

<b>The step under review</b>	Judges and prosecutors subject to disciplinary proceedings have all the guarantees of a fair trial
<b>Baseline</b>	(2024) is 0.
<b>Deadline of the step</b>	December 2025
<b>Actual results</b>	<p>The new Law on the Judicial Council was adopted on 29 December 2025 (Official Gazette 262/2025 of 31.12.2025) (ANNEX 1).</p> <p>The recommendation of the Peer Review Mission on the Judicial Council, which refers to the rights of judges and prosecutors who are subject to disciplinary proceedings to all guarantees for a fair trial and the right to challenge the decision, is directly and fully addressed.</p> <p>Namely, the Law clearly defines the provisions on the right to appeal and judicial protection of judges in disciplinary proceedings. In concrete it prescribes new competences of the Administrative Court and the Higher Administrative Court, which act on decisions to dismiss judges, enabling effective two-level judicial control. This means that each decision to dismiss can be reviewed by two independent judicial instances, which increases legal certainty and trust in the process.</p> <p>In line with the recommendations of the Venice Commission opinion from 16 June 2025, (ANNEX 2) these provisions are considered legitimate and provide effective protection of the rights of judges, allowing them to exercise their appeal and be sure that the procedure is fair and transparent.</p> <p>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 by 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.</p> <p>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</p>

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 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.

The law also introduces clear procedural guarantees, including defined deadlines for action, an obligation to make decisions transparently and with justification, and accountability mechanisms. These regulations address the shortcomings of the previous law, where legal protection and deadlines for appeal were not sufficiently clearly defined.

**With regards to the disciplinary proceedings concerning the public prosecutors**, the following novelties are undertaken: the Draft-Law on Public Prosecution and draft Law on the Council of Public Prosecutors were prepared and submitted for opinion to the Venice Commission. The main novelties and improvements in the draft laws, which aim to enhance the functioning of the Public Prosecution and the Council of Public Prosecutors.

The Venice Commission, at its 114-th plenary session held on 10 October 2025, adopted a Joint Opinion on the Draft Law on Public Prosecution and the Draft Law on the Council of Public Prosecutors of the Republic of North Macedonia (ANNEX 3), giving a positive assessment of the process and content of the developed draft laws and it welcomed the reform efforts of the Ministry of Justice. It was pointed that both draft laws are in line with international standards and implement all recommendations. Several additional proposals were also made in order to improve the legal texts.

The Draft Law on Public Prosecution was adopted by the Government on 30.12.2025. (ANNEX 4).

According to the Action Plan of the Justice Sector Development Strategy the adoption of both laws by the Parliament is scheduled for the second quarter of 2026.

The provisions in the draft laws regulating the disciplinary liability of public prosecutors have been revised, with regard to the rules for initiating proceedings,

the decision-making body, transparency measures, specifying the grounds for appeal and clearly defining the binding force of the final decisions of the body deciding on the appeal. Harmonization of the Code of Ethics of Public Prosecutors was carried out, as well as the establishment of criteria for appointing an integrity officer in the Public Prosecutor's Office.

A revision of the provisions of the Law on the Council of Public Prosecutors relating to the individual disciplinary liability of the members of the councils has been initiated, with a special focus on defining the reasons for which the procedure may be initiated, the body/bodies that will act, and the right to appeal.

With regard to disciplinary liability, a member of the Council may submit an initiative for determining the disciplinary liability of a public prosecutor to the authorized submitters of a proposal for determining disciplinary liability, but the same member may not then participate in the procedure for determining the disciplinary liability of public prosecutors in the second instance and for dismissing a public prosecutor.

Based on a previously conducted procedure for determining liability, the Council shall, by a decision, dismiss a public prosecutor in accordance with the grounds set out in the Law on the Public Prosecution Service. The Council, as a second-instance body, decides on an appeal against the decision of the Commission for Determining the Liability of a Public Prosecutor under the Law on the Public Prosecution Service. When it confirms the decision of the Commission establishing disciplinary liability and proposing dismissal from the function of public prosecutor, the Council shall adopt a special decision dismissing the public prosecutor and establishing the termination of the function.

The Council shall adopt a decision to dismiss the public prosecutor with at least eight votes from the total number of Council members.

Against the decisions of the Council, the public prosecutor who has been dismissed has the right to file a lawsuit in court proceedings before the Administrative Court and the right to appeal before the Higher Administrative Court.

In this way, the two-tier procedure and the right to judicial protection provide guarantees and protection of the rights of the public prosecutor upon their dismissal, thus strengthening the independence of the public prosecution service.

**Evidence provided**

ANNEX 1 - Law on Judicial Council (English translation);  
ANNEX 2 - Opinion of the Venice Commission  
Link <https://www.coe.int/en/web/venice-commission/-/cdl-ad-2025-026-e>

	<p>ANNEX 3 - Venice Commission Joint Opinion on the Draft Law on Public Prosecution and the Draft Law on the Council of Public Prosecutors of the Republic of North Macedonia.</p> <p>ANNEX 4 Conclusion of the Government Session – adopting the Law on Public Prosecution</p>
<b>Checks performed in the verification of the step and related findings</b>	<p>The preparation of the draft law on the Judicial council 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 recommendations of the Venice Commission were incorporated into the text of the draft law.</p>
<b>Compliance with general principles and DNSH principle</b>	<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>
<b>Double funding</b>	<p><i>Contributions from third parties were not reported in support of the achievement of this step.</i></p>
<b>Clear conclusion on the achievement of the step</b>	<p>Not achieved</p>

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