation with that of the European Union, and to the development of regional cooperation.¹³ Thus, already within the framework of the SAA, the rule of law was established as one of the important elements of the European path of Bosnia and Herzegovina.

Although the normative framework of the SAA has been established, practice reveals a significant gap between the obligations assumed and their implementation. The European integration process has frequently been slowed by political fragmentation, weak institutional capacities, and insufficient effectiveness in implementing the commitments undertaken. As Rizvanović notes, the SAA is undoubtedly crucial for Bosnia and Herzegovina's progress towards EU membership, but its implementation requires political will, institutional stability, and the alignment of legislative and administrative capacities.¹⁴ Moreover, effective enforcement of the law is also necessary in order to achieve balanced and sustainable progress towards EU membership.¹⁵

The SAA is therefore not merely a formal

¹³ *Stabilisation and Association Agreement between the European Communities and their Member States, of the One Part, and Bosnia and Herzegovina, of the Other Part*, Article 1, paragraph 2. See: https://www.dei.gov.ba/uploads/documents/sporazu-m-o-stabilizaciji-i-pridruzivanju-izmedu-eu-i-bosne-i-hercegovine-hrvatski-jezik_1604320257.pdf (accessed 10 April 2026).

¹⁴ Rizvanović, E. and Batinović, Ž. „Struktura i trgovinski učinci Sporazuma o stabilizaciji i pridruživanju,” *Revija za pravo i ekonomiju*, god.18. br.2, Pravni fakultet Univerziteta „Džemal Bijedić“ u Mostaru, Mostar, 2018, pp.40.

¹⁵ Rizvanović, E. “Bosna i Hercegovina - od stabilizacije do pridruživanja,” *Revija za pravo i ekonomiju*, god. 20. br. 2, Pravni fakultet Univerziteta “Džemal Bijedić“ u Mostaru, Mostar, 2019. nit-2026;14(1)

legal framework for relations between Bosnia and Herzegovina and the European Union, but also an instrument that demonstrates how necessary and important the genuine implementation of assumed obligations is for the EU accession process. Through its application, it is confirmed that the rule of law in Bosnia and Herzegovina is not solely a legal criterion, but also a political and institutional challenge.

3.2. The European Commission's Opinion of 2019 and the 14 Key Priorities

Following the entry into force of the SAA, the next important phase in the European integration process was Bosnia and Herzegovina's submission of its application for membership of the European Union. The application was submitted on 15 February 2016, in accordance with Article 49 of the TEU. This opened a new phase in relations between Bosnia and Herzegovina and the European Union, in which the country was expected to demonstrate its capacity to fulfil the political, economic, legal¹⁶ and institutional criteria for membership.

On 29 May 2019, the European Commission adopted its Opinion on Bosnia and Herzegovina's application for membership of the European Union and identified 14 key priorities that must be met in order for Bosnia and Herzegovina to advance in the accession process. These priorities relate to the areas of democracy and the functionality of institutions, the rule of law, fundamental rights, and public administration reform.¹⁷ They demonstrate that Bosnia and Herzegovina's European

¹⁶ Burina, E., “Struktura, značaj i doseg Sporauma o stabilizaciji i pridruživanju,” pp. 381.

¹⁷ European Commission, Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union, COM(2019) 261 final, Brussels, 29 May 2019.

integration depends not only on the formal adoption of legislation and the alignment of domestic law with the EU *acquis*, but also on the effective implementation of reforms.

A particularly prominent place in the Commission's Opinion is occupied by the issue of the rule of law, which appears not merely as a general principle but also as a concrete set of reform obligations. In this way, European Commission made it clear that further progress towards membership depends on substantive reform rather than merely formal compliance with the conditions.

The Opinion of the European Commission made it unequivocally clear that serious reforms are required for Bosnia and Herzegovina to achieve sustainable progress towards membership of the Union.¹⁸ It is precisely for this reason that the 14 key priorities represent the link between formal political progress and the genuine institutional transformation of the state. They demonstrate that candidate status and the decision to open accession negotiations cannot substitute for the actual implementation of reforms in the areas of the rule of law, the judiciary, the fight against corruption, public administration, and the protection of fundamental rights.

The granting of candidate status to Bosnia and Herzegovina on 15 December 2022 represented an important political step and a confirmation of the country's European perspective, as well as its aspiration to become an EU Member State. However, candidate status does not mean that all requirements in the area of the rule of law have been fulfilled. The European Council, in March 2024, adopted a decision to open accession negotiations with Bosnia and Herzegovina, thereby initiating a new phase in relations between Bosnia and Herzegovina and the European

Union.¹⁹ Further progress will depend on the capacity of domestic institutions to consistently implement the commitments undertaken.

