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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LEGISLATION(*)

RELATED TO THE DISCIPLINARY LIABILITY OF JUDGES

LAW ON THE COURTS

LAW ON THE JUDICIAL COUNCIL

**(consolidated version
with draft amendments of 2015)**

LAW ON THE COUNCIL FOR DETERMINATION OF THE FACTS

OF “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

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Consolidated Version, August 2015

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LAW ON THE COURTS ***Official Gazette 58/2006***

I. BASIC PRINCIPLES

Article 1

- (1) The judicial power is exercised by the courts in the Republic of Macedonia.
- (2) The courts are autonomous and independent state bodies.

Article 2

- (1) The courts conduct trials and base their decisions on the Constitution, the laws and the international treaties ratified in accordance with the Constitution.
- (2) While applying the law, the judges shall protect the human rights and liberties.

Article 3

The objectives and the functions of the judicial power shall encompass:

- impartial application of the law regardless the position and status of the parties;
- protection, respect and promotion of human rights and liberties;
- ensuring equality, equal opportunity, and non-discrimination on any grounds; and
- ensuring legal safety based on the rule of law;

Article 4

In a procedure specified by law the court shall decide upon:

- human and citizen rights and legal interests;
- disputes between citizens and other legal entities;
- criminal acts and misdemeanours; and
- other matters within the competence of the court as provided by law.

Article 5

(1) The courts shall protect the human and citizen rights and liberties and the rights of other legal entities if, according to the Constitution, this is not within the competence of the Constitutional Court of the Republic of Macedonia.

(2) The citizens and other legal entities are guaranteed court protection regarding the legality of individual acts of state administration bodies or organisations and other bodies exercising public authorisations.

Article 6

- (1) Everyone shall be entitled to equal access before the court for protection of their rights and legal interests.
- (2) While deciding on civil rights and obligations as well as deciding on criminal liability, everyone shall be entitled to just and public trial within a reasonable time before an independent and impartial court established by law.
- (3) No one may be denied access before the courts for protecting their fundamental rights and liberties due to lack of material resources.

Article 7

The cases that arrive in the court shall be distributed among the judges according to the time of receipt in the court, excluding all influence on the manner by the court president, the judge or the court administration.

Article 8

(1) The court may declare incompetence only when a law explicitly provides for the competence of another state authority in deciding in a particular matter.

(2) The court may not reject a petition for exercising a certain right on the grounds that there is a legal gap, and it shall be obliged to act upon it by referring to the general principles of the law, unless it is explicitly excluded by law.

Article 9

No one shall be exempted from the judiciary power, except when instances of immunity before the judicial power have been established by the Constitution and international treaties ratified in accordance with the Constitution.

Article 10

(1) The procedure before a court shall be regulated with a law and it shall rest on the following principles:

- legality and legitimacy,
- equality of the parties,
- trial within reasonable time
- fairness,
- public hearings **transparency**

- contradiction (adversarial system),
- two instance decision making (right to appeal),
- sitting in a panel,
- oral hearings,
- directness,
- the right to defence, i.e. representation,
- (free) evaluation of evidence,
- economy.

(2) The laws on the separate procedures profoundly regulate the principles of the procedures, the manner in which they are applied and the possible exemption with certain principles.

Article 11

(1) The judge shall decide impartially, based on the free evaluation of the evidence and the application of the law.

(2) Any form of influence on the independence, impartiality and autonomy of a judge in exercising the judicial function, on any grounds or by any entity are prohibited.

Article 12

(1) The work in the courts shall be, as a rule, performed in specialized court departments.

(2) The specialized court departments are established depending of the type and quantity of the court workload, as follows: criminal area, juvenile criminality, civic and economic area, labour disputes and other characteristic disputes falling within the jurisdiction of the courts.

(3) Within the specialized court department specialization of judges shall be realized.

Article 13

(1) Court decisions shall be pronounced on behalf of the people of the Republic of Macedonia.

(2) An enforceable court decision shall have undisputed legal effect.

(3) A court decision may be altered or revoked only by a competent court in a procedure prescribed by law.

(4) Court decisions shall be mandatory for all legal entities and persons and they shall have greater force than the decisions of any other body.

(5) Everyone shall be obliged to respect the final and enforceable court decision, under threat of legal sanctions.

Article 14

(1) Everyone is bound to refrain of committing or failing to perform an action by which he/she disturbs the adjudicating or enforcing the court decision.

Article 15

Any state body is bound, when it is within its competence, to ensure the enforcement of a court verdict. The supervision over the enforcement of court decisions is made by the court in accordance with law.

Article 16

The enforcement of a final and enforceable court decision shall be carried out in the fastest and most efficient manner possible, and it may not be obstructed by the decision of any other state authority.

Article 17

No one shall unlawfully retain, conceal or open without authorization a court writ or any other court letter not addressed to them.

Article 18

- (1) The court shall raise an initiative for instituting a procedure for assessing the constitutional compliance of a law when its compliance with the Constitution is questioned, whereof it shall inform immediately the higher court and the Supreme Court of Republic of Macedonia.
- (2) When the court deems that the law that is to be applied in the specific case is not in compliance with the Constitution, and the constitutional provisions cannot be applied directly, it shall suspend the procedure pending the decision of the Constitutional Court of the Republic of Macedonia.
- (3) The decision for suspending the procedure as of paragraph 2 of this article may be appealed by the party. The procedure for the appeal shall be urgent.
- (4) When the court deems that the law that is to be applied in the specific case is not in compliance with the provisions of an international agreement ratified in conformity with the Constitution, it shall apply the provisions of the international agreement provided that they are directly applicable.
- (5) The Court shall in the specific cases enforce the final and effective decisions of the European Court for human rights, the International Crime Tribunal or of any other court whose competence has been recognized by the Republic of Macedonia, provided that the respective decisions can be directly applied.

Article 19

- (1) The courts shall be obliged to offer one another legal assistance.
- (2) A higher instance court may request a lower instance court from its vicinity for data concerning the application of the laws, the problems that arise in trials, the monitoring and harmonization of court practice, delay of court proceedings and other data; and it may also carry out other inspection of the work of such courts, as well as hold joint meetings for addressing the issues above.
- (3) In exercising the powers of paragraphs (1) and (2) of this Article, a court of higher instance may not in any way influence the independence and freedom of the court of lower instance in making decisions for specific cases.

Article 20

(1) At a court's request, in exercising its competence, state authorities and other legal entities shall be obliged to submit immediately all the required data, acts or documents that they have and which are necessary for the procedure.

(2) The court shall be obliged to keep from unauthorised divulging the classified information with a certain degree of protection established by law, obtained from other state authorities or legal entities.

(3) At the request of a state authority, the court shall offer legal assistance and deliver the necessary acts for conducting the procedure, if this does not compromise its comity and independence.

Article 21

The courts shall provide legal assistance to foreign courts in accordance with law, unless otherwise provided by international agreement.

II. ORGANISATION AND COMPETENCE

1. Types of courts

Article 22

In the judiciary, the judicial power shall be exercised by the **basic courts, the Administrative Court, the High Administrative Court, the appellate courts, and the Supreme Court of the Republic of Macedonia.**

Article 23

(1) The basic courts shall be established for one or more municipalities whose vicinity has been specified with this Law.

(2) The basic courts in line with their subject-matter competence conduct trials in first instance and are established as courts with basic competence and courts with ~~enhanced competence~~-extended **mandatory** jurisdiction.

(3) Within the basic courts with enhanced competence, specialized court departments shall be set up to act upon specific types of disputes.

(4) The basic courts may have court divisions, conduct trials outside the seat of the court, as well as have court days outside the seat of the court.

Article 24

(1) Appellate courts shall be established for the territory of several first degree courts designated with this Law.

(2) The seats of the Appellate Courts shall be in Bitola, Gostivar, Skopje and Stip.

Article 25

- (1) The Administrative court shall be established and it shall exercise the judicial power over the entire territory of the Republic of Macedonia.
- (2) The seat of the Administrative Court shall be in Skopje.

Article 25-a

- (1) The High Administrative Court is established and holds judicial power on the whole territory of the Republic of Macedonia.
- (2) The headquarters of the High Administrative Court is in Skopje.

The Higher Administrative court will begin its work in accordance with the provisions of the Law on administrative disputes.

At the first selection of judges in the Higher Administrative court, the general conditions shall be applied for the selection of judges under Article 45 of the Law on courts (Official Gazette No. 58/2006 and 35/2008) and the special conditions under Article 45 of this law.

Article 26

- (1) The Supreme Court of the Republic of Macedonia shall exercise the judicial power over the entire territory of the Republic.
- (2) The seat of the Supreme Court of the Republic of Macedonia shall be in Skopje.

Article 27

- (1) The court shall have a seal containing the name of the court, its seat, the national coat of arms and the name Republic of Macedonia.
- (2) The name of the Republic of Macedonia, the name of the court, the seat of the court, the national coat of arms and the flag of the Republic of Macedonia shall be placed on the building where the court is seated.
- (3) The courts that are seated on the territory of the local self-government units where in addition to the Macedonian language and its Cyrillic script, another official language and its script is a language spoken by at least 20% of the citizens, the seal of the court, the name and seat of the court shall be written, i.e. posted in that language and script as well.

2. Geographical jurisdiction of the courts

Article 28

- (1) Basic courts are established for the following municipal territories:
 - 1) Basic Court at **Berovo** for the territory of Berovo and Pehcevo municipalities;
 - 2) Basic Court at **Bitola** for the territory of Bitola, Mogila, Novaci and Demir Hisar municipalities, with a court sub-division at Demir Hisar;
 - 3) Basic Court at **Vinica** for the territory of Vinica municipality;

- 4) Basic Court at **Veles** for the territory of Veles, Gradsko and Caska municipalities;
 - 5) Basic Court at **Gevgelija** for the territory of Gevgelija, Bogdanci, Dojran and Valandovo municipalities, with a court sub-division at Valandovo;
 - 6) Basic Court at **Gostivar** for the territory of Gostivar, Vrapchiste, and Mavrovo and Rostusha municipalities;
 - 7) Basic Court at **Debar** for the territory of Debar and Zupa municipalities;
 - 8) Basic Court at **Delcevo** for the territory of Delcevo and Makedonska Kamenica municipalities;
 - 9) Basic Court at **Kavadarci** for the territory of Kavadarci and Rosoman Municipalities;
 - 10) Basic Court at **Kicevo** for the territory of Kicevo, Vraneshtica, Drugovo, Zajas, Oslomej, Plasnica and Makedonski Brod municipalities, with a court sub-division at Makedonski Brod;
 - 11) Basic Court at **Kocani** for the territory of Kocani, Zrnovci and Cesinovo-Obleshevo municipalities;
 - 12) Basic Court at **Kratovo** for the territory of Kratovo municipality;
 - 13) Basic Court at **Kriva Palanka** for the territory of Kriva Palanka and Rankovce municipalities;
 - 14) Basic Court at **Kumanovo** for the territory of Kumanovo, Lipkovo and Staro Nagoricane municipalities.
 - 15) Basic Court at **Krusevo** for the territory of Krusevo municipality;
 - 16) Basic Court at **Negotino** for the territory of Negotino and Demir Kapija municipalities;
 - 17) Basic Court at **Ohrid** for the territory of Ohrid and Debarca municipalities;
 - 18) Basic Court at **Prilep** for the territory of Prilep, Dolneni and Krivogastani municipality;
 - 19) Basic Court at **Radovis** for the territory of Radovis and Konce Municipality;
 - 20) Basic Court at **Resen** for the territory of Resen Municipality;
 - 21) Basic Court at **Sveti Nikole** for the territory of Sveti Nikole and Lozovo municipalities;
 - 22) Basic Court at **Skopje I** for the territory of Centar, Karpos, Gorce Petrov and Saraj municipalities;
 - 23) Basic Court at **Skopje II** for the territory of Kisela Voda, Aerodrom, Butel, Cair, Gazi Baba, Suto Orizari, Cucer Sandevo, Sopiste, Studenicani, Zelenikovo, Petrovec, Ilinden Aracinovo municipalities;
 - 24) Basic Court at **Struga** for the territory of Struga and Vevcani municipality;
 - 25) Basic Court at **Strumica** for the territory of Strumica, Vasilevo, Bosilovo and Novo Selo municipalities;
 - 26) Basic Court at **Tetovo** for the territory of Tetovo, Bogovinje, Brvenica Zelino, Jegunovce and Tearce municipality;
 - 27) Basic Court at **Stip** for the territory of Stip, Karbinici and Probistip Municipalities, with a court sub-division at Probistip;
- (2) The court sub-division of a basic court performs the basic court's authorizations for the territory on the municipalities for which it is established.
- (3) In case of founding new municipalities, the territories of the courts determined in paragraph 1 of this article shall remain unchanged.

