

The step under review	Adopt amendments to the laws regulating salaries of judges and prosecutors as well as of the court and prosecutorial administrations
Baseline	Baseline (2024) is 0
Deadline of the step	June 2025
Actual results	<p>The implementation of this step should be achieved through the amendment of four (4) laws, namely:</p> <ol style="list-style-type: none"> 1. Law on Salaries of Judges (Official Gazette No. 110/2007, 103/2008, 161/2008, 153/2009, 67/10, 97/10, 135/11, 231/15 and 248/18, 51/24), 2. Law on Salaries of Public Prosecutors (Official Gazette No. 153/2009, 67/10, 97/10, 231/15, 51/24 and 272/24), 3. Law on Judicial Service (Official Gazette No. 43/14, 33/15, 98/15, 6/16, 198/18 and 248/18 and 235/22) and 4. Law on Public Prosecution Service (Official Gazette No. 62/15, 231/15, 11/16 and 21/186 and 235/22). <p><u>Law on Salaries of Judges and Law on Salaries of Public Prosecutors</u></p> <p>The Law on Salaries of Judges adopted in 2007, which entered into force in 2008, regulates the salary structure of judges by establishing the coefficients and the calculation base. These were determined through a prior analysis that defined the criteria for setting both elements.. According to the law, a judge has the right to a salary appropriate to significance and prestige of their function, the complexity of their duties, and the level of responsibility they bear — ensuring the independence of their work. The salary of judges is calculated by multiplying a defined coefficient with a base amount.. The base for determining the salary is the average monthly net salary per employee in the Republic of North Macedonia for the previous year, according to data from the State Statistical Office.</p> <p>In 2010, an amendment to the law changed the base for calculating the salary’s bases, linking it to the salary bases of elected and appointed persons. According to Article 11 of the Law on Salaries and Other Remunerations of Elected and Appointed Persons, the basis for calculating the salary is the average monthly salary paid per employee in the republic for the previous year, according to data from the State Statistical Office.</p> <p>The base of the salary of judges was “frozen” from 2010, until the Constitutional Court’s decision U.br.113/2022-1 of 2023, when the provision freezing the salaries of elected and appointed officials was lifted. This decision of the Constitutional Court resulted in a 78%</p>

increase in salaries for all officials, including judges and public prosecutors, but more importantly, it allowed for salaries to increase in line with the average salary.

In February 2024, following a proposal from a group of MPs, the legislative branch reduced the salary coefficients of judges, public prosecutors and members of the Councils, at a time when judges' salaries were expected to increase due to the increase in the average salary at the state level.

These amendments to the laws were challenged by submitting constitutional initiatives to the Constitutional Court (by the President of the Judicial Council and the Association of Judges). The Constitutional Court, with decisions U.br.122/2024 and U.br.123/2024, ruled that, according to the Constitution, the legislator is allowed to regulate the salary system of employees in state bodies taking into account the economic situation and financial capabilities of the state and its economic and social policy. When regulating these relations, the legislator is obliged to respect the constitutional norms and principles, particularly the principle of the rule of law and the principle of equality and non-discrimination. The Court also determined that a reduction in judges' salaries may only be justified under exceptional circumstances.. Accordingly, the Constitutional Court rejected these constitutional initiatives (<https://ustavensud.mk/archives/26535>).

In December 2024, following a proposal from a group of MPs, the Parliament again reduced the salary coefficients of judges, public prosecutors, and members of the Councils, although there were no economic indicators as reasons for the reduction.

The amount of salary coefficients with these legal amendments from February and December 2024 was reduced by 2.15 to 2.84, depending on the type of court, specialized court department, internal duties in the court, judicial experience, scientific and professional titles and specialization and results achieved in the performance of the judicial function.

In March 2025, new constitutional initiatives were submitted by judges against the legal solutions adopted in February and December 2024 that reduced salary coefficients..

The Association of Judges also submitted a new constitutional initiative in May 2025.

The Constitutional Court has not yet ruled on the new constitutional initiatives.

Since the Constitutional Court had not issued a decision on this matter by June 1, 2025, the Ministry of Justice, in order to meet the Reform Agenda deadline (June 2025), urgently prepared draft amendments to the single article in the relevant laws. These amendments restore the salary coefficients to their levels prior to the reduction in February and December 2024 - levels that were originally established based on the criteria set in 2007, which have never been challenged before the Constitutional Court.

Accordingly, the Ministry of Justice submitted the following draft laws to the Government for adoption under an expedited procedure:

- Draft Law Amending the Law on Salaries of Judges (ANNEX 1 - Cover letter No. 21-1293/1 of 03.06.2025) and
- Draft Law Amending the Law on Salaries of Public Prosecutors (ANNEX 2 - Cover letter No. 08-1417/1 of 20.06.2025).

