

<b>The step under review</b>	The vacant positions for judges and prosecutors are filled on regular basis based on the projections by the Judicial Council/Council of Public Prosecutors following the implementation of the Human resources management strategies in courts/PPOs
<b>Baseline</b>	(2024) total 349 vacant positions (judges and prosecutors); judges: 261; prosecutors 88; 173 prosecutors in place (2024)
<b>Deadline of the step</b>	December 2024 (February 2025)
<b>Actual results</b>	<p>In March 2025 there were a total of 286 vacant positions (221 judicial and 65 prosecutor posts). The vacant positions for judges and prosecutors have been filled on regular basis from July 2024 to March 2025 both through nominations at higher and basic courts levels, in particular through the nomination of new judges and prosecutors from the 8th generation of the Academy for Judges and Public Prosecutors. In addition, legislative changes have been made to ensure that judges and prosecutors could extend their retirement age from 64 to 67 years old, on voluntary basis, to mitigate the effects of several retirements in the following years.</p> <p>According to the five-year projections of the Judicial Council and the Council for Public Prosecutors report, there will be 112 vacant judges and 32 prosecutors' positions, on the basis of retirement at the age of 64 years at the end of 2029 (Annex 8 and 13). The projections are the following:</p> <ul style="list-style-type: none"> <li>-2025: 25 judges and 7 public prosecutors,</li> <li>-2026: 19 judges and 3 public prosecutors,</li> <li>-2027 26 judges and 7 public prosecutors,</li> <li>-2028: 23 judges and 10 public prosecutors,</li> <li>-2029: 19 judges and 5 public prosecutors.</li> </ul> <p>Legislative amendments were made in February 2025 to ensure that judges and prosecutors could prolong their work after the age of 64 (current age of retirement) until 67 years old by harmonising the relevant legislation. The existing laws on Courts and on Public Prosecution explicitly permit judges and prosecutors to continue serving beyond the retirement age</p>

upon personal request. However, this had to be explicitly stated in the Law on Labour Relations.

Amendments to the Law on Labour Relations were adopted by the Parliament on 13 February 2025 and published in the “Official Gazette” no.39 of 20 February 2025. Pursuant to Article 4 of the Law on Amending the Law on Labour Relations, the amendments entered into force on the day of its publication in the Official Gazette (Annex 15).

Article 73 of the Law on Courts (“Official Gazette” no. 58/2006, 62/2006, 35/2008, 61/2008, 118/2008, 16/2009, 150/2010, 39/2012, 83/2018, 198/2018 and “Official Gazette“ no. 96/2019) and Article 57 of the Law on Judicial Council of the Republic of North Macedonia (“Official Gazette” no. 102/2019 and 51/2023) provide the possibility for extension of the mandate of judges beyond retirement age, in line with the labour law legislation.

Similarly, Article 87 of the Law on Public Prosecution (“Official Gazette” no.42/2020) and Article 47 of the Law on Council of Public Prosecutors of the Republic of North Macedonia (“Official Gazette” no. 150/2007, 100/2011 and 42/2020) provide the possibility for extension of the mandate of prosecutors, in accordance with the Law on Labour Relations.

Pursuant to the added Article 104-a of the Law on Labour Relations, a person holding rights from an employment based on a decision for election or appointment by a competent body, in accordance with the law regulating their rights and obligations arising from their function, shall have the right to request to continue serving function upon fulfilling the conditions for retirement, and up to 67 years of age at most, by submitting a written statement to the appointing authority. In addition, the continuation of the performance of the function of the elected or appointed person shall be in accordance with the law that determines his/her rights and obligations, i.e. the law shall provide for the possibility of extending the mandate in accordance with the regulations on labour relations.

In accordance with paragraph 2 of Article 104-a of the same Law, the person shall submit a written statement referred to in paragraph 1 of this Article once a year, no later than August 31 of the current year, for an extension of service for the following year.

The Law does not automatically extend the mandate of the judges and prosecutors. It provides the possibility for extension of the mandate, based on personal decision. Judges and prosecutors should submit a

written statement to the relevant Councils by August 31 at latest for those that would retire the following year, or within 30 days of the entrance into force of the amendments (it entered into force on 20 February 2025). The latest legal option is provided for those that reach the age of 64 before 31 August this year. Therefore, both Councils will have by the end of March updated data on the number of positions that will be covered through the extension of retirement age in 2025.