Article 29

Appellate courts shall be established for the following territories:

1. Appellate court in Bitola for the territories of the courts of first instance in Bitola, Kruševo, Ohrid, Prilep, Resen and Struga.
2. Appellate court in Gostivar for the territories of the courts of first instance in Gostivar, Tetovo, Kicevo and Debar.
3. Appellate court in Skopje for the territories of the courts of first instance in Veles, Gevgelija, , Kavadarci, Kratovo, Kriva Palanka, Kumanovo, Negotino, Skopje I, Skopje II,;
4. Appellate court in Štip for the territories of the courts of first instance in Berovo, Vinica, Delčevo, Kočani, Radoviš, Sveti Nikole, Strumica and

2. Subject-matter jurisdiction of the courts

Article 30

(1) The Basic courts having basic competence shall decide in first instance on criminal cases and misdemeanours, as follows:

- On criminal acts which by law are sanctioned by a penalty of imprisonment of up to 5 years, unless the competence of another court has been provided for to decide on certain criminal acts.
- On criminal acts which by a separate law shall be assigned to a to court of basic competence;
- To conduct investigation or investigative actions on criminal acts falling within its competence;
- On all types of misdemeanours, unless it is provided that certain types of misdemeanours shall be decided on by a state administration authority or organization or another authority exercising public authorisations.
- On complaints and appeals against actions taken by these courts.

(2) The first instance courts with basic jurisdiction shall be competent to decide in the first instance in civil disputes as follows:

- upon property and other civil disputes between persons and legal entities, in the amount of ~~15,000~~ 50.000 Euro counter value in MKD, unless it is provided by law that another court shall be competent to decide.
- upon disputes related to determination and disclaiming of paternity, maternity and identifying the existence of marriage, annulling marriage and divorce;
- upon law- provided alimony;
- upon parenting and upbringing children;
- upon hindering possession;
- upon life estate;
- upon compensation for damages that does not exceed ~~15,000~~ 50.000 Euro in MKD counter value;
- upon procedures for prevention and enforcement;
- upon labour relations;
- upon inheritance disputes;
- upon non-contentious and inheritance matters;

- keep record of the deeds; and
- upon other matters specified by Law.

Article 31

(1) The **basic courts with enhanced competence**, in addition to the competence specified in Article 30 of this Law exercised within the territory for which they have been instituted, shall be also competent to decide upon criminal acts as follows:

- Criminal acts which by law are sanctioned by imprisonment of more than 5 years and on crimes and misdemeanours committed by juveniles;
- To carry out investigation or investigative actions on criminal acts under their scope of competence;
- To decide on extradition;
- To decide on complaints and appeals against the procedures under their competence;
- To decide on proceedings related to international legal assistance specified by law;

(2) The basic courts with enhanced competence, in addition to the competence specified in Article 30 of this Law exercised within the territory for which they have been instituted, shall be also competent to decide on civil cases as follows:

- On property and other civil disputes by persons and legal entities, in the amount of more than ~~15,000~~ 50.000 Euros in MKD counter value, unless the competence of another court has been provided for by law.
- On commercial disputes in which the parties are legal entities or state bodies, disputes in copyrights and related rights and industrial property rights;
- ~~To maintain the court registry for political parties;~~
- On cases of bankruptcy and termination;
- On disputes related to establishing and ensuring of compulsory enforcement;
- On disputes between domestic legal and foreign entities, deriving from their mutual commercial or trade relations

(3) The jurisdiction of paragraphs 1 and 2 of this article will be performed by the following courts: The Basic Court in **Bitola** also for the territory of the Basic Court in Resen; The Basic Court in **Prilep** also for the territory of the Basic Court in Krusevo; The Basic Court in **Ohrid** also for the territory of the Basic Court in Ohrid; The Basic Court in **Gostivar** also for the territory of the Basic Court in Kicevo and Debar; The Basic Court in **Tetovo** also for the territory of the Basic Court in Tetovo; The Basic Court in **Kumanovo** also for the territory of the Basic Courts in Kriva Palanka and Kratovo; The Basic Court in **Kocani** also for the territory of the Basic Courts in Berovo, Vinica and Delcevo; The Basic Court in **Veles** also for the territory of the Basic Courts in Gevgelija, Kavadarci and Negotino; The Basic Court in **Strumica** also for the territory of the Basic Court in Radovish; and The Basic Court in **Stip** also for the territory of the Basic Court in Sveti Nikole;

Article 32

(1) ~~Within the basic courts in Bitola, Tetovo, Skopje I, Stip, and Strumica special court divisions shall be established and they shall be competent to decide upon acts of~~

~~organized crime as follows: Basic Court in Bitola competent for the vicinity of the basic courts in: Bitola, Krushevo, Ohrid, Prilep, Resen, and Struga; the Basic Court in Tetovo competent for the vicinity of the basic courts in: Tetovo, Gostivar, Kicevo and Debar; the Basic Court Skopje I competent for the vicinity of the basic courts in: Veles, Gevgelija, Kavadarei, Kratovo, Kriva Palanka, Kumanovo, Negotino, Skopje I and Skopje II; the Basic Court Strumica competent for the vicinity of the basic court in Radovish; and the Basic Court in Stip competent for the vicinity of the basic courts in: Berovo, Vinica, Delevo, Kocani and Sveti Nikole.~~

(1) In Basic Court Skopje I – Skopje, a specialised court department is created competent of trying acts in the area of organised crime and corruption for whole territory of Republic of Macedonia.” The specialised court department is competent of trying:

- criminal acts perpetrated by a structured group of three or more persons which existed for a certain period of time and is acting with purpose to perpetrate one or more criminal acts for which a sentence of imprisonment for at least four years is foreseen, with intent to directly or indirectly gain financial or other kind of benefit,

- criminal acts perpetrated by a structured group or criminal enterprise on the territory of Republic of Macedonia or other countries or when the criminal act has been prepared or planned in Republic of Macedonia or other country,

- Criminal acts of misuse of official position and authorisation pursuant to article 353 paragraph 5, receiving bribery in significant amount from article 357 and illegal mediation pursuant to article 359 all from the Criminal Code, perpetrated by an elected or appointed official or a responsible person within a legal entity, and

- criminal acts of unauthorised manufacturing and distribution of narcotics, psychotropic substances and precursors pursuant to article 215 paragraph 2, laundering of money and other incomes in significant amounts obtained through a criminal act from article 273, terrorist endangerment of constitutional order and security from article 313, giving bribe in significant amounts from article 358, illegal influence on witnesses from article 368-a, criminal enterprise from article 394. terrorist organisation from article 394-a, terrorism from article 394-b, criminal acts of trafficking in human beings from article 418-a, criminal acts of smuggling migrants from article 418-b, trafficking of minors from article 418-d, and fo other criminal acts against humanity and international law from the Criminal Code, regardless of the number of perpetrators.

~~(2) The courts stipulated in paragraph 1 of the Article are competent to keep a court registry for all political parties established within their jurisdiction.~~

Basic Courts in Bitola, Tetovo, Skopje II – Skopje, and Stip are competent on maintaining court register of political parties within their areas of competence as follows: Basic Court in Bitola for the area of the Appellate Court Bitola, Basic Court in Tetovo for the Appellate Court Gostivar, Basic Court Skopje II – Skopje for the Appellate Court Skopje, and Basic Court Stip for the Appellate Court in Stip, while Basic Court Skopje II – Skopje shall maintain unique court registry of political parties based on data received from the competent courts.

(3) The Basic Court Skopje I in Skopje is a criminal court of basic and enhanced competence for the territories of the municipalities of Centar, Karposh, Gjorce Petrov, Saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Cair, Suto Orizari, Cucer Sandevo, Sopiste, Studenicani, Zelenikovo, Petrovec, Ilinden and Aracinovo.

(4) The Basic Court Skopje II in Skopje is a civil court of basic and enhanced competence for the territories of the municipalities of Centar, Karposh, Gjorce Petrov, saraj, Kisela Voda, Aerodrom, Butel, Gazi Baba, Cair, Suto Orizari, Cucur Sandevo, Sopiste, Studenicani, Zelenikovo, Petrovec, Ilinden and Aracinovo.

Article 33

Appellate courts are competent for:

- 1) deciding on appeals against the decisions of the basic courts of their vicinity;
- 2) deciding on conflicts of jurisdiction between courts of first instance of their vicinity; and
- 3) other work specified by law.

Article 34

The Administrative Court shall be competent to decide:

- On legality of individual acts adopted in the electoral procedure, legality of individual acts pertaining to elections, appointment and dismissal of public officials if it has been determined by law, as well as legality of the acts pertaining to election, appointment and dismissal of executive civil servants, unless otherwise specified by Law;
 - On legality of acts of the state authorities, the Government and the bearers of public authorisations, adopted in the form of regulations in case they specify the individual relations;
 - On disputes arising from the enactment and execution of the provisions contained in concession agreements, public procurement agreements that are of public interest, as well as of any other agreement in which one of the agreeing parties is a state authority, organization of public authorizations, public enterprise, municipality and the City of Skopje, provided that the agreement is of public interest and concluded for the purpose of enactment of a public service (hereinafter: administrative agreements);
 - Against individual acts of state administration bodies, the Government, other state bodies, the municipalities and the City of Skopje, organizations specified by law, as well as legal and other entities exercising public authorisations (bearers of public authorisations), when for deciding in second instance against such acts
- ~~—On conflicts of competence between the authorities of the Republic; between the municipalities and the City of Skopje; between the municipalities of the City of Skopje; as well as conflicts of competence between the municipalities and the City of Skopje and bearers of public authorisations, if this has been foreseen by Law and if the Constitution or any other law have foreseen no other legal protection.~~

Article 34-a

The High Administrative Court is competent:

- 1) to decide on appeals against decisions of the Administrative Court;

2) to decide on conflicts of jurisdiction between the state bodies, including municipalities and the City of Skopje, including the municipalities of the City of Skopje and disputes arising conflict of jurisdiction between the City of Skopje, and bearers of public authority, if it is provided by law if the Constitution or laws is not otherwise provided legal protection and

3) to perform other duties specified by law.

Article 35

The Supreme Court of the Republic of Macedonia shall be competent for:

- 1) deciding in second instance against the decisions of its panels when it is stipulated by law;
- 2) deciding in third and final instance on appeals against the decisions of appellate courts;
- ~~3) deciding in second instance upon appeals against decisions of the Administrative Court in cases foreseen by law;~~
- ~~4)~~3) deciding upon extraordinary legal remedies against final court decisions and the decisions of its panels when stipulated by law;
- ~~5)~~ 4) deciding upon collision of jurisdiction between courts of first instance from vicinities of different appellate courts; collision of jurisdiction between appellate courts; collision of jurisdiction between the Administrative Court and another court, **conflict of jurisdiction between the High Administrative Court and another court.**; and deciding on the transfer of subject-matter jurisdiction of these courts;
- ~~6)~~5) deciding upon a violation of the right of trial within a reasonable time before the courts in the Republic of Macedonia **in accordance with the rules and principles established by the European Convention on Human Rights and Basic Freedoms and starting from the judicial practice of the European Court for Human Rights** at the request of the parties and other participants in a procedure determined by law; and
- ~~7)~~ 6) performing other tasks as set by law.

Article 36

- (1) The party who deems that the competent court has violated the right to trial within reasonable time, may submit to **the Supreme Court of Republic of Macedonia** ~~the immediate higher court~~ a request for protection of the right to trial within reasonable time.
- (2) Request from paragraph 1 of this article may be submitted by the party while the proceedings in front of domestic courts are in process, but no later than six months from the date when the final judgement was conveyed.
- (3) The request as of paragraph 1 of this article shall contain:
 - data on the requester and the legal representative,
 - data on the case and the procedure for which the party deems that violated the right to trial within reasonable time;

- explanation of the reasons for the alleged violation of the within reasonable time;
- statement for request of reimbursement, and
- signature of the requester.

~~(2) The higher court shall consider the request no later than six months of its submission and shall determine if the lower court has violated the right to a reasonable trial.~~

(4) Supreme Court of Republic of Macedonia shall act after request that meets the criteria established in paragraphs 2 and 3 of this article within six months after the date when it was submitted and decides whether the lower instance court violated the right to trial within reasonable time, having in mind the rules and principles established with the European Convention of Human Rights and basic freedoms and, especially, the complexity of the case, conduct of the parties during procedure and conduct of the court that acted.