The aim was to enable a significant step towards strengthening the guarantees for the independence of the judiciary and realization of the commitments of several key strategic documents for harmonization with the European Union standards, within the deadline set by the Reform Agenda.

Article 1 of the Draft Laws amends the laws only in relation to the provisions regulating salary coefficients, whereby they are increased in value from 2.8 to 3.7, which allows for an increase in the salaries of judges and public prosecutors and their approximation to the level of salaries of judges and public prosecutors in the countries of the region and the EU countries.

Article 2 of the Draft Laws more precisely regulates the basis for calculating the salary of judges and public prosecutors, which is the average monthly salary paid per employee in the republic for 2024 according to data from the State Statistical Office.

Article 3 regulates the application of the coefficients from the article to begin with the payment of the salary of judges and public prosecutors for the month of June 2025. The fiscal implications that will arise from the legal solution are the increased coefficients from 2.8 to 3.7, starting with the payment of the same in the salary for the month of June 2025.

Article 4 requires and ensures the immediate adoption and implementation of the legal solution, on the day of its publication in the Official Gazette of the Republic of North Macedonia, in order to respect the set deadline for the implementation of the step in the Reform Agenda - June 2025.

The laws were not published on ENER, because these legal provisions are not new, but are provisions that existed from 2008 to 2024, a period during which they were not challenged before the Constitutional Court.

The procedure for aligning the draft laws with the opinions received in the government procedure is currently underway.

On June 12, 2025, the Secretariat for Legislation issued Opinion on the Proposal Law on Judicial Service (ANNEX 3) and on 02 July 2025 the Secretariat for Legislation issued Opinion on the Proposal Law on Salaries of Public Prosecutors (ANNEX 4) recommending that the draft laws first obtain positive approval from the Ministry of Finance, given the financial implications involved.

Additionally, in April 2025, the Ministry of Justice submitted to the Government a Draft Law Supplementing the Law on Salaries of Public Prosecutors. The purpose of this law is to regulate the rights, namely the salary, allowances, the right to health care and reimbursement of expenses related to the performance of the function abroad of a public prosecutor who is sent to work abroad, which will create opportunities for the full fulfillment of the obligations that the Republic of North Macedonia has undertaken under an international agreement and the promotion of cooperation with Eurojust as the European Union Agency responsible for international judicial cooperation in criminal matters.

The Ministry of Finance gave a negative opinion on the Proposal Law on Salaries of Judges (ANNEX 5) and negative opinion on the Proposal Law on Salaries of Public Prosecutors (ANNEX 6).

Law on Judicial Service and Law on Public Prosecutorial Service

The existing legal regulations applicable to the judicial and public prosecutorial service (the Law on Judicial Service, the Law on Public Prosecutor's Service and the Law on Administrative Servants) have led to a significant reduction in the number of employees in the judicial and public prosecutor's service. Namely, the existing regulations stipulate: approval of the Employment Plan and formal consents for employment in courts and public prosecutor's offices by the executive branch, i.e. the Ministry of Finance and the Ministry of Public Administration; fulfillment of certain criteria related to knowledge of foreign languages and certificates of language proficiency that causes additional costs, etc. This has led to the complete unattractiveness of jobs in the judicial and public prosecutor's service. In addition, the procedure for assessing the judicial and public prosecutorial officers has proven to be completely inadequate, and some of the by-laws have not been adopted, as a result of which no promotions have been made for several years.

Therefore, the Justice Sector Development Strategy and the Action Plan for Implementation of the Justice Sector Development Strategy 2024-2028 envisage measures aimed at overcoming these situations:

Measure 1.1.3 Exemption of judicial and public prosecutorial officers from the status of administrative officers.

The activity envisaged for this measure is:

“Preparation of draft laws amending and supplementing the laws on administrative officers, judicial service and public prosecutorial service.

In this regard, the Ministry of Justice has prepared a Draft Law on Judicial Service and a Draft Law on Public Prosecutorial Service.

The proposed legal solutions for the judicial and public prosecutorial service overcome the long-standing challenges detected in domestic and international reports and strategic documents, and will enable functional financial independence of the judicial authority in the future.

In the judiciary, the Draft Law on the Judicial Service, will overcome the challenges related to the approval of financial resources for employment and promotion in the judiciary in a way that the judicial authority, through the Judicial Budget Council, will approve employments and promotions, based on the needs of the courts, which will be incorporated into a single employment plan. A representative of the Ministry of Finance will be included in the Judicial Budget Council itself. Finally, the courts will submit a notification to the Ministry of Finance and the Ministry of Public Administration for a purpose of informing and will submit reports on the work of the courts.