Based on the Decision of 2 April 2020 of the Judicial Council requesting 50 trainee judges (Annex 1) and the Decision of 31 July 2020 of the Council of the Public Prosecutors (Annex 2) requesting the selection of 47 trainee Public Prosecutors in line with established needs, the initial training of the 8th generation was completed. The Final Ranking List of Candidates for Judges and Public Prosecutors (Annex 7) was submitted on 24 January 2025 to the Judicial Council and the Council of Public Prosecutors. Certificates of completion of initial training and acquisition of the status of candidate for judge/Public Prosecutor were distributed on a formal ceremony.

On 10 February 2025, the Judicial Council published an Announcement for the selection of 50 judges (Annex 9) from the 8th generation of candidates from the Academy for Judges and Public Prosecutors for 50 positions in 19 basic courts: 4 in the Basic Court Bitola, 1 in the Basic Court Veles, 2 in the Basic Court Gevgelija, 5 in the Basic Court Gostivar, 6 in the Basic Civil Court Skopje, 6 in the Basic Criminal Court Skopje, 1 in the Basic Court Delchevo, 1 in the Basic Court Kavadarci, 1 in the Basic Court Kicevo, 1 in the Basic Court Kočani, 1 in the Basic Court Kriva Palanka; 4 in the Basic Court Kumanovo, 2 in the Basic Court Ohrid, 4 in the Basic Court Prilep; 1 in the Basic Court Sveti Nikole, 1 in the Basic Court Struga, 2 in the Basic Court Strumica, 4 in the Basic Court Tetovo and 3 in the Basic Court Shtip. (Link – Evidence 18).

The election took place on 10 March 2025. A total of 49 judges were elected. Out of the published announcements only 1 vacant position – in the Basic Court Shtip was not fulfilled (Annex 16).

In addition, from July 2024 to March 2025, 17 judges have been appointed on vacant positions in a various court instances. Thus, 10 judges have been appointed to Higher Courts: 2 judges to the Gostivar Court of Appeal, 3 judges to the Shtip Court of Appeal, and 4 judges to the Bitola Court of Appeal and 1 president of the Bitola Court of Appeal. Also, the President of the Higher Administrative Court was appointed, as well as 6 Presidents of Basic Courts (Veles, Struga and Strumica, Gevgelija, Kavadarci and Kochani). 11 judges were temporally assigned (Annex 11).

	<p>On 11 February 2025, the Council of Public Prosecutors published an Announcement for the selection of 47 public prosecutors from the 8<sup>th</sup> generation of candidates from the Academy of Judges and Public Prosecutors (published in the Official Gazette No 29/25) (Annex 10) in the following Basic Public Prosecutions (BPP): 2 in BPP Bitola, 1 in BPP Veles, 2 in BPP Gevgelija, 2 in BPP Gostivar, 1 in BPP Delchevo, 1 in BPP Kochani, 2 in BPP Kicevo, 3 in BPP Kumanovo, 1 in BPP Kriva Palanka, 3 in BPP Ohrid, 3 in BPP Prilep, 1 in BPP Radovish, 1 in BPP Resen, 14 in BPP Skopje, 1 in BPP Struga, 2 in BPP Strumica, 4 in BPP Tetovo, 3 in BPP Shtip. 28 new prosecutors were elected on 7 March 2025 by the Council: 1 in BPP Bitola, 1 in BPP Gevgelija, 1 in BPP Delcevo, 2 in BPP Kumanovo, 1 in BPP Ohrid, 2 in BPP Prilep, 14 in BPP Skopje, 1 in BPP Strumica, 3 in BPP Tetovo, 2 in BPP Stip) (Annex 14). Out of 39 applications, 1 was dismissed due to incomplete documentation and 5 were withdrawn. As in the BPP offices of Veles, Gostivar, Kočani, Kičevo, Kriva Palanka, Radoviš and Resen, positions have not been fulfilled, a new call will be issued.</p> <p>In addition, from July 2024 to March 2025 a total of 7 Public Prosecutors have been elected. The Council of Public Prosecutors elected 2 public prosecutors in the Public Prosecution Office of North Macedonia, 1 public prosecutor in the Higher Public Prosecution Skopje, 1 Public prosecutor in the Higher Public Prosecution Bitola and 2 public prosecutors in the Basic Public Prosecution for prosecuting organised crime and corruption of Skopje (with mandate of 4 years) as well as the Public Prosecutor of the Basic Public Prosecution Gevgelija.</p> <p>The admission procedure and initial training of 130 trainees for judges and public prosecutors of the 9<sup>th</sup> generation (Annex 3 and 4) is still on hold, due to the Conclusions received from the Government to stop all employment procedures. Judgements of the Administrative and Higher Administrative Court categorized the admission procedure at the Academy as an employment procedure (Annex 12). The suspended admission procedure is in the final phase of the exam process - written and oral part. The Management Board of the Academy will decide on the continuation of the admission process upon receiving a further response by the Government. The Judicial Council and the Council of Public Prosecutors have already requested respectively 162 candidates for judges and 30 candidates for prosecutors for the 10<sup>th</sup> generation (Annex 5 and 6).</p>
<p><b>Evidence provided</b></p>	<p><i>[Provide the specific source of verification certifying the results].</i></p>