~~(3) In case the higher court determines violation of the right to trial within reasonable time, it shall decide for a just compensation to be paid to the submitter of the request.~~

(5) If the Supreme Court establishes violation of the right to trial in reasonable time with the decision shall determine a timeframe within which the court, before which the procedure is ongoing, must decide on the right, the obligation or liability of the requester and shall rule a just compensation for the requester for the violation of his/hers right to trial in reasonable time

~~(4)~~(6) The just compensation shall be provided from the judicial budget and shall be paid within three months from the day when the decision of the Supreme Court becomes final

Article 36-a

(1) After reception of the request as of article 36 paragraph (1) of this Law, the Supreme Court of Republic of Macedonia shall immediately, but not later than 15 days, request from the court of first instance to provide transcripts of the writs in the case file and, if necessary, a statement from the court of higher instance in regards to the duration of the procedure before that court.

(2) Supreme Court of Republic of Macedonia following the request as of article 36 paragraph (1) of this Law shall decide in a council of three judges at non-public session but, by exemption, the court may decide to hear the requester and the representative of the court whose procedure is subject to the submitted request.

(3) Against the decision of the council of the Supreme Court of Republic of Macedonia, the discontented party has the right, within eight days from the day when the decision was received, to file an appeal at the Supreme Court which shall decide after it in accordance with article 35 paragraph (1) point 1 of this Law

Article 36-b

(1) The Supreme Court of the Republic of Macedonia within eight days from the adoption of the final decision, the decision shall be submitted to the Court Budget Council.

(2) Within 15 days after receipt of the decision under paragraph (1) of this Article, the Judicial Budget Council will ask the applicant or his representative to notify the bank account for payment of funds imposed by the Supreme Court of the Republic of Macedonia.

(3) The applicant shall be owed to submit the data referred to in paragraph (2) of this Article to submit within five days of receipt of the request.

(4) Failure to account information by the applicant, in accordance with paragraph (2) of this Article shall not constitute an obstacle to enforcement of the decision under paragraph (1) of this Article.

(5) If the applicant does not submit data for the bank account within the period specified in paragraph (2) of this Article, the funds determined by the decision under paragraph (1) of this Article for the payment transferred to deposit account of the Judicial Budget Council.

(6) Judicial Budget Council will transfer the allocated funds to the account of the applicant after obtaining data on the account.

(7) The funds of the deposit account under paragraph (5) of this Article shall remain available to the applicant one year at the latest after their disposal. Upon expiry of this deadline if the applicant did not submit data for the account, the funds are returned to the Budget of the Republic of Macedonia.

Article 37

- (1) At its plenary session, the Supreme Court of the Republic of Macedonia shall:
- determine the initial stands and initial legal opinions on issues pertaining to ensuring court uniformity in the application of the laws, on one's own initiative or on the initiative of the sessions of the judges or the courts divisions and shall publish on the website of the Supreme Court of the Republic of Macedonia;
 - provide opinions on draft laws and other acts regulating issues pertaining to the work of the courts;
 - address issues related to the work of the courts, the application of the laws and court practice;
 - adopt the rules of procedure of the court;
 - adopt the work programme of the court
 - Submit a proposal to the Judicial Council of the Republic of Macedonia for the temporary transfer of a judge to another court;
 - Submit a request for instigation of a disciplinary proceeding against a judge;

- Submit a request for instigation of a procedure to determine unprofessional and negligent exercise of the judicial office
- Submit an initiative to instigate procedures before the Judicial Council of the Republic of Macedonia to determine the permanently lost ability to exercise judicial office.
- Appoint the composition of the Council to decide on the petitions against the decisions taken by the Judicial Council to dismiss a judge or pronounce a disciplinary measure **in accordance with a law**;
- Decide on the requests for the protection of legality against the decisions taken by its councils
- decide on petitions for exempting the President of the Supreme Court of Republic of Macedonia;
- review the report on its work and the reports on the work of the courts in the Republic of Macedonia in view of efficiency and quality of work, adopt conclusions thereupon and take care of their implementation;
- Exercise other duties specified by law

(2) The initial stands and initial legal opinions determined by the Supreme Court of Republic of Macedonia at a plenary session shall be mandatory for all panels of the Supreme Court of Republic of Macedonia.

(3) For the identified principal positions and principal legal opinions on issues of importance to ensure unity in the application of laws by the courts, the Supreme Court of the Republic of Macedonia shall submit an annual report to the Judicial Council of the Republic of Macedonia and shall publish on the website of the court.

III. JUDGES AND LAY JUDGES

Article 38

(1) The judicial function is exercised by judges. A judge shall be elected for a permanent term of office.

(2) The judges shall act upon all matters within court jurisdiction as set by law.

(3) Lay judges shall participate in a trial where this is stipulated by law.

Article 39

(1) The judge shall exercise the judicial function in the court where he/she has been elected.

(2) The judge is, as a rule, elected to conduct trials in specific areas.

(3) A judge may not be transferred to another court against his/her own will.

(4) The judges shall be assigned by an annual work schedule to be specified by the court president upon a prior opinion from the plenary of judges, or from the general plenary session of the Supreme Court of the Republic of Macedonia, considering the assignment of judges in view of their specialization in criminal, civil, commercial, administrative or any other legal area respectively.

(5) While assigning the presidents of the specialized divisions and departments, the length of judicial service as well achievements in the work shall be taken into account.

(6) A judge may not be transferred from one court department to another against his/her will.

(7) The judge may ask for transfer from one to another department.

(8) As an exception, a judge may be transferred to another court department against their will with a decision of the court president containing a written explanation, upon a precedent opinion from ~~the session of judges~~ the general session of the Supreme Court of the Republic of Macedonia, when this is required by increase of the workload and by the subject of work of the court, but the transfer shall not exceed one year.

(9) As an exception, an appellate court judge or a basic court judge may be temporarily transferred, for one year at the most, to adjudicate in another court of the same instance or a lower court, or from one specialized department to another, when the regular work of the court has been jeopardised due to a judge being prevented or exempted, or due to a considerably increased workload, reduced efficiency, or due to the complexity of the cases.

(10) The temporary transfer of a judge under paragraph (9) of this Article shall be carried out by the Judicial Council of the Republic of Macedonia, for which it shall immediately notify the president of the court whose judge has been transferred and the president of the court to which the judge has been temporarily transferred.

(11) Against ~~the decision from paragraphs 4, 7 and 8~~ the decision under paragraphs (4) and (7) of this article, the judge can file a complaint to the plenary session of the Supreme Court of Republic of Macedonia in three days, which is bound to decide upon the complaint respecting a seven-day deadline.

(12) Against the decision from paragraph (8) and (9) of this article, the judge can file a complaint to the Judicial Council of Republic of Macedonia in three days, which is bound to decide upon the complaint respecting a seven-day deadline. The decision of the Judicial Council of the Republic of Macedonia shall be final.

Article 40

In a case of abolition or reorganisation of a court, the Judicial Council of the Republic of Macedonia shall assign the judge of that court to another court of the same or a lower instance.

1. Election of judges and lay judges

Article 41

(1) Judges and court presidents shall be elected and dismissed by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure stipulated by law.

(2) The election or dismissal of judges and court presidents shall be announced by the Judicial Council of the Republic of Macedonia in the Official Gazette of the Republic of Macedonia within 15 days from the day of the election or dismissal.

Article 42

(1) The judges shall be elected and dismissed by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure stipulated by law.

(2) Article 15 paragraph (4) indent 3 and Article 16 of this law in terms of psychological test and integrity shall be applied in the selection of juror - judges.

(3) After the election, the juror - judges must attend specialised training organised by the Academy for Judges and Public Prosecutors.

(4) Upon completion of training under paragraph (3) of this Article, the juror - judges shall undergo testing.

(5) If the juror - judge did not pass the examination under paragraph (4) of this Article shall cease to function, which is determined by a decision of the Judicial Council of the Republic of Macedonia.

(6) Upon completion of the examination under paragraph (4) of this Article, the Academy for Judges and Public Prosecutors within three days to the Judicial Council of the Republic of Macedonia shall submit a list of juror - judges who have not passed the exam.

(7) The content, duration and application of training under paragraph (3) of this Article shall be determined in a specialised training program for juror - judges by the Academy for Judges and Public Prosecutors.

(8) The content and manner of conducting the examination under paragraph (4) of this Article shall be regulated by the Academy for Judges and Public Prosecutors.

Article 43

- (1) During the election of judges and lay judges, there shall be no discrimination on the basis of sex, race, color of skin, national and social background, political and religious beliefs, proprietary and social status.
- (2) During the election of judges and lay judges, an adequate and equitable representation of citizens belonging to all communities will be maintained, without violating the criteria determined by law.
- (3) A person may not be elected a judge or lay judge if he/she is related with a judge of the same court, as a blood relative to whichever level of kinship or a collateral line of kinship up to the third degree, or is married to him/her.
- (4) For judge or juror judge may not be elected a person who is member of the Judicial Council of the Republic of Macedonia is related in a straight line or side line to the third degree or his spouse.

Article 44

- (1) The Judicial Council of Republic of Macedonia determines the number of judges for every court with a decision, upon obtained opinion by the plenary session of the Supreme Court of Republic of Macedonia and the plenary of judges from the court concerned.
 - (2) The Judicial Council of the Republic of Macedonia shall determine the number of lay judges in each court, upon a proposal by the sessions of the basic and appellate courts.

(3) Decisions from paragraphs (1), (2) of this article are published in the “Official Gazette of Republic of Macedonia”.

Article 45

(1) A person may be elected judge if they meet the following criteria:

- To be a citizen of the Republic of Macedonia;
- To be fluent in Macedonian;
- To have working ability for which shall be performed health checks and satisfy the general health conditions;
- To ~~have a university diploma for a law graduate in Republic of Macedonia or an acknowledged diploma from a law faculty from abroad~~; be a graduate lawyer with a completed four-year higher education in legal studies with an average of at least eight or a graduate lawyer with acquired 300 credits under the European Credit - Transfer System (ECTS), with an average of at least eight in each of two cycles of university studies, or verified diploma from foreign faculty of law for acquired 300 credits,
- To have passed the bar exam in the Republic of Macedonia,
- To actively know one of the official languages of the European Union, which required English language, as evidenced by one of the following internationally recognised certifications:
 - 1) TOEFEL (TOEFEL) - at least 74 points for electronic examination through computer, not older than two years from the date of issuance of the certificate;
 - 2) IELTS (IELTS) - at least 6 points, not older than two years from the date of issuance of the certificate;
 - 3) TOLES (TOLES) - at least a high level (higher level);
 - 4) ILEK (ILEC) - passed with success at least B 2 (B 2) and
 - 5) Cambridge Certificate - at least First Certificate in English FCE - B 2 (First Certificate of English FCE - B 2),
- (To manage) Practical work with computers and
- To enjoy good repute, possess integrity to perform judicial functions and have social skills to perform the judicial function, which are conducted integrity tests and psychological tests.

(2) The required types of health checks, the form and content of the psychological test and integrity, as well as the level of practical work with computers in paragraph (1)

indents 3, 7 and 8 of this Article shall be regulated by Council of the Republic of Macedonia.

Article 45-a

(1) The psychological test implemented by the Judicial Council of the Republic of Macedonia aims by checking the social skills to promote candidates to perform the function of a judge.

(2) Test for integrity implemented by the Judicial Council of the Republic of Macedonia is based on existing ethical and professional codes of performing the function of a judge and aims to review the ethical and moral values of the candidate to perform the function of a judge and consists of:

- test is conducted in writing and anonymously, based on the standard set list of questions and

- collecting data and information on ethical and moral values of the candidate to perform the function of a judge, provided the relevant legal way of 15 persons selected at random by the Judicial Council of the Republic of Macedonia from a list of 50 persons nominated by the candidate, with at least four year high school who know the candidate at least three years and that cannot be relatives of a candidate in blood in a straight line and side line or side line to the fourth degree, and the foster and stepchild and relatives by affinity to the second degree.

(3) The Judicial Council of the Republic of Macedonia shall be owed in the application of the psychological tests and tests for integrity, to take into account the protection of personal data, reputation and dignity of the candidate, in accordance with a law.

(4) For the application of psychological tests and the first part of the test of integrity Judicial Council of the Republic of Macedonia, and hire experts for an independent and fully accredited vocational institution.

(5) The psychological test is based on internationally recognised psychological tests for the performance of the function a judge which to be applied, in at least one of the Member States of the European Union and OECD.