4. LEGAL AND INSTITUTIONAL CHALLENGES OF THE RULE OF LAW IN BOSNIA AND HERZEGOVINA

The rule of law in Bosnia and Herzegovina should not be viewed solely as a formal legal criterion, but also as a matter of the state's genuine institutional capacity to implement laws, protect fundamental rights, and ensure the independent functioning of the judiciary. In its 2019 Opinion, the European Commission clearly indicated that Bosnia and Herzegovina must improve its legislative and institutional framework in order to fulfil the 14 key priorities, particularly in the areas of democracy, the rule of law, fundamental rights, and public administration.²⁰

In the author's earlier work, it was highlighted that European integration affects national legal sovereignty through the acceptance of the European Union's *acquis*, the alignment of domestic legislation, and the adaptation of national institutions to the supranational legal framework.²¹

One of the fundamental challenges is the

¹⁹Council of the European Union and European Council, "Bosnia and Herzegovina," Consilium, available at: <https://www.consilium.europa.eu/hr/policies/bosnia-herzegovina/> (accessed 15 April 2026).

²⁰ European Commission, *Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union*, COM(2019) 261 final, Brussels, 29 May 2019.

²¹ Burina, E., "Analiza pravnih i političkih područja uticaja Europske unije na nacionalni pravni suverenitet," *Godišnjak Pravnog fakulteta Univerziteta „Džemal Bijedić” u Mostaru*, god. VII, br.7, Mostar, 2023., pp. 124-129.

¹⁸ Ibidem.
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complex constitutional structure of Bosnia and Herzegovina. The country's multilayered system of government frequently hampers the harmonisation of legislation with the EU acquis, as well as the consistent application of regulations already adopted. For this reason, institutions must be functional and operate in a responsible and coordinated manner.

A particular problem is the functioning of the judiciary. In its 2024 Report on Bosnia and Herzegovina, the European Commission emphasises that an effective, independent, high-quality and efficient judicial system is of great importance for the rule of law, as well as for the effective fight against corruption.²² The poor functioning of the judicial system has a negative impact on the protection of citizens' rights and on public trust in institutions. This is the reason why judicial reform is crucial in the process of accession to the Union.

Another important challenge concerns the fight against corruption and organised crime. The European Commission assesses that Bosnia and Herzegovina is still between an early stage of preparation and some level of preparation in the fight against corruption, whilst results with regard to investigations, prosecutions and convictions in high-level corruption cases remain insufficient.²³ Similar problems exist in the fight against organised crime, where inadequate coordination among institutions and the lack of harmonisation of regulations impede the effective action of the competent authorities.²⁴

A significant challenge is also posed by public administration reform, from which professionalism, depoliticization and the capacity to implement reforms are

expected. However, the European Commission notes that Bosnia and Herzegovina is still at an early stage of preparation, and that it is necessary to ensure a professional civil service and a coordinated approach to public policy-making at the country-wide level.²⁵

It may be concluded that the rule of law in Bosnia and Herzegovina cannot be reduced to the formal adoption of legislation, and that its true value is measured through the independence of the judiciary, the effectiveness of institutions, the fight against corruption, legal certainty and the capacity of the public administration to implement reforms. It is precisely for these reasons that the rule of law in Bosnia and Herzegovina remains both a legal criterion of European integration and a political-institutional challenge.

5. THE IMPLEMENTATION OF REFORMS AS THE KEY TEST OF THE RULE OF LAW

When speaking of the process of European integration of Bosnia and Herzegovina, the question of formal and substantive progress along that path arises in particular. Formal progress is reflected in the adoption of laws, strategies and institutional documents, whilst substantive progress is measured by the application of what has been adopted in practice. It is here that the rule of law becomes apparent not only as a legal criterion but also as a matter of political will, institutional accountability and state effectiveness of the state.

In its Opinion of 2019, the European Commission clearly linked further progress by Bosnia and Herzegovina to the fulfilment of 14 key priorities, which require concrete results in the areas of the judiciary, the fight against corruption and

²² European Commission, *Bosnia and Herzegovina Report 2024*, Commission Staff Working Document, SWD(2024) 691 final, Brussels, 30 October 2024. pp.28.

²³ *Ibidem*, pp.33-35.

²⁴ *Ibidem*, pp. 44.46.
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²⁵ *Ibidem*, pp.25-26.

organized crime, the protection of fundamental rights and public administration reform.²⁶ The rule of law thus becomes a measure of the state's capacity not merely to formally accept the obligations it has undertaken, but to genuinely implement them.

