

The step under review	New Law on Judicial Council adopted in line with the ‘peer review’ on the functioning of the Judicial Council, from Sep ’23, and the opinion of the Venice Commission
Baseline	Baseline (2024) is 0
Deadline of the step	June, 2025 (grace period)
Actual results	<p>In November 2023, a Working Group was established within the Ministry of Justice to prepare amendments to the Law on the Judicial Council of the Republic of North Macedonia (ANNEX 1 - Decision No. 08-2855/1 dated 16.11.2023). This Working Group was established based on the Report of the EU Evaluation Mission on the functioning of the Judicial Council of the Republic of North Macedonia from September 2023. The primary objective of the Working Group is to incorporate the recommendations from the Report of the EU Evaluation Mission and to prepare amendments to the law in order to overcome the identified weaknesses.</p> <p>The Working Group was composed of 23 members and included representatives from the academic community, the judiciary, the Judicial Council, the Ministry of Justice and civil society organizations. At the same time, representatives from the international community in the country were also involved in the process of preparing the draft law. The diverse composition of the working group ensured a transparent and inclusive process while maintaining the highest standards of professionalism and expertise.</p> <p>In the following period, the Ministry of Justice, with the support and in cooperation with the "EU Rule of Law Project", organized 5 expert debates, with representatives from all relevant institutions. After the public debates, a Report was compiled summarizing the feedback and comments received during these public hearings.</p> <p>In January 2025, an optimized Working Group of 11 members was established (ANNEX 2 - Decision No. 08-142/2 of 16.01.2025), to enhance efficiency and expedite the finalization of the draft law. The task of this working group was to review and incorporate the comments from the public hearings.</p> <p>All interested parties were involved in the overall drafting process, through an inclusive and transparent procedure, in which everyone actively participated and contributed to the drafting process.</p> <p>In the period from January to June 2025, this working group held 15 meetings and finalized the text of the the draft law.</p>

For the purpose of public consultation, the draft law was published on the National Electronic Register of Regulations – ENER in May 2025 (ANNEX 3). After the consultation period ended, all submitted comments were forwarded to the working group and reviewed.

Subsequently, the Ministry of Justice requested an opinion from the Venice Commission (ANNEX 4 - letter no. 21-1034/1) on the draft law on the Judicial Council.

Following this request, an on-line meeting was held between representatives of the Venice Commission and members of the working group, to clarify certain provisions of the draft law.

At the plenary session of the Venice Commission held on 16 June 2025, attended by a representative of the Ministry of Justice, the opinion was formally adopted. The opinion was published on the Venice Commission's official website (ANNEX 5).

After the opinion was adopted, the working group met again to review the recommendation and incorporate them into draft law.

On June 26, 2025, the Ministry of Justice submitted the Draft Law to the Government for adoption (ANNEX 6).

The purpose of the amendment to the Law on the Judicial Council was to align it with the recommendations of the EU Peer Review Mission of September 2023, by incorporating a series of legislative and institutional measures aimed at strengthening the independence, autonomy and transparency of the Judicial Council.

The amendments primarily focused on the process of selecting members of the Judicial Council, disciplinary procedures and legal remedies following dismissal decisions.

The selection process and criteria for members of the Council elected by the Parliament are now regulated in detail. This addresses a key recommendations from the Report, which stated that the selection should be merit-based, transparent and follow the example of the State Commission for the Prevention of Corruption.

Regarding the selection of members of the Council from among judges, a new provision establishes that the elections are considered valid if more than half of the registered judges from that constituency voted, and the candidate who received the most votes is considered an elected member.

Changes have also been made to the selection criteria and years of service (which have been extended from 6 to 10 years).

With regard to the disciplinary procedure for a member of the Council, a novelty is the reduction of the number of judges who can submit a request for the initiation of disciplinary proceedings, from twenty to ten judges, or at least two members of the Judicial Council. Changes have been made to the grounds for disciplinary proceedings,

as well as the introduction of a Commission for Disciplinary Proceedings, which is competent to review the request, provide evidence and make a decision. The Commission is formed by the Council, through drawing lots, from among the judges of the Supreme Court and the courts of appeal. The member of the Judicial Council against whom a disciplinary measure has been imposed has the right to file a lawsuit with the Administrative Court.

With regard to the procedure for determining the liability of a judge or president of a court, it is provided that the process shall be urgent and confidential, shall not exceed six months, and shall be conducted without the presence of the public and with respect for the reputation and dignity of the judge or president of the court. The public debates have shown that the procedure should remain confidential and without public participation, unless the person against whom the procedure is being conducted requests public participation.

A request to initiate a procedure for determining liability may be submitted only after all effective legal remedies have been exhausted, except in cases of obvious intent, deliberate omission or gross negligence. A reasoned request may be submitted by a member of the Judicial Council, the president of a court, a general session of the Supreme Court or a person who can prove that he has a legal interest.