1. Annex 1 - Decision no. 02-653/1 of 02 April 2020 of the Judicial Council, requesting the Academy of Judges and Public Prosecutors training of 50 candidates for judges in the 8<sup>th</sup> generation.
2. Annex 2 - Decision no. 02-51/4 of 25 February 2020, supplemented by an Information no. 03-51/8 of 31.07.2020 of the Council of Public Prosecutors, requesting the Academy of Judges and Public Prosecutors training of 47 candidates for Public Prosecutors in the 8<sup>th</sup> generation.
3. Annex 3 - Decision no. 02-1305/2 of 1 September 2022 of the Judicial Council requesting the Academy of Judges and Public Prosecutors training of 100 candidates for judges in the 9<sup>th</sup> generation.
4. Annex 4 - Decision no. 03-90/4 of 26 July 2022 of the Council of Public Prosecutors, requesting the Academy of Judges and Public Prosecutors training of 30 candidates for Public Prosecutors, in the 9<sup>th</sup> generation.
5. Annex 5 - Decision no. 07-401/5 of 1 April 2024 of the Judicial Council requesting the Academy of Judges and Public Prosecutors training of 162 candidates for judges in the 10<sup>th</sup> generation.
6. Annex 6 - Decision no. 02-61/3 of 28 February 2024 of the Council of Public Prosecutors, requesting the Academy of Judges and Public Prosecutors training of 30 candidates for Public Prosecutors, in the 10<sup>th</sup> generation.
7. Annex 7- Final Ranking List of Candidates for Judges and Public Prosecutors no.10-32/4 of 16 January 2025 of the Academy for Judges and Public Prosecutors.
8. Annex 8- Retirement Projection 2025-2029 Report of the Judicial Council
9. Annex 9 - Announcement of 10 February 2025 of the Judicial Council for the selection of 50 judges in 19 Basic Courts.
10. Annex 10 - Announcement of the Council of Public Prosecutors of 11 February 2025 (official gazette no 29/25) for the selection of 47 public prosecutors in 19 Basic Public Prosecution Offices.
11. Annex 11 - Decisions of the Judicial Council of temporary transfer of 11 judges.
12. Annex 12 - Judgment of the Administrative court UPP No. 81/2024 from 22.04.2024 and Judgment of the Higher Administrative court URPZ No. 113/2024 from 26.04.2024.
13. Annex 13 - Letters of Report no.03-170/2 of 4 February 2025 and no.03-170/3 of 5 February 2025 of the Judicial Council and electronic Information of the Council for Public Prosecutors submitted to the Ministry of Justice, regarding the five-year retirement projections.
14. Annex 14 - Announcement of the Council of Public Prosecutors of 07.03.2025 made on the election of 28 Public Prosecutors.

	<p>15. Annex 15 - Amendments to the Law on Labour Relations that were adopted by the Parliament on 13 February 2025 and published in the “Official Gazette” no.39 of 20.02.2025</p> <p>16. Annex 16 Announcement of the Judicial Council of 10 March 2025 about the elections of 49 new judges LINK: <a href="http://sud.mk/wps/portal/ssrm/sud/vesti/">http://sud.mk/wps/portal/ssrm/sud/vesti/</a> (STATEMENT from the 517th session of the Judicial Council of the Republic of Macedonia held on <u>10.03.2025</u>)</p>
<p><b>Checks performed in the verification of the step and related findings</b></p>	<p>The Ministry of Justice has conducted regular meetings with the Judicial Council, the Council of Public Prosecutors and the Academy for Judges and Public Prosecutors regarding the implementation of the step. Relevant decisions of these institutions have been provided above.</p>
<p><b>Clear conclusion on the achievement of the step</b></p>	<p><i>Fully Achieved</i></p>