*Fulfilment of the requirement to provide an average of at least 8 for a law graduate with a completed four-year higher education in legal studies or law graduate with acquired 300 credits under the European Credit - Transfer System (ECTS), with an average of at least 8 in each of two cycles of university studies, or a verified diploma from law school abroad gained 300 credits, obligation to deliver an internationally recognised certificate for knowing a foreign language and the requirement for conducting integrity tests and psychological tests **shall begin to apply from 1 July 2013.***

Fulfilment of the requirement to provide an average of at least 8 under Article 15 paragraph (2) indent 1 of this law and the requirement for knowing a foreign language shall not apply to candidates for judges who apply and have completed initial training in the Academy for judges and public prosecutors pursuant to the Law on Academy for judges and public prosecutors (Official Gazette No. 88/10) and for judges who are selected before starting the application of this law.

Article 46

2006 text (replaced in 2008)

~~Special conditions for election of a judge are:~~

- ~~—— For a basic court judge a person that finished training in the Academy for training of Judges and Public Prosecutors can be elected,~~
- ~~—— For a judge in an appellate court a person that has at least 5 years working experience in a court, with recognized results, or 8 years working experience in legal matters after passing the Bar exam can be elected.~~
- ~~—— For a judge in the Administrative Court a person that also has at least 5 years working experience in a court, with recognized results, or at least 8 years working experience in legal matters after passing the Bar exam, or he/she is a university law professor with a PhD.~~
- ~~—— For a judge of the Supreme Court a person that has at least 8 years working experience in a court, with recognized results, or 12 years working experience in legal matters after passing the Bar exam can be elected.~~

2008 text replaced in 2010

~~(1) Special condition to appoint a judge are:~~

- ~~—— As a judge at a basic court may be elected person who has completed the training at the Academy for Training of Judges and Public Prosecutors,~~
- ~~—— As a judge of an appellate court may be elected person with at least five years of working experience in legal matters after passing the BAR exam,~~

~~As a judge at the Administrative Court may be elected person with five years of working experience in legal matters after passing the BAR exam, or is an university professor in the field of law with a Ph.D. in legal sciences, and~~

~~As a judge of the Supreme Court of Republic of Macedonia may be elected person with eight years of working experience with validated results in legal matters after passing the BAR exam.~~

~~(2) As a judge of the Supreme Court of Republic of Macedonia may also be elected a professor in ordinary or associated professor at a university who has been lecturing a legal subject pertaining to the judicial practice for more than ten years.~~

(1) Special conditions for a judge in the first instance court, the appellate court and the Supreme Court of the Republic of Macedonia are:

- for a judge of first instance court may be elected a person who has completed initial training at the Academy for Judges and Public Prosecutors,

- for a judge in the appellate court may be elected a person who has working experience of at least four continuous years of judicial experience as a judge in a Basic court up to the moment of applying for election, and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or in the Higher Administrative Court who in past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance with law and

- for a judge in the Supreme court may be elected a person who has working experience of at least six continuous years of judicial experience as a judge in an Appellate court up to the moment of applying for election, and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance with law.

(2) Special conditions for a judge in the Administrative Court and the Higher Administrative Court are:

- for a judge in the Administrative Court, may be elected a person who has working experience of at least four continuous years of judicial experience as a judge in Basic court up to the moment of applying for an election, and who in the past year is

graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance to the law or a person that has five years' experience in legal matters in state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law and

- for a judge in the Higher Administrative Court may be elected a person who has working experience of at least three continuous years of judicial experience as a judge in the Administrative Court up to the moment of applying for an election, and who in the past year is graded with highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, in accordance to the law or a person who has six years' experience in legal matters in state body with credible working results or a person who is graded with highest positive grade in the past year, in accordance to the law.

*The specific conditions for a selection of a judge in the basic courts **will begin to apply from 1 January 2013.***

*The specific conditions for a selection of a judge in the appellate courts and in the Supreme Court of the Republic of Macedonia **shall begin to apply from 1 July 2013***

.Article 47

(1) A court president is elected from the ranks of judges of the Republic of Macedonia under the conditions and under procedure and manner for electing judges in the relevant court. The court president shall be elected for a term of four years, with the right to be re-elected one more time.

(2) For the president of a court is elected a judge who in the past two years has been graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in relation to other candidates that have applied, according to the law.

~~(2)~~ (3) The court president shall hold the status and function of chief judge of the relevant court.

~~(3)~~ (4) The candidate for court president shall annex to their application and other documents a Work Programme for the duration of the term of office.

(5) Advertisement for the President of the Court, the Judicial Council of the Republic of Macedonia published two months before the expiry of the mandate of current president of the court. From the applicants which fulfil the necessary conditions the Judicial Council of the Republic of Macedonia shall elect president of the court within two months after announcing the announcement.

~~(4)~~ (6) A court president who is not re-elected to the same office shall continue to work as a judge in the court in which he/she had previously exercised the judicial function.

Article 48

- (1) An adult citizen of Republic of Macedonia that completed ~~secondary~~ higher school is fluent in Macedonian and enjoys respect for performing this function and is not older than ~~60~~ 64 may be elected a lay judge.
- (2) A lay judge for trying minors is elected from the ranks of persons experienced in educating and upbringing young people.

Fulfilment of the requirement to provide higher education for a selection of a juror - judge shall begin to apply from 1 January 2016.

By the start of implementation of the requirement, at the selection of juror - judges - advantage will have the candidates with a higher education.

Article 49

A lay judge shall be elected for a term of four years and they may be re-elected.

Article 50

- (1) Prior to taking office, a judge or lay judge shall give a solemn statement saying:

“I hereby state that while performing the judicial function I will abide by the Constitution of Republic of Macedonia, laws and international treaties ratified in accordance with the Constitution of Republic of Macedonia, adjudicate legally, honestly, in good faith, independently and responsibly, and I shall protect the freedoms and rights of men and citizen”.

- (3) When giving the solemn statement, the judge wears a robe. Judges shall individually give the statement before the Judicial Council of Republic of Macedonia.
- (4) Lay judges give the solemn statement before the president of the court in which they are elected.
- (5) A judge and lay-judge give the solemn statement and sign it in Macedonian language and its Cyrillic alphabet.
- (6) In the election of a judge and a lay judge in a court that is located in a unit of the local self-government in which at least 20% of the citizens speak language other than the Macedonian language, the judge and the lay judge belonging to the respective community shall give the sworn statement and have it signed both in the Macedonian language and its Cyrillic script and in the language and the script of the respective community.
- (7) A copy of the solemn statement shall be delivered to the newly elected judge or lay judge.

IV. Rights, obligations and immunity

Article 51

Judges may establish associations in order to accomplish their interests, promote vocational specialization, and protect the independence and autonomy of the judicial function.

Article 52

- (1) The judicial function is incompatible with the function of a MP, or a member of a municipal council or the Council of City of Skopje, and with an office in the state bodies, municipalities and the City of Skopje.
- (2) A judge may not perform any other public function or profession, but a function set by law, that is not in collision with their independence and autonomy in exercising the judicial function.
- (3) A judge may not perform the work of an executive or supervisory board member of a company or other legal entity founded for acquisition of profit, or another public function or profession, with the exception of functions determined by law.
- (4) A judge may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors and university institutions and take part in certain scientific projects.
- (5) For performing activities in a university institution, the Judicial Council has to grant permission.
- (6) The judge cannot be a member of a political party or exercise a political function in a political party, or perform party and political activities.

Article 53

- (1) If a judge is appointed or elected a member of the Judicial Council of Republic of Macedonia or a judge of an international court, a judge of the Constitutional Court or a director of the Academy for training of judges and public prosecutors, the judicial function is temporarily suspended for the time he/she exercises the duties for which he/she was elected i.e. appointed.
- (2) After the expiry of the term for which a judge has been appointed, he/she has the right to return to the court that he left to perform other duty.

Article 54

The judge has the right and obligation to continuous vocational training for the duration of his judicial function in accordance with the law.

Article 55

- (1) The Judge has a court ID, issued and seized by the Judicial Council of Republic of Macedonia.
- (2) With a rulebook, the Judicial Council regulates the form and content of the template for the court ID and the method for its issuing and seizing.

Article 56

- (1) Special rights of judges while executing their function are:

- ~~— Right to enter and have free access to stations, airports, ports, by presenting their court ID;~~
- ~~— Right to an official permit to carry a weapon and purchase adequate ammunition;~~
- ~~— Right to free use of public, land or lake transport, in the court district where they exercise the judicial function, in cases of official need and in the case of Art. 39 paragraph 1 of this law; and~~
- Right to special personal protection, protection of his/her family and property, upon his/her request to the police in the place of residue – at all times when there are serious reasons concerning his/her security.

~~(2) The special rights of paragraph (1), items 1, 2 and 3 of this Article shall be closely regulated by acts of the Ministry of Justice.~~

~~(3)~~(2) The special rights of paragraph (1), item 1 shall pertain also to retired judges.

Article 57

- (1) The judge, while presiding, is bound to wear special court clothes (a ROBE) that differs him/her from the remaining participants in the process.
- (2) The Minister of Justice adopts the Act for the appearance of judges and the terms under which the robe of paragraph 1 is worn.

Article 58

The judge may not receive gifts or use any other benefits and incentives related to exercising their judicial office.

Article 59

- (1) Judges shall enjoy all labour rights entitled to them according to law.

Article 60

- (1) The amount of the salaries of judges shall be specified according to:
 - type of court;
 - specialized court division (type of cases that they shall act upon);
 - internal duties within the court (president of: court, division, department or panel);
 - length of judicial service;
 - academic titles and vocational trainings;
 - Achieved results in exercising the judicial office;
- (2) the judge's salary shall not be cut down during of the term of the judicial function, except in cases specified by law;
- (3) the amount of the salary of a judge shall be specified in such a way that the judge is protected from pressures and influence while conducting trials and deciding;
- (4) Salaries and other compensation to judges shall be specified by law.

Article 61

- (1) When a judge, by needs of service, is temporarily sent to exercise the judicial function outside of the place of residence, he is allowed compensation of increased costs related to his/her accommodation and transport expenses.
- (2) The judge has the right to compensation for movement expenses in cases of paragraph 1, for him/her or the family, as well as compensation in cases when he is elected or appointed in another court.
- ~~(3) The minister of justice establishes the amount and manner of payment of compensations from paragraph 1 and 2.~~

Article 62

- (1) The judge, who does not own an apartment in the court district, has a right to use an appropriate official apartment.
- (2) Until the moment of achievement of the right of paragraph (1) of the Article herein, the judge is entitled to have the real travel costs refunded.

Article 63

The rights of Articles 61 and 62 of this Law shall be decided on by the Court Budget Council.

Article 64

- (1) Lay judges are entitled to compensation for exercising the duties of a lay judge.
- (2) The Minister of Justice adopts detailed regulations regarding the compensation to lay judges.

Article 65

- (1) The judges shall enjoy immunity in exercising their judicial function.
- (2) A judge cannot be held criminally liable for expressed opinion and decision made while delivering court decisions.
- (3) A judge may not be detained without the approval of the Judicial Council of the Republic of Macedonia, unless found perpetrating a crime that is sanctioned by a penalty of imprisonment of at least five years.
- (4) The revocation of the judicial immunity of judges shall be decided on by the Judicial Council of the Republic of Macedonia.
- (5) The procedure for deciding on the revocation of the immunity of a judge shall be urgent.

Article 66

A lay judge may not be held accountable for an opinion or a ruling in making their judicial decisions.

Article 67

(1) A judge shall be suspended from exercising the judicial office for the duration of their time in detention, ~~or while pending proceeding for a criminal offense for which a sentence of at least five years.~~

(2) A judge may be suspended from exercising the judicial office ~~for the duration of an investigation for a crime, or~~ when a disciplinary procedure or a procedure for their dismissal has been instituted.

(3) The decision for suspending a judge from the judicial office in the case of paragraphs (1) and (2) of this Article shall be adopted by the Judicial Council of the Republic of Macedonia.

Article 68

(1) Complaints concerning the exercise of the judicial function must be reviewed promptly and fairly and in closed sessions by the competent bodies where they have been submitted.

(2) The judge, against whom a complaint is submitted, has ~~the right to respond~~ the rights to give a response within the law.

Article 69

A procedure for compensation for damages or another procedure by a party dissatisfied with the decision of a judge may not be instituted against the judge or the lay judge.

Article 70

(1) The Republic of Macedonia shall be liable for the damage that a judge or a lay judge has caused to citizens or legal entities by unlawful work in the exercise of their function.