The proposal particularly emphasizes the right to appeal the decision of the Council for determining the liability of a judge before the Administrative Court.

It is planned that this draft law will be adopted by the Government and then submitted to the parliamentary procedure and finally adopted by the Parliament and published in the Official Gazette.

The Draft-Law was adopted by the Government on 18 November, 2025. After the adoption it was sent for an opinion to the EC, together with a Follow-up of recommendations from the Venice Commission Opinion CDL-AD (2025)026 on the draft-law on the Judicial Council (ANNEX 7) and Review of compliance with the recommendations of the EU Peer Review Mission (ANNEX 8). After the adoption by the Government, it was sent in parliamentary procedure.

During the parliamentary procedure 19 amendments were submitted, part of which were accepted. The amendments do not interfere with the implementation of the recommendations of the EU peer review mission and the Venice Commission recommendations. The Law was adopted by the Parliament on 29.12.2025 (ANNEX 9 – English translation of the Law) – Official Gazette 269/2025 of 31.12.2025 – (Link <https://dejure.mk/zakon/zakon-za-sudskiot-sovet-na-republika-severna-makedonija-1>).

The Venice Commission recommendations, although of advisory nature, were crucial guidance for achieving the best legislative solutions in line with the highest international standards and practices.

The Working Group that worked on the amendments to the Law on the Judicial Council and the Ministry of Justice, as the proposer of the law, carefully reviewed and incorporated into the draft law on the Judicial Council the recommendations contained in the Venice Commission opinion of June 2025 that did not require constitutional amendments, at the same time taking into account the establishment of the Judicial Council as an independent and autonomous body of the judiciary. The working group also took in consideration the recommendations contained in the Venice Commission opinion from 2019, which were not incorporated into the previous draft law on the Judicial Council.

The following aspects need to be emphasised:

- Regarding the recommendation to reduce the number of votes required for decision-making, as in many cases, eight votes are still required and double majority voting has not been removed - This recommendation comes from the 2019 Venice Commission report. When drafting this provisions, special attention was given to the relevant decisions of the Judicial council regarding the managing of the judicial system, such as: Decision to determine vacant judicial positions, Rulebook for manner of ranking, Decision to suspend the proceedings if there are no grounds for responsibility with seven votes, Decision to approve detention and removal of immunity, and the election of the Secretary-General of the Judicial council, which are determined to be decided by **seven votes**.

A majority of at least **eight votes** is limited exclusively to decisions of particular importance related to the protection of the independence and impartiality of judges and the merit system, such as: the proposals for Constitutional Court judge, adoption of the annual report of the Judicial Council, election and dismissal of the President, exclusion of the public, temporary removal, adoption of the rules of procedure, election and dismissal of judges, where it is important to have a majority of **eight votes**.

On the other hand, the Macedonian system of the Judicial Council is specific due to certain decisions being made with a double majority. Namely, a double majority in the law is required for the election of judges and lay judges, which is a qualified (Badenter majority) to prevent decisions being dominated by a simple majority.

In this context, over the past three decades there have been frequent dismissals of judges, and to provide greater legitimacy to the decisions of the Judicial Council regarding dismissals, it is considered as important to maintain the **eight-vote majority**. Some of these decisions ended up before the European Court of Human Rights (ECtHR), where violations were established precisely due to the dismissal procedure.

- Regarding the recommendation to clarify the parameters for evaluation, which have not yet been examined by the relevant working group - This recommendation is from 2019, and the Working Group did not amend these provisions because its mandate was to prepare amendments to ensure compliance with the recommendations from the Peer Review Mission. Moreover, so far, during the implementation of the law, no issues have arisen in this regard.

- Regarding the recommendation to ensure that appointments made by Parliament are based on merit, the criteria and procedure for election of a member of the Judicial Council are regulated in Chapter III of the law, in Article 12 – Criteria for election of a

member of the Council elected by the Parliament. This article sets out criteria for election based primarily on the merit system, and additionally, the procedure for the election of members of the Council by the Assembly is defined in Article 13. Only candidates who meet the criteria of Article 12, which are clear and fundamental, may be elected. This ensures a merit-based system and prevents the nomination of candidates who lack the necessary qualifications and experience.

- **Regarding the recommendation to clarify the grounds for dismissal of the President and Deputy President of the Judicial Council**, a procedure has been established that previously did not exist in the Law on the Judicial Council, according to which the threshold to initiate a procedure is at least four members. This allows for requesting accountability from the President or Deputy -President as first among equals among the members of the Judicial Council if a question arises regarding their credibility.

As emphasized in Article 8, paragraph 6, the procedure shall be initiated upon a reasoned request submitted by at least four voting members of the Council. In addition, the President and Deputy-President, as members of the Council, as well as other Council members, are subject to disciplinary responsibility as set out in Article 34 of the Law.