An independent, impartial and efficient judiciary represents the fundamental prerequisite for the protection of citizens' rights and legal certainty. Without a functional judiciary, one cannot speak of an effective fight against corruption, equality before the law, or citizens' trust in institutions. For this reason, judicial reform remains one of the most important indicators of the genuine application of the rule of law in Bosnia and Herzegovina.²⁷

How important the actual implementation of reforms is can be seen in the fight against corruption and organized crime. The adoption of laws and strategies cannot produce the expected effect if there are no concrete results in the form of effective investigations, indictments and final judgments, particularly in high-level corruption cases.

The European Commission, in its reports on Bosnia and Herzegovina, consistently points out that results in this area remain limited, which confirms the existence of a gap between formal obligations and their practical realisation.²⁸

A similar problem arises in the area of public administration. If it is not efficient, coordinated and depoliticized, a standard that Bosnia and Herzegovina's public administration currently meets only to a very limited extent - the European

integration process remains slow and reform obligations are not implemented as they should be, either in the manner or to the extent required.

On the basis of the foregoing, the rule of law in Bosnia and Herzegovina cannot be assessed solely by the number of laws or decisions adopted. The value of the rule of law ought to be reflected in the capacity of institutions to apply laws, protect citizens' rights, prosecute and prevent corruption, and ensure legal certainty. Therefore, the implementation of reforms constitutes a test of the rule of law and confirms the central thesis of this paper, namely that in the process of European integration of Bosnia and Herzegovina the rule of law is a legal criterion, yet its realisation in practice emerges as a political and institutional challenge.

CONCLUSION

On the basis of all of the foregoing, it is concluded that the rule of law occupies a special place in the process of European integration of Bosnia and Herzegovina. It is not merely one of the formal conditions that a candidate state must fulfil on the path towards membership of the European Union, but rather a genuine indicator of the functioning of the state, its institutions and its legal system.

Starting from the introductory considerations, it is evident that Bosnia and Herzegovina has achieved a degree of formal progress towards membership of the Union, reflected in its inclusion in the Stabilisation and Association Process, the signing and entry into force of the Stabilisation and Association Agreement, the submission of the membership application, the granting of candidate status, and the decision to open accession negotiations. However, such formal progress does not necessarily mean that the rule-of-law criteria have been fulfilled in practice.

²⁶ European Commission, *Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union*, COM(2019) 261 final, Brussels, 29.5.2019., pp. 14-15.

²⁷ European Commission, *Bosnia and Herzegovina Report 2024*, Commission Staff Working Document, SWD(2024) 691 final, Brussels, 30 October 2024, pp. 28.

²⁸ *Ibidem*, pp. 33-35 and 44-46.
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The analysis of the rule of law, as a fundamental value of the European Union, has demonstrated that this principle cannot be assessed solely on the basis of whether legislation formally exists and that it requires the consistent and effective application of legal norms in practice. The rule of law entails legality, legal certainty, an independent judiciary, the protection of fundamental rights, and equality before the law.

An examination of Bosnia and Herzegovina's European path reveals that the Stabilisation and Association Agreement played an important role in establishing the legal framework governing relations between Bosnia and Herzegovina and the European Union. The Agreement laid the foundation for political dialogue, regional cooperation, legislative harmonisation, and the strengthening of institutions. The legal framework, in itself, is insufficient if the obligations undertaken are not implemented. For this reason, the 14 key priorities of the European Commission are of great significance, as they demonstrate that further progress by Bosnia and Herzegovina depends on genuine reforms.

The legal and institutional challenges to the rule of law in Bosnia and Herzegovina have proved to be particularly significant. The constitutional structure of the state, multiple levels of governance, insufficient inter-institutional cooperation, problems within the judiciary, corruption, organised crime, and an inefficient and politicised public administration in the process of European integration. Bosnia and Herzegovina must build effective institutions capable of implementing laws not only *de iure*, but also *de facto*.

The rule of law in the process of European integration of Bosnia and Herzegovina constitutes a legal criterion, as it derives from EU values, the Copenhagen criteria, the Stabilisation and Association Agreement, and the 14 key priorities of the

European Commission. It is also a political and institutional challenge, since its *de facto* application depends on political will, the functionality of institutions, the independence of the judiciary, and the state's readiness and commitment to implement reforms.

The genuine readiness of Bosnia and Herzegovina for membership in the European Union is measured by the state's capacity to ensure the rule of law in practice. Only when laws are consistently applied, institutions function effectively, the judiciary operates independently, and corruption is effectively investigated and prosecuted can the rule of law become a genuine principle of governance rather than merely a condition for EU accession.

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