~~(2) When the damage of paragraph (1) of this Article is caused by a serious and inexcusable violation of the law, for which a dismissal procedure is instigated, the Republic of Macedonia may claim from the judge, by pressing charges against them, refunding of the amount paid to cover the damage of paragraph (1), in the amount to be specified by court in line with the principle of equity.~~

~~(2) When due to caused damage under paragraph (1) of this Article, the judge is dismissed, the Republic of Macedonia by the lawsuit will require from the dismissed judge to return the amount of the paid damage paid under paragraph (1) of this Article, an amount the court will determine according to law.~~

~~(3) Upon dismissal of a judge who has caused harm to citizens or legal entities with unlawful work, the Judicial Council of the Republic of Macedonia within eight days from the decision of dismissal shall inform the State Attorney's Office for taking the measures referred to in paragraph (2) of this Article, within its powers defined by law.~~

Article 71

(1) A judicial scholarship shall be granted to a judge who takes postgraduate studies in law or specialist studies in law in the country or abroad, or respectively who

undergoes vocational training in other vocational area related to the judicial practice that cannot be obtained within the Academy for training for judges and public prosecutors.

(2) The funds for the judicial scholarship shall be provided from the Judicial Budget.

Article 72

(1) The annual holidays in courts shall be from 15th July to ~~1st September~~ 15th August.

(2) During the annual holidays, the courts of first instance shall carry out only necessary work, as follows: investigations and trials in criminal matters where the indicted is detained and criminal matters of parties who do not reside in the Republic of Macedonia; cases for applying interim measures; suits upon bills of exchange; disputes on publishing corrections of published information; urgent misdemeanour cases; non-contentious and enforcement cases related to education and protection of children and obligations in cases for maintenance arising from the law; registration of political parties; extra-judicial cases for retaining persons in health care institutions; inventory of the estate of a defunct, compiling wills, accepting submissions; and other work stipulated by law that is considered necessary.

(3) During the annual holidays, appellate courts shall act upon appeals to decisions on the cases of paragraph (2) of this Article, and cases tried in closed sessions.

(4) With the exception of the work of paragraphs (2) and (3) of this Article, the period of paragraph (1) of this Article shall be considered a period when the court does not work.

(5) A judge is entitled to annual leave in the duration of 26 working days.

V. Termination, ~~putting on hold and discharge of and dismissal from~~ judicial ~~office~~ function

1. Termination ~~and putting on hold~~ of judicial ~~office~~-function

Article 73

(1) The judicial function of a judge is terminated:

- If he/she demands so,
- If he/she permanently loses the ability to exercise the judicial function, which is determined by the Judicial Council of Republic of Macedonia;
- ~~when reaching the age of 64 years,~~
- If he/she is elected or appointed to another public function, except when the judicial function is put on hold under conditions set by law; and
- ~~If he is convicted to at least 6 months of mandatory imprisonment by a final court verdict for a criminal act.~~
- ~~If he/she has been convicted by a final court judgment to a suspended sentence without probation of at least six months for a criminal offence.~~

(2) In the cases of paragraph (1) of this Article, the Judicial Council of the Republic of Macedonia shall establish the termination of the judicial office.

(3) On the day of termination of the judicial function that is determined by the Judicial Council in respect to paragraph 1 of this article, the right to the judge's salary will cease.

(4) The judicial function of a judge whose spouse is sent to work in a diplomatic and consular mission of the Republic of Macedonia may be put on hold, at his/her request, during the time his/her spouse performs the duties to which he/she is sent.

(5) After the expiration of the mandate to which the spouse of the judge has been sent, elected or appointed in the institutions referred to in paragraph (1) of this Article, the judge shall be entitled to return to the court in which he has been elected within 15 days.

2. Dismissal of judges

2. Discharge of a judge

Article 74

(1) A judge is dismissed from judicial function:
— due to serious disciplinary breaches that makes him/her unfit to exercise the judicial function as provided by law.
— due to unprofessional exercise of the judicial function and conduct in bad faith, under conditions determined by law, and

(1) A judge shall be discharged from his/her judicial function due to disciplinary breach stipulated by law, upon conducted disciplinary proceedings.

(2) The decision for ~~dismissing~~ discharge of a judge is made by the Judicial Council of Republic of Macedonia.

(3) On the day the judge is discharged from his/her ~~of termination of the~~ judicial function that is determined by the Judicial Council in respect to paragraph 1 of this article, the right to the judge's salary will cease.

3. Disciplinary violations

Article [AA]

Disciplinary violations are divided into three groups:

- minor disciplinary violations;
- severe disciplinary violations; and
- serious disciplinary violations.

Article [BB]

Minor disciplinary violations are:

- 1) Failure to wear judicial robe;
- 2) Causing disorder in the court relations that affect the performance of the judicial function;
- 3) Failure to fulfill mentoring duties and professional training of associates;
- 4) Violation of the rights to absence from work of up to two days;
- 5) Failure to fulfill the duty for continuous training;
- 6) failure to act upon the request of the Judicial Council of the Republic of Macedonia, the Council for Determination of the Facts and Initiation of Procedure for Establishing Disciplinary Responsibility of a Judge, the Supreme Court of the Republic of Macedonia and the higher courts, in accordance with the Law.

Article [CC]

Severe disciplinary violations are:

- If during a calendar year, the Judicial Council of the Republic of Macedonia has found inefficient and inaccurate conduct of the court procedure through the fault of the judge, when the judge at his/her fault in more than five cases has exceeded the legal time limits for taking procedural actions, the legal deadlines for adoption, announcement or drafting of court decisions;
- Failure to use, failure to enter or incorrect entering of data in the Automated Court Case Management Information System (ACCMIS) and failure to use the system for audio recording of hearings;
- biased conduct of court proceedings in particular in terms of equal treatment of parties;
- handling the cases contrary to the principle of a trial within a reasonable time, that is, delay of the court proceedings without any legal ground;
- Unauthorised disclosure of classified information;
- Public disclosure of information and data on court cases in which no final decision has been made;
- Deliberate violation of the rules of a fair trial;
- Violation of the regulations or otherwise violating the independence of judges during trial;
- Severe breach of the rules of the Code of Ethics violating the reputation of the judicial function;
- if a decision has been made by the European Court of Human Rights finding a violation of the right to a fair trial under Article 6 of the European Convention on Human Rights or a decision has been made by the Supreme Court of the Republic of Macedonia finding a violation of the right to trial within a reasonable time, due to the action of the judge;
- More severe violation of public law and order, which undermines his/her reputation and the reputation of the court;
- indecent and undignified behaviour in public places;
- more severe violation of the rights of parties and other participants in the proceedings,

undermining the reputation of the court and judicial function;
- Violation of the principle of non-discrimination on any ground;
- violation of the specified schedule for acting upon cases;
- disabling supervision over the judicial work by the higher court;
- causing more severe disruption of the relations in the court that significantly affect the performance of the judicial function;
- fails to report or conceals the property status or change in property status in accordance with the Law or does not submit a statement of interests in accordance with the Law; and
- If he/she commits a minor disciplinary violation more than twice.

Article [DD]

Serious disciplinary violations are:

- Incompetent or unconscientious performance of the judicial function.

Incompetent or unconscientious performance of the judicial function shall be:

1) if during a calendar year, the Judicial Council of the Republic of Macedonia has established inefficient and inaccurate conduct of the court procedure through the fault of the judge, when the judge upon his/her fault in more than 50% of the case workload has exceeded the legal time limits for taking procedural actions, legal deadlines for adoption, announcement or drafting of court decisions;

2) if during a calendar year, the Judicial Council of the Republic of Macedonia has found inefficient and inaccurate conduct of the court procedure through the fault of the judge, when the judge upon his/her fault in more than five cases has exceeded the legal time limits for taking procedural actions, the legal deadlines for adoption, announcement or drafting of court decisions, or if in the course of a calendar year more than 20% of the total number of decided cases have been repealed or more than 30% of the total number of decided cases have been modified;

3) failure to accomplish the expected results at work for more than eight months without justifiable reasons, which is determined by the Judicial Council of the Republic of Macedonia by the number of decided cases compared to the approximate number of cases that the judge needs to decide monthly determined by the decision of the Judicial Council of the Republic of Macedonia;

4) Accepting gifts and other advantages related to the judicial function;

5) Party and political activities;

6) Performance of any other public office, work or activity that is incompatible with the exercise of the judicial function;

- Misuse of position or exceeding official powers;

- If twice in a row his/her performance is evaluated by the Judicial Council of the Republic of Macedonia with a negative mark; and

- If he/she commits a more serious disciplinary violation more than twice.

Article [EE]

Regarding the disciplinary violations referred to in Articles [BB], [CC] and [DD] of this Law, the President of the Court shall, within eight days from the day when he finds out of the violation, notify the Council for Determination of the Facts and Initiation of Procedure for Establishing Disciplinary Responsibility of a Judge.

3. Unprofessional and in bad faith exercise of the judicial function

Article 75

(1) Unprofessional and in bad faith exercise of the judicial function shall imply unsatisfactory professionalism of the judge having an effect on the quality and efficiency of the work if:

if during a calendar year, the Judicial Council of the Republic of Macedonia found inaccurate and inefficient management of the court proceeding by the fault of the judge when the judge on his own fault in more than five cases had exceeded the legal limits for taking the procedural actions, legal limits for adoption publication or preparation of judicial decisions, or if during a calendar year more than 20% of the total number of solved cases are to be abolished, or more than 30% of the total number of solved cases are to be distorted;

Unprofessional, untimely and inattentive exercising of the judicial office in conducting the court proceedings on specific cases;

Biased conduct of the court proceedings, especially in view of the equal treatment of the parties;

Acting upon cases contrary to the principle of trial within reasonable time, or respectively delay of the court proceedings without justified grounds;

Unauthorised issuing of classified information;

Public presentation of information and data on court cases on which no final court decision has been taken;

Deliberate violation of the rules for fair trial;

Misuse of office or exceeding the official authority;

Violation of regulations or other kind of violation of the autonomy of judges during trial;

Severe violation of rules of the Judicial Code, undermining the reputation of the judicial office.

if a decision has been adopted by the European Court of Human Rights by which violation of the right is established that is infringement of right to a fair trial under Article 6 of the European Convention on Human Rights or a decision has been adopted by the Supreme Court of the Republic of Macedonia that is infringement of

right to a trial within a reasonable time as a result of actions by a judge.

4. Serious disciplinary injury

Article 76

(1) More serious disciplinary violation requiring the institution of a procedure for the disciplinary liability of a judge for dismissal shall be the following:

– Severe violation of the public peace and order that harms their reputation and the reputation of the court;

– Severe violation of the rights of the parties and of other participants in the procedure, damaging the reputation of the court and the judicial function;

– Violation of the non-discrimination rule on any grounds.

– the failure of the expected results in the work more than eight months without justifiable reasons as determined by the Judicial Council of the Republic of Macedonia through the number of solved cases in relation to the approximate number of cases to be settled monthly by the judge, determined by a decision from the Judicial Council Republic of Macedonia.

(2) For disciplinary violations of paragraph (1) items 1, 2, 3 and 4 of this Article, the president of the court is owed, within eight days of committing the violation in writing to inform the Judicial Council of the Republic of Macedonia.

Article 77

The disciplinary violation, which shall entail disciplinary procedure for determining the disciplinary liability of a judge against whom a disciplinary measure may be imposed will be pronounced, is as follows:

1) Not respecting the specified schedule for acting upon cases;

2) Disabling the exercise of supervision over the judicial proceedings by a higher instance court;

3) Indecent and undignified behaviour in public;

4) Failure to wear the judicial robe;

5) Reception of gifts and other benefits related to the judicial office;

6) Partisan and political activities (Article 52, paragraph (6) of this Law);

7) Exercising another public office or function that is mutually exclusive with exercising the judicial office (Article 52, paragraphs (1), (2) and (3) of this Law);

8) Causing severe disruption in the court relations, which shall significantly influence the performance of the judicial office;

9) Failure to fulfil the mentor obligations and the vocational training of the assistants;

10) Severe violation of the right to absence from work;

11) Failure to fulfil the obligation for vocational education continuous training;

12) did not report or hide the financial standing or change of the financial standing pursuant to law or not submit a statement of interests according to law.

5. Disciplinary sanctions

Article [FF]

(1) The Council may pronounce one of the following disciplinary sanctions for an established disciplinary violation by a judge:

- written notice;
- Mandatory attendance of additional trainings;
- Temporary transfer to another court of the same or lower instance;
- Reduction in salary;
- prohibition of promotion for a period of up to three years;
- discharge.