- **Regarding the recommendation to hold public debates on disciplinary and selection of judges procedures**, the Venice Commission recommendation does not require public hearings during judicial appointments or disciplinary proceedings unless requested by the affected judge. Therefore, it is not mandatory for disciplinary proceedings to be public if the judge does not request it. However, this differs from the recommendation of the Peer Review Mission (Recommendation No. 22): "22. Make hearings in disciplinary procedures public, with specific cases provided by law where public could be excluded."

- In the Law, **Article 43** provides that the public can be excluded only with a decision of the Council due to the protection of the reputation and integrity of a judge or a judge candidate. The Council shall decide on the exclusion of the public from the sessions with a two-thirds majority vote of the total number of members of the Council having voting rights, and in case the Council decides on exclusion of the public from the session, the president of the Council shall be obliged to inform the public and explain the reasons for such exclusion of the public. If a decision is adopted at such a session by voting, the voting on the decision shall be public. When the Council decides on the election of a president of a court or the election of a judge, the public cannot be excluded in any circumstances.

- **Regarding disciplinary proceedings**, taking into account the recommendations of both the Peer Review Mission and the Venice Commission, the Working Group at the Ministry of Justice determined that the procedure shall be urgent, confidential, and generally conducted without public presence, respecting the dignity and reputation of the judge or the president of the court, at the same time taking care to protect the personal data of the judge or the president of the court in accordance with the regulations on personal data protection.

The key innovations introduced in the Law are the following:

- For the first time, the procedure for dismissing the President and Deputy President of the Judicial Council is clearly and in detail regulated. The procedure is public, transparent,

	<p>with clearly established conditions for decision-making and the right to judicial protection.</p> <ul style="list-style-type: none"> - The criteria for selecting members of the Judicial Council are strengthened. For the first time, the term "eminent lawyer" is legally specified, eliminating misinterpretations from the past, and with the aim of ensuring that members possess a high level of knowledge and integrity. - A public debate is introduced in the selection of non-judicial members of the Judicial Council. This means that the public will have insight into the expertise, experience and views of the candidates, which significantly strengthens trust in the process. - The legitimacy of the selection of members from among judges is strengthened, through clear election rules, a set quorum and precise procedures for a second round of voting. - The disciplinary procedure for judges and members of the Judicial Council is clearly and in detail regulated. Deadlines, precise bases for liability and guarantees for a fair procedure have been introduced, respecting the dignity and reputation of judges. - Finally, the Judicial Council is obliged to explain each decision clearly, individually and with arguments, which is a key step towards increased accountability and legal certainty. <p>Overall, the final goal of the new Law on Judicial Council is to make a fundamental reform that aims to build strong, independent and professional Judicial Council that will be true guardian of judicial independence and the rule of law.</p>
<p>Evidence provided</p>	<ol style="list-style-type: none"> 1. ANNEX 1 - Decision No. 08-2855/1 dated 16.11.2023, 2. ANNEX 2 - Decision No. 08-142/2 of 16.01.2025, 3. ANNEX 3 – Draft Law on Judicial Council published on ENER, Link https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=84282 4. ANNEX 4 - Letter no. 21-1034/1 – Act of the Ministry of Justice requesting an opinion from the Venice Commission, 5. ANNEX 5 – Opinion of the Venice Commission Link https://www.coe.int/en/web/venice-commission/-/cdl-ad-2025-026-e 6. ANNEX 6 – Act by the Ministry of justice submitting the Draft-Law to the Government for adoption . 7. ANNEX 7 – Follow-up of recommendations from the Venice Commission Opinion CDL-AD(2025)026 on the draft-law on the Judicial Council. 8. ANNEX 8 – Review of compliance with the recommendations of the EU Peer Review Mission. 9. ANNEX 9 – Law on Judicial Council (English translation); 10. ANNEX 10 - Law on Judicial Council MK Official Gazette
<p>Checks performed in the</p>	<p>The working group initially established in November 2023, as along with the optimized working group established in January 2025, thoroughly analyzed the recommendations made by the EU Evaluation Mission of September 2023 and incorporated them into the</p>

verification of the step and related findings	<p>text of the draft law. The Ministry of Justice also organized 5 expert debates, with representatives from all relevant institutions, on the basis of which a Report was prepared summarizing the comments received at these public hearings. Throughout the process, the preparation of the draft law was conducted in a transparent and inclusive manner, ensuring active participation from all relevant stakeholders. In May 2025, the draft law was published on ENER for the purpose of public consultation and was subsequently sent for opinion to the Venice Commission. The recommendation of the Venice Commission were incorporated into the text of the draft law. The amendments to the text of the law made during the parliamentary procedure do not interfere with the implementation of the recommendations of the EU peer review mission and the Venice Commission recommendations.</p>
Compliance with general principles and DNSH principle	<p>The implementation of the steps 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.</p> <p>The implementation of the steps does not contravene the ‘Do No Significant Harm’ principle (DNSH).</p>
Double funding	<p>There were not contributions from third parties.</p>
Clear conclusion on the achievement of the step	<p>Fully achieved</p>