In the same way, in the Public Prosecution, with the Draft Law on the Public Prosecutorial Service, the Public Prosecutor of the Republic of North Macedonia is authorized to adopt an Employment Plan based on the needs of the public prosecution offices, which is submitted for reporting to the Ministry of Finance and the Ministry of Public Administration.

	<p>The Draft Law on Judicial Service was published on ENER (ANNEX 7) on March 28, 2025 and after the expiration of the public consultation period it was submitted to the Government for adoption on May 23, 2025 (ANNEX 8).</p> <p>The Draft Law on the Public Prosecutorial Service was published on ENER (ANNEX 9) and at the same time was submitted to the Government for adoption on June 20, 2025 (ANNEX 10).</p> <p>The Ministry of Finance gave a negative opinion on the Draft Law on Judicial Service (ANNEX 11) and regarding the Draft Law on Salaries of Public prosecutors, the opinion of the Ministry of Finance will be issued after the expiration of the period for public consultations.</p> <p>Additionally, the Law on Public Servants (Official Gazette No. 27/14, 199/14, 48/15, 154/15, 5/16, 80/16, 127/16, 142/16, 2/17, 16/17, 11/18, 275/19, 14/20, 215/21, 99/22 and 2028/24), which is currently in force, is a systemic law, covering both the judicial and public prosecutor's offices.</p> <p>In July 10, 2025, the Parliament adopted Amendments to the Law on administrative servants, which does not exclude the judicial and public prosecutorial officers from its scope.</p> <p>In connection with this Draft Law, the Ministry of Justice indicated that the specificity of the work tasks performed by judicial and public prosecutorial officers requires certain procedures relating to the judicial and public prosecutorial service to be regulated in a different from the Law on Administrative Servants, in order to ensure a professional and efficient system of judicial and public prosecutorial service.</p>
<p>Evidence provided</p>	<ol style="list-style-type: none"> 1. ANNEX 1 – MoJ Cover letter No. 21-1293/1 of 03.06.2025 - Draft Law Amending the Law on Salaries of Judges, 2. ANNEX 2 – MoJ Cover letter No. 08-1417/1 of 20.06.2025 - Draft Law Amending the Law on Salaries of Public Prosecutors, 3. ANNEX 3 – Opinion of the Secretariat for Legislation on the Proposal Law on Judicial Service – issued on June 12, 2025, 4. ANNEX 4 – Opinion of the Secretariat for Legislation on the Proposal Law on Salaries of Public Prosecutors – issued on 02 July 2005, 5. ANNEX 5 – Opinion of the The Ministry of Finance on the Proposal Law on Salaries of Judges, 6. ANNEX 6 – Opinion of the Ministry of Finance on the Proposal Law on Salaries of Public Prosecutors, 7. ANNEX 7 - Draft Law on Judicial Service - published on ENER- on March 28, 2025 <i>Link</i> https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=76039 8. ANNEX 8 – MoJ Cover Letter submitting the Proposal Law on Judicial Service to the Government - dated May 23, 2025, 9. ANNEX 9 - Draft Law on the Salaries of Public Prosecutorial Service - published on ENER <i>Link</i> https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=111699

	<p>10. ANNEX 10 - MoJ Cover Letter submitting the Proposal Law on the Salaries of Public Prosecutorial Service to the Government - dated June 20, 2025 and</p> <p>11. ANNEX 11 – Opinion of the Ministry of Finance on the Draft Law on Judicial Service .</p>
<p>Checks performed in the verification of the step and related findings</p>	<p>The Ministry of Justice prepared amendments to only one article in the Law on Salaries of Judges and the Law on Salaries of Public Prosecutors, which return the salary coefficients of these two categories to the same level as before their reduction in February and December 2024, i.e. they return to a level that was determined according to criteria back in 2007. Subsequently, the draft laws were submitted to the government procedure, in an abbreviated procedure.</p> <p>The Ministry of Justice also prepared a Draft Law on the Judicial Service and a Draft Law on the Public Prosecutorial Service, after which they were published on ENER (in March and June 2025) and submitted to the government procedure.</p>
<p>Compliance with general principles and DNSH principle</p>	<p><i>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.</i></p> <p><i>The implementation of the steps does not contravene the ‘Do No Significant Harm’ principle (DNSH).</i></p>
<p>Double funding</p>	<p><i>Contributions from third parties were not reported in support of the achievement of this step.</i></p>
<p>Clear conclusion on the achievement of the step</p>	<p>Partially achieved</p>