(2) The following disciplinary sanctions shall be pronounced for an established minor disciplinary violation:

- written notice;
- Mandatory attendance of additional training;
- Reduction in salary in the amount of 20% from the monthly salary of a judge for a period of one to six months;

(3) The following disciplinary sanctions shall be pronounced for an established severe disciplinary violation:

- Mandatory attendance of additional training;
- Temporary transfer to another court of the same or lower instance for a period of 12 months;
- Reduction in salary in the amount of 20% to 30% from the monthly salary of a judge for a period of one to six months;
- Prohibition of promotion for a period of up to three years.

(4) The following disciplinary sanctions shall be pronounced for an established serious disciplinary violation:

- temporary transfer to another court of the same or lower instance of up to 12 months;
- prohibition of promotion for a period of up to three years; and
- Discharge.

5. Disciplinary measures

Article 78

In reference to an identified disciplinary injury infringed by a judge, the Council may pronounce one of the following disciplinary measures:

- written notice;

~~public reprimand;
reduction of salary in the amount of 15% to 30% of the monthly
salary of the judge for a period of one to six months;~~

Article [GG]

(1) The grounds to initiate a disciplinary procedure against a president of a court shall be:

- Misuse of office and exceeding official authorisations;
- Unlawful and improper disposal with the funds of the court;
- Failure to exercise or untimely exercise of the tasks of court administration;
- Influence on the independence of judges in the light of deciding on specific cases;
- causing more severe violation of the relations in the court which have a significant impact on the work of the court;
- Violation of the rules regarding the case assignment, electronic delivery or audio recording in the court;
- Failure to implement the work programme;
- if as the president of the court the Judicial Council has evaluated him/her twice in a row with a negative mark, pursuant to the Law; and
- if he fails to inform the Council for Determination of the Facts and Initiation of Procedure for Disciplinary Responsibility of a Judge for the disciplinary violation committed by a judge for which a procedure for disciplinary responsibility of a judge is initiated.

(2) Violations referred to in lines 1, 4, 6, 7, 9 and 10 of paragraph (1) of this Article shall be considered to be serious disciplinary violations and for them the Judicial Council of the Republic of Macedonia shall take a decision on discharging the president of the court.

(3) Violations referred to in lines 2, 3, 5 and 8, paragraph (1) of this Article shall be considered to be severe disciplinary violations and for them the Judicial Council of the Republic of Macedonia shall take a decision to impose a disciplinary sanction under Article [FF] paragraph (3) lines 1 and 3 of this Law.

(4) The Judicial Council of the Republic of Macedonia shall take a decision to discharge the president of the court also in case if the president of the court commits more than two severe disciplinary violations.

(5) Not later than 1 March of the current year the president of the court is obliged to submit to the Judicial Council of the Republic of Macedonia a report on the implementation of the work programme for the previous calendar year under paragraph (1) line 8 of this Article

Article 79

(1) The court president shall be dismissed from the presidential function when the Judicial Council of the Republic of Macedonia shall within an instigated procedure identify fulfilment of any of the conditions below:

- misuse of office and exceeding official authorisations;
 - illegal and unintended disposal of the funds of the court;
 - failure to exercise or untimely exercising of the works of the judicial administration;
 - influence the independence of judges in the light of deciding on specific cases;
 - violation of the rules for the case assignment; and,
 - failure to implement the work program.
- if, as president of the court by the Judicial Council of the Republic of Macedonia has been giving a negative evaluation, in accordance with law and
- if it fails to notify the Judicial Council of the Republic of Macedonia for the cause of more severe disciplinary offense by the judge for which shall be initiating a proceeding for disciplinary responsibility of a judge under Article 76 paragraph (2) of the Law on courts.

(2) Not later than 1 March of the current year the president of the court is owed to the Judicial Council of the Republic of Macedonia to submit a report on the implementation of the program of work for the previous calendar year under paragraph (1) indent 7 of this Article.

(3) In a case of a non-severe violation of the grounds of paragraph (1) grounds of paragraph (1) indent 3 of this Article, a disciplinary measure may be imposed to the judge

Article 80

(1) A lay judge's function is terminated:

- 1) if they request so;
- 2) if they permanently lose the ability to exercise the duty of a lay judge;
- 3) if they have been convicted for a crime to a penalty of imprisonment of at least six months;
- 4) if they exercise the duty of a lay judge improperly or in bad faith And
- 5) if they reach the age of 60.

(2) The procedure for dismissing a lay judge shall be conducted by the Judicial Council of the Republic of Macedonia upon the proposal of the chief justice of the court.

Article 81

When a lay judge is under investigation or a procedure has been instituted for termination of office, the court president shall not summon them to exercise the function of a lay judge.

IV. JUDICIAL ADMINISTRATION

Article 82

(1) The work of judicial administration shall be carried out by the Ministry of Justice.

(2) The Ministry of Justice shall communicate with the president of the respective court regarding the work of the judicial administration.

Article 83

(1) The scope of work of judicial administration shall include ensuring general conditions for exercising the judicial power, in particular, developing laws and other regulations in the area of the organisation and work of the courts and the procedures before courts, adopting the court rules of procedure, taking care of the ~~education and vocational training of staff~~ continuous training of judges and judicial service, providing the material, financial, security, office room and other means and conditions for the work of the courts, carrying out work in international legal assistance, enforcing sentences imposed for punishable acts, gathering statistical and other data about the work of the courts, supervising the efficient conduct of court work and the implementation of the Court Rules of Procedure, supervising the implementation of the regulations for court deposits and guarantees, examining the complaints by citizens to the work of the courts related to the procrastination of court proceedings or to the work of court services, as well as other administrative tasks and matters stipulated by law.

(2) for examination of the petitions and complaints from citizens about the work of the courts relating to the delay of the court proceeding, the Minister of Justice establish a committee composed of two representatives from the Ministry of Justice and one representative designated by the Supreme Court of the Republic of Macedonia, which prepare a report.

(3) The report under paragraph (2) of this Article, committee shall prepare and submit to the Ministry of Justice within 30 days of receipt of the petition or complaint, and the Ministry of Justice within three days of receipt of the report shall submit to the Judicial Council of the Republic of Macedonia.

(4) The manner of conducting the examination of complaints and complaints from citizens about the work of the courts relating to the delay of the court proceeding shall be regulated by by-laws adopted by the Government of the Republic of Macedonia upon proposal of the Minister of Justice.

Article 84

(1) The Minister of Justice shall adopt the Court Rules of Procedure upon the previous opinion of the plenary session of the Supreme Court of the Republic of Macedonia.

(2) The Court Rules of Procedure shall regulate the internal organisation of the courts, the manner of work of the courts, the keeping records of the cases, as well as

keeping of the registration books and other books, handing the acts and forms, the work for international legal assistance and acting upon complaints, summoning and assigning lay judges, appointing full-time court translators, interpreters and experts, keeping statistics and records, and the professional upgrade of the staff, the rules for the special markings on court vehicles, the IT system in the courts, the audio-visual recording of the discussion, as well as other matters pertaining to the work of the courts.

(3) The Ministry of Justice shall execute the supervision of the application of the Court Rules of Procedure.

Article 85

(1) The Minister of Justice shall appoint court translators and keep records.

(2) The conditions to be met by the incumbent for a court translator are as follows:

- To have citizenship of the Republic of Macedonia;
- To have an active knowledge of the Macedonian language;
- To have a university degree;
- To have a certificate on active knowledge of the foreign language;
- To have residence, or respectively place of residence in the vicinity court to which they shall be assigned as a court translator.

Article 86

(1) The Ministry of Justice shall keep Court Election Registry; keep records on the court police, court translators and interpreters, as well as court experts.

(2) The registry of paragraph 1 of this Article shall contain information about the first and last name, the date and place of birth, the nationality, the residence, the education, the type of education, the professional title, the knowledge of foreign languages, as well as other information stipulated by law.

(3) The information of paragraph (2) of this Article shall be submitted by the courts to the Ministry of Justice in the manner stipulated by the Minister of Justice.

(4) The information in the records may be used only for the implementation of this Law, as well as the laws regulating the rights, duties and responsibilities of judges and other court employees, and it shall be treated in accordance with the regulations for the protection of personal data.

Article 87

A person whose data have been entered in the registry shall be entitled to seek insight in the data related to their person and to seek correction if the latter are inaccurate.

V. COURT ADMINISTRATION

Article 88

(2) The court president shall represent the court, organise its work and undertake measures for the timely and proper conduct of court work.

- (3) The court president shall ensure the application of the Court Rules of Procedure.
- (4) ~~The court president shall determine the schedule of court workload upon previously obtained opinion by the plenary of judges and of the plenary session of the Supreme Court.~~ The president of the court shall be replaced by a judge that he will determine by the annual schedule of work in the last year who has been giving the highest positive evaluation in relation to the other judges has received the highest score.
- (5) With the annual schedule for work a deputy court president is appointed from the ranks of judges;
- (6) The presidents of the specialized court divisions and their deputies, as well as the presidents of the court departments and their deputies shall be assigned from the rank of judges with the annual work agenda.

Article 89

In the event of dismissal or termination of the mandate of the court president, until the selection of new president of the court, the Judicial Council of the Republic of Macedonia from among judges in the court, determines the acting president of the court in the last year who has been giving the highest positive evaluation in relation to the other judges has received the highest score.

Article 90

For executing certain administrative, financial, operational, and manipulative and assistance services and tasks for several courts in the same area, joint services may be established or personnel to perform these common duties and services may be determined.

Article 91

(1) In the courts in which specialized departments shall be established, judges are allotted according to their specialization in the legal area.

(2) The work of the specialized court department shall be managed by a president of the division.

(3) The sessions of the specialized court departments shall address issues of interest to the work of all panels, i.e. judges within the department, in particular, regarding the application of laws in certain areas and the harmonization of court practice, and the promotion the method of work.

(4) A session of a court department is convoked by the president of a department at their own initiative or at the request of the judges of the department or at the request of the court president when it is established that there is inconsistency in applying the law between separate panels of the department.

Article 92

(1) the plenary of judges shall comprise all judges in the court.

(2) The plenary of judges shall address matters of general importance to the work of the court, it shall establish a work programme and provide an opinion on the annual

work schedule for judges, and it shall address the annual work programme of the court and of the Judicial Council. .

(3) The court president may invite lay judges to a session of judges when issues pertaining to the participation of lay judges in the trial are on the agenda.

Article 93

(1) The court president shall issue official IDs to court officials.

(2) The Minister of Justice shall prescribe with a Rulebook the form and content of the form, and the procedure for issuing and revoking the official ID of paragraph (1) of this Article.

Article 94

(1) The judges, lay judges, senior court counsellors, independent court counsellors, court counsellors, legal assistants, court interns, court experts, interpreters, translators and other persons taking part in the procedure or the activities outside the procedure shall be obliged to keep from unauthorised disclosure the classified information with a certain degree of protection stipulated by law, regardless of how acquired it.

(2) The duration of the obligation to keep the classified information from unauthorised divulging shall be according to law.

Article 95

(1) The court president may relieve a judge or other persons of Article 94, paragraph (1) of this Law from the obligation to keep classified information with a certain degree of protection, in accordance with law.

(2) Relieving from the obligation to keep classified information with a certain degree of protection for the president of a lower instance court shall be decided on by the president of the immediately higher court, whereas for the President of the Supreme Court of the Republic of Macedonia it shall be decided on by the plenary session of this court, in accordance with law.

Article 96

(1) Due to the nature of affairs in the courts, work in overtime shifts is organized for efficient execution of the judicial function.

(2) The schedule and duration of the shifts is delivered by the court president for each month. For every overtime shift, compensation is received. The sum of the compensation is set by a bylaw adopted by the Minister of Justice.

Article 97

(1) Information for the public through the media regarding the work of the court, as well as information regarding the course of the proceeding for a certain case shall be provided by the president of the court or by ~~a judge assigned by the president~~ responsible person for public relations.

(2) In the courts mandatory shall be established an office of public relations.

~~(2)~~(3) The president of the court and the judge of paragraph (1) of this Article shall issue information for the public taking care not to harm the reputation, honour and dignity of the person, and not to prejudice the independence and autonomy of the court.

~~(3)~~(4) In each court, information on the number of the case, the judge presiding, date, time and courtroom in which the trial will take place is publicly posted every day.

~~(4)~~(5) Every court at least once a year shall inform the public about the results of the work of the courts and judges.

~~(5)~~(6) The parties and other participants in the ongoing procedure may not provide information and assessment on the course, conduct and the outcome of the procedure if the court has forbidden the issuing of such information.

