

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
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 Evaluation 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 recommendation 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

	<p>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.</p> <p>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.</p> <p>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.</p> <p>The proposal particularly emphasizes the right to appeal the decision of the Council for determining the liability of a judge before the Administrative Court.</p> <p>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.</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 .
<p>Checks performed in the verification of the step</p>	<p>The working group initially established in November 2023, 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 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,</p>

and related findings	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.
Compliance with general principles and DNSH principle	<p>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.</p> <p>The implementation of the steps does not contravene the ‘Do No Significant Harm’ principle (DNSH)</p>
Double funding	<i>Contributions from third parties were not reported in support of the achievement of this step.</i>
Clear conclusion on the achievement of the step	Partially achieved