Court work under strike conditions

Article 98

- (1) During the period of strike of employees, the court executes matters related to scheduled disputes and hearings, i.e. public sessions, for making and delivering all decisions in the legal time-frame.
- (2) For procedures that are by law determined as urgent, i.e. the affairs necessary according to law and nature of matters, the court is bound to execute during strike period.

VIII. Court IT system

Article 99

- (1) An IT centre with a database of the judicial IT system shall be set up in the Supreme Court of the Republic of Macedonia.
- (2) The courts shall have IT services as separate organisation units.
- (3) The courts shall be owed the decisions taken within two days of drafting and signing to be published on the website of the court, as determined by law.
- (4) The centre, i.e. the IT service shall be managed by the president of the court or a judge designated by him/her.
- (5) The Ministry of Justice shall take care of establishing, maintenance and functioning of the IT system based on unified methodology and technology.
- (6) A single IT centre with a database on all judicial authorities shall be set up in the Ministry of Justice.
- (7) The Minister of Justice shall determine the manner of work of the IT system in the courts of the paragraphs 1 and 5 of this Article with a secondary legislation act.

IX. Court technical ~~vocational~~ service

Article 100

- ~~(1) A court with more than seven judges shall have a secretary.~~
- ~~(2) The secretary of the court shall manage the court technical service and shall be responsible to accomplish and perform all professional and administrative technical works in the court.~~
- ~~(3) The secretary of the court shall assist the court president in conducting the matters of court administration.~~
- ~~(4) A secretary may become a law graduate satisfying the general conditions stipulated by law for employment in a state administration body, if they possess managerial and organizational skills, if they have passed the Bar exam and have had at least five years of experience following their taking of the Bar exam for the post of a secretary in a basic court, and eight years for the post of a secretary in an appellate and the Administrative Court of Republic of Macedonia.~~
- ~~(5) The Supreme Court of Republic of Macedonia and the Administrative Court shall have a Secretary General. A person may be the Secretary General if they meet the conditions of paragraph (4) of this Article and have had eight years of experience in legal matters after passing the Bar exam.~~

The judicial service consists of judicial officers, court employees that perform technical and auxiliary matters and court police.

Article 101

- ~~(1) Depending on the workload in the court, the courts shall employ a certain number of senior court counsellors, independent court counsellors, court counsellors, legal assistants and court interns so that every judge shall have at least one of the above listed associates.~~
- ~~(2) The courts shall employ a certain number of employees for expert, administrative, technical and other work, depending on the workload and the needs of the court.~~
- ~~(3) The equitable representation of the citizens belonging to all the communities shall be ensured in the employment of persons of paragraphs (1) and (2) of this Article, without infringing the criteria stipulated by law.~~

The status, rights, duties, responsibilities of judicial service, the system of salaries and allowances of salaries of judicial service, and management of court cases shall be regulated by law.

Article 102

~~—(1) A person may be a senior court counsellor in a basic court if he/she is a law graduate meeting the general conditions stipulated by law for employment in a state administration body, and has passed the Bar exam and has more than five years of experience in legal matters after passing the Bar exam.~~

~~—(2) A person may be a senior court counsellor in an appellate and an administrative court if he/she is a law graduate meeting the conditions of paragraph (1) of~~

~~this Article and has more than eight years of experience in legal matters after passing the Bar exam.~~

~~———— (3) A person may be a senior court counsellor in the Supreme Court of the Republic of Macedonia if he/she is a law graduate and meets the conditions of paragraph (1) of this Article and has more than ten years of experience in legal matters after passing the Bar.~~

Judicial service, the duties determined by law shall be performed in accordance with the principles of legality, professionalism, accountability, efficiency, effectiveness and transparency.

Article 103

~~(1) A person may be an independent court counsellor in a basic court if he/she is a law graduate meeting the general conditions stipulated by law for employment in a state administration body, has passed the Bar exam and has more than three years of experience in legal matters after passing the Bar exam.~~

~~———— (2) A person may be an independent court counsellor in an appellate court and the Administrative Court if he/she is a law graduate and meets the conditions of paragraph (1) of this Article and has at least six years of experience in legal matters after passing the Bar exam.~~

~~———— (3) A person may be an independent court counsellor in the Supreme Court of the Republic of Macedonia if he/she is a law graduate meeting the conditions of paragraph (1) of this Article and has more than eight years of experience in legal matters after passing the Bar exam.~~

The judicial officers within their jurisdiction shall be owed to provide effective and lawful exercise to the citizens of their constitutional freedoms, rights and interests in proceedings before the courts.

Article 104

~~———— A person may be a court counsellor in a court if he/she is a law graduate and meets the general conditions stipulated by law for employment in a state administration body and has more than two years working experience after passing the Bar exam.~~

Article 105

~~Any person meeting the general conditions set by law on employment in a state administration body and has the Bar exam passed may become a Legal Assistant.~~

Article 106

~~(1) — Any law graduate meeting the general conditions set by law on employment in a state administration body and has the Bar exam passed may be a court intern.~~

- ~~(2) Court Interns are employed in the courts of first instance and are allotted to perform tasks and assignments in order to gain experience in all areas of the judicial matters.~~
- ~~(3) After the passed Bar exam, the intern is appointed to perform duties of a legal assistant, according to the Systematization Act.~~
- ~~(4) The court intern, who after the two-year internship does not pass the Bar exam in a period of one year, loses the status of a court intern.~~

Article 107

~~— The court president shall convey a decision regarding the number of senior court counsellors, independent counsellors, court counsellors, legal assistants, court interns and other staff on the basis of criteria established by the Court Budget Council.~~

X. FUNDING

Article 108

The resources for the operation of the courts shall be provided by the Court Budget, as an independent item of the Budget of the Republic of Macedonia entitled "Judicial Branch".

Article 109

(1) The amount of the salaries and other compensation for judges in courts is determined by law.

(2) The amount of the salaries and other compensation for the court officials and for other court staff is determined by law.

(3) The salaries and the other compensation, as well as the arms, equipment and the uniform of the members of the court police shall be provided from the Budget of the Republic of Macedonia under the item entitled "Judicial Branch".

XI. COURT POLICE

Article 110

Securing the objects, property, persons and maintaining the peace and order in the courts is exercised by the court police.

Article 111

(1) The police may not enter the court premises.

(2) The police are allowed to enter and stay in the court premises only when arresting or safeguarding a person. The police shall stay in the premises of the court if a judge requests it, for the time necessary to safeguard the person.

- (3) The police may enter the court premises if summoned by the court president or a judge if the president is absent, due to preventing a punishable act or when it is urgently needed for preventing a global threat.

Article 112

- ~~(1) A person may be admitted to carry out work for the court police if, in addition to the general conditions for employment, they satisfy the following conditions:~~
- ~~—— not to be older than 25 if this is their first employment;~~
 - ~~—— be physically and mentally capable to perform the work of the court police;~~
 - ~~—— have completed at least IV degree of professional training;~~
- ~~(2) Assessment of the terms for employment, and the engagement is done by the Ministry of Justice, and for this, without infringing the criteria set by law equitable and appropriate representation of citizens of all communities will be ensured.~~
- ~~(3) The Minister of Justice shall specify the number of persons admitted to carry out work for the court police for each court with a decision.~~

The powers of the court police, the rights and obligations, employment, disciplinary responsibility of the representatives of the court police and other matters within the power of the court police shall be regulated by law.

Article 113

- ~~(1) The court president is in charge of the court police.~~
- ~~(2) The court police shall be under immediate command of a commander of the court police who shall act according to the directions and guidelines given by the court president or his/her deputy.~~
- ~~(3) A commander or deputy commander of the court police can be a person who in addition to the conditions set in article 112 of this law, meets the following criteria:~~
- ~~—— To have completed VII th degree of adequate high education;~~
 - ~~—— To have at least one year of experience as a member of the court police~~
- ~~(4) The Commander and his deputy are appointed by the court president from the ranks of the court police.~~

Article 114

~~Members of the Court Police have special uniforms with the markings of the title and other special markings and are armed accordingly to the regulations for performing the service.~~

Article 115

- ~~(1) While performing official tasks, the members of the court police can use firearms in the court and around the court, in the following cases:~~
- ~~1. to protect the life of people present in the court;~~
 - ~~2. to prevent the escape of a person caught committing a criminal act prosecuted ex officio, and if there are grounds for suspicion that he/she will use firearms in the court or around the court.~~

- ~~3. to reject a direct unlawful attack endangering their life; and~~
- ~~4. prevent an attack on the court;~~

~~(2) In the cases of paragraph 1 of this article, the members of the judicial police shall use firearms only if, by use of physical force, a rubber baton or other means of repression the official duties cannot be realized.~~

Article 116

~~—— If the means of repression and the firearms have been used within the limits of the authorisation, the member of the court police shall be exempt from accountability if they have used such means of firearms.~~

Article 117

~~(1) For the reason of the type, nature and complexity of the works and duties performed by the members of the court police, the funds earmarked to cover the payment for the respective tasks shall be increased for 20%.~~

~~(2) The members of the court police shall be remunerated for working in shifts or overtime in conformity with law and the collective agreement.~~

Article 118

~~—— (1) The Government of the Republic of Macedonia shall adopt regulations for the armament and equipment of the court police, for the ranks and the conditions for obtaining the ranks, the markings of the ranks and the uniform.~~

~~—— (2) The Minister of Justice shall be authorised to adopt the regulations on:~~

- ~~—— the rules for carrying out the work of the court police;~~
- ~~—— the use of firearms, a rubber baton and other means of coercion;~~
- ~~—— the duration of the clothing, the shoes and, in particular, the personal equipment;~~
- ~~—— the physical and mental abilities that the persons admitted to work must possess;~~
- ~~—— the material work with the armament and the special personal equipment, and the internal relations in the court police.~~

<p>Amendments relating to Article 112-118 shall begin to apply with the start of the application of the provisions of the Law amending the Law on judicial service.</p>

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 119

(1) Judges elected prior to the enforcement of this Law shall continue to exercise the judicial office.

(2) The Judicial Council of the Republic of Macedonia shall adopt a decision on the number of judges in Basic Court Skopje I - Skopje and the Basic Court Skopje II - Skopje within thirty days from the day of the enforcement of this law.

(3) The reassignment of the judges from the court of paragraph 2 of the Article herein shall be exercised by the Judicial Council of the Republic of Macedonia within three months from the time of the adoption of the decision of paragraph 2 of the Article herein, in conformity with the provisions of this Law and by respecting accordingly the specialization of judges in criminal and civil matters.

Article 120

The commencement of work, as well as the transfer of cases from the Supreme Court to the Constitutional Court of Republic of Macedonia shall be exercised in line with the stipulations of the Law on Administrative Disputes.

Article 121

The Ministry of Justice provide the working premises for the functioning of the Administrative Court.

Article 122

The specialized court divisions for conducting trials upon organized crime cases, as well as the specialized court departments within the courts shall be established not later than 90 days from the day of the enforcement of this law.

Article 123

The reassignment and the transfer of cases from one court to another according to the jurisdiction established with this Law shall be carried out within 120 days from the day of the enforcement of this law, in accordance with the guidelines for the manner of taking over cases, to be adopted by the Minister of Justice within six months from the day of the entry into force of this Law.

Article 124

(1) On the day of the beginning of the application of this Law, the first instance cases pending the opening of proceedings shall be taken over in accordance with the subject-matter and geographic court jurisdiction in line with the provisions of this Law.

(2) The cases in proceedings on which a first instance decision has been taken shall be concluded by the local court jurisdiction.

(3) Cases that have been returned for re-adjudicating upon an appeal are taken over by the competent courts in accordance with this law.

Article 125

(1) Pending the adoption of the Court Rules of Procedure pursuant to the provisions of this Law, the existing Court Rules of Procedure shall continue to apply, unless it is in conflict with the provisions of this Law.

(2) The bylaws for the adoption of which the Minister of Justice has been authorised pursuant to the provisions of this Law, shall be adopted within six months from the day of application of this Law.

(3) Pending the adoption of the bylaws of paragraph 2 of this Article, the bylaws adopted prior to the day of entry into force of this Law shall continue to apply.

Article 126 (version 2006)

(1) Pending the first obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the judges in the courts of first instance shall be elected in line with the conditions laid down in Article 43, paragraphs (1) and (2) of the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03).

(2) Within three years from the day of obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the Court council shall fill up 50% of the specified court vacancies in the basic courts with people who meet the conditions for a judge in a basic court in line with the Article 43, paragraphs (1) and (2) of the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03) and who have not undergone the initial training in the Academy for training for judges and public prosecutors.

Article 126

~~(1) Until the initial obtaining the attribution of candidates for judges in accordance with the Law on the Academy for Training of Judges and Public Prosecutors, the judges at the basic courts shall be elected in accordance with the conditions from article 43 paragraph (1) of the Law on Courts ("Official Gazette of Republic of Macedonia" no.36/95, 45/95, and 64/2003) and should have a working experience of more than three years with validated results in legal matters after passing the BAR exam."~~

~~(2) Within three years from the day of obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the Court council shall fill up 50% of the specified court vacancies in the basic courts with people who meet the conditions for a judge in a basic court in line with paragraph 1 of this article and who have not undergone the initial training in the Academy for training for judges and public prosecutors.~~

(1) Until the initial obtaining the attribution of candidates for judges in accordance with the Law on the Academy for Training of Judges and Public Prosecutors, the judges at the basic courts shall be elected in accordance with the conditions from article 43 paragraph (1) of the Law on Courts ("Official Gazette of Republic of Macedonia" no.36/95, 45/95, and 64/2003) and should have a working experience of more than three years with validated results in legal matters after passing the BAR exam."

(2) Within three years from the day of obtaining of the status of candidate for judges in pursuance with the Law on Academy for Training for Judges and Public Prosecutors, the

Court council shall fill up 50% of the specified court vacancies in the basic courts with people who meet the conditions for a judge in a basic court in line with paragraph 1 of this article and who have not undergone the initial training in the Academy for training for judges and public prosecutors.

In the period from 1 January 2012 to 1 January 2013, the Judicial Council of the Republic of Macedonia 50 percent of the identified free judicial positions for the basic courts will be completed by persons who qualify under Article 45 of the Law on courts (Official Gazette of the Republic of Macedonia No. 58/2006 and 35/2008), who did not attend the initial training in the Academy for judges and public prosecutors and who have working experience with a credible legal work after taking the bar examination over three years.

Article 127

On the day of application of this Law, the Law on Courts ("Official Gazette of RM, No 36/95, 45/95 and 64/03) is repealed, with the exception of the provisions in Article 43, paragraphs (1) and (2) that will be repealed with the expiry of the deadline determined in article 126 of this law.

Article 128

This Law shall enter into force on the eighth day from the day of publication in the Official Gazette of the Republic of Macedonia, and it shall be applied as from 1 January 2007.

**LAW
ON THE JUDICIAL COUNCIL
OF REPUBLIC OF MACEDONIA**

Consolidated Version, August 2015

Original Version, 2006

Amendments, 2010

Amendments, 2011

Amendments, 2015 (February)

Amendments 2015(April)

DRAFT amendments received from authorities in July 2015

I. BASIC PROVISIONS

Incorporation

Article 1

~~This Law shall regulate the composition and election of the Judicial Council of the Republic of Macedonia, the manner of exercising its functions and the manner of working and deciding.~~

This law shall regulate the procedure for selection of the Judicial Council of the Republic Macedonia, the manner of exercising its functions, selection, termination and dismissal of judge and juror judge, the disciplinary procedure for determining disciplinary responsibility of judges, procedure for determining unprofessional and unethical performance of the judicial function, monitoring and evaluating the work of judges, the manner of working and decision-making and other issues related to the work of the Judicial Council of the Republic of Macedonia.

Purpose of incorporation

Article 2

The Judicial Council of the Republic of Macedonia (hereinafter: the Council) shall be an autonomous and independent judicial body. The Council shall ensure and guarantee the comity and independence of the judicial branch, through performing its functions in line with the Constitution and laws.

Political activity

Article 3

Political organisation and activity in the Council shall be prohibited.
Members of the Council must not perform political activities while exercising the functions of the Council

The Council through its work disables political influence in the judiciary.

Council status

Article 4

The Council shall have the capacity of a legal entity.
The Council shall have its principal office in Skopje.

Seal of the Council

Article 5

The Council shall have a seal.

The seal shall contain the name Republic of Macedonia, the national coat of arms of the Republic of Macedonia, the name and the head office of the Council.

The name and principal office, the national coat of arms and the flag of the Republic of Macedonia shall be posted on the building where the head office of the Council is located.

II. COMPOSITION AND THE PRESIDENT OF THE COUNCIL

Composition of the Council

Article 6

(1)The Council shall consist of 15 members, of which:

- The President of the Supreme Court of the Republic of Macedonia and the Minister of Justice shall be *ex officio* members;

- The Minister for Justice as a member of the Council shall participate in the work of the Council without the right to vote.

- Eight members of the Council shall be elected by the judges from their ranks. Three of the elected members shall be members of the communities that do not constitute a majority in the Republic of Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed;

- Three members of the Council shall be elected by the Parliament of the Republic of Macedonia with a majority of votes from the total number of representatives, along with the majority of votes of the representatives belonging to the communities that do not constitute a majority in the Republic of Macedonia;

- Two members of the Council shall be nominated by the President of the Republic of Macedonia and elected by the Parliament of the Republic of Macedonia, from whom one shall be a member of the communities that do not constitute a majority in the Republic of Macedonia.

The term of office of the Member of the Councils

Article 7

The term of office of the members elected shall be six years with the right to one re-election.

The termination of the terms of office of the President of the Supreme Court of the Republic of Macedonia and the Minister of Justice shall also constitute termination of their term of office in the Council.

The term of office of a member elected on additional elections, due to the premature termination of the term of office of the member of Council for whose vacancy they have been elected, shall be six years.

President of the Council

Article 8

The work of the Council is managed by President.

The President of the Council shall be elected from the ranks of the members of the Council with the majority of ~~the total number of members~~ **the members with the right to vote** by secret voting.

~~The term of office of the President of the Council shall be two years without right to re-election.~~ **The mandate of the President of the Council shall be three years, with a right to be re-elected.**

The Council, upon proposal of the President of the Council, at the same session when the President is being elected, shall elect a Deputy President who shall replace him in his absence.

The Minister of Justice and the President of the Supreme Court of Republic of Macedonia may not be elected for President and Deputy President of the Council

III. PROCEDURE FOR ELECTION OF MEMBERS OF THE COUNCIL

Advertisement for Member of the Councils

Article 9

The President of the Council shall be obliged at latest three months prior to the expiry of the term of office of the Council or of a Member of the Council:

- to announce an advertisement for electing a Member of the Council from the ranks of judges;

- to inform the President of the Parliament of the Republic of Macedonia to announce an advertisement for the election of a Member of the Council that is elected by the Parliament;

- to inform the President of the Republic of Macedonia to nominate a candidate for member of the Council to the Parliament.

In the event of premature termination of the term of office in the cases under Article 7, paragraph 3 hereof, the President of the Council shall act under paragraph 1 of this article within 15 days following the termination of the term of office of a member of the Council.

Duration of the advertisement

Article 10

The advertisement as of Article 9 of this Law shall be published in the "Official Gazette of the Republic of Macedonia" and in at least two public media, one of which shall be in an official language other than Macedonian language spoken by at least 20% of the citizens in the Republic of Macedonia.

The advertisement shall last for 15 days from the day of publication in the "Official Gazette of the Republic of Macedonia".

At least 30 days must expire from the day of announcement of the advertisement until the day of voting.

**Conditions for the election of a Member of the Council from among the judges
in the notice
Article 11**

Any judge exercising a judicial office shall be eligible to apply for the advertisement if at the moment of publication of the advertisement they meet the following conditions:

- to have at least five years of service in exercising an office as a judge;
- to have received **highest** positive assessments for the last three years in exercising the judicial function by the side of the Council.

- to be reputable, to possess integrity for performing the function of a Member of the Council, and to possess social skills for performing the judicial function, for which integrity tests and psychological tests shall be conducted.

Regarding the notice for the election of a Member of the Council on the proposal of the Assembly of the Republic of Macedonia, may apply any person who at the time of the publication of the notice fulfils the following conditions:

- To be a citizen of the Republic of Macedonia;

- to be a graduated lawyer with at least 15 years of working experience in the legal profession with a passed bar exam and who in the exercise of the legal profession has had an outstanding scientific or professional work or public activity; and

- To be reputable, to possess integrity for performing the function of a Member of the Council, and to possess social skills for performing the function of a Member of the Council, for which integrity tests and psychological tests shall be conducted.

Upon a proposal of the President of the Republic of Macedonia, the Assembly of the Republic of Macedonia may elect, for a Member of the Council, a person who at the moment of the election meets the following conditions:

- To be a citizen of the Republic of Macedonia;

- to be a graduated lawyer with at least 15 years of working experience in the legal profession with a passed bar exam and who in the exercise of the legal profession has had an outstanding scientific or professional work or public activity; and
- To be reputable, to possess integrity for performing the function of a Member of the Council, and to possess social skills for performing the function of a Member of the Council, for which integrity tests and psychological tests shall be conducted.

The form and content of the psychological test and the integrity test shall be regulated by the Judicial Council of the Republic of Macedonia.

Article 11-a

The psychological test conducted by the Judicial Council of the Republic of Macedonia aims to affirm the candidates for performing the function of a Member of the Council by means of assessing their social abilities.

The integrity test conducted by the Judicial Council of the Republic of Macedonia is based on the existing ethical and professional codes for performing the function of a judge and its aim is to assess the ethical and moral values of the candidate for performing the function of a judge and shall include:

- A test that is conducted in writing and anonymously, based on an established standard list of questions.

The Judicial Council of the Republic of Macedonia shall be obliged in conducting the psychological test and the integrity test to take into account the protection of personal data, reputation and dignity of the candidate, in accordance with law.

For the implementation of the psychological test and the first part of the integrity test, the Judicial Council of the Republic of Macedonia shall engage experts from an independent and fully accredited professional institution.

The psychological test shall be conducted on the basis of internationally recognised psychological tests applied in at least one of the Member States of the European Union and the OECD.

Candidacy **Article 12**

The candidates for a Member of the Council from among the judges shall submit their candidacy to the Council in writing.

The candidates shall enclose to their application the following:

- proof of years of service in a judicial office;
- biographical data about their professional and expert development;
- assessments of the results in their work for the last three years, issued by the Council;
- data about participation in expert and professional education, issued by the Academy for training of judges public prosecutors ~~and~~,
- passed integrity test and psychological test and
- statement about which list they are applying for.

The committee for preparation of the candidate lists **Article 13**

The Council, from its own ranks, shall establish a committee of three members to prepare the lists of candidates (hereinafter: the Committee).

The Committee shall prepare the candidate lists and submit them to the Council using the properly received candidacies of the candidates who have met the conditions under Article 11 of this law.

The candidate lists are prepared according to electoral units:

- as a general list for a candidate from the Supreme Court of the Republic of Macedonia;
- as a general list for a candidate from the appellate region Skopje ~~and by the administrative courts;~~
- as a general list for a candidate from the appellate region Bitola;

- as a general list for a candidate from the appellate region Gostivar;
- as a general list for a candidate from the appellate region Stip and
- as a single separate list of candidates from the members of the communities that do not constitute a majority in the Republic of Macedonia for the entire territory of the Republic of Macedonia.

The Council shall adopt the candidate lists of paragraph 3 of this Article.

The Council shall submit the candidate lists to the committee for conducting the elections for Member of the Councils from the ranks of judges within 15 days from the expiry of the advertisement.

The Commission for conducting of elections for members of the Council from the ranks of judges

Article 14

The Council shall establish from its ranks a Commission for conducting elections for Member of the Councils from the ranks of judges (hereinafter: the Electoral Commission).

The Electoral Commission shall consist of a president, a deputy president, two members and their deputies.

The Electoral Commission shall prepare the election material, create election boards, and conduct the elections.

Article 15

A member of the Commission for preparing of candidates list may not be a member of the Electoral Commission for members of the Council and vice versa.

Election of appellate regions

Article 16

In the election of the members of the Council from the ranks of judges, the following representation of the members from all the regional appellate courts is taken into consideration:

- one member is elected from the appellate region Skopje,
- one member is elected from the appellate region Bitola,
- one member is elected from the appellate region Gostivar
- one member is elected from the appellate region Stip,
- one member is elected from the Supreme Court of the Republic of Macedonia.

- three members are elected from the representatives of the communities that do not constitute a majority in the Republic of Macedonia by all the judges that are registered in Judicial Electoral Directory.

Judicial Electoral Directory

Article 17

The judicial electoral directory shall be kept by the ~~Ministry of Justice~~ **Judicial Council** and it shall contain the following information:

- the first and last name of the judge;
- their unique registry number;
- the court where they exercise the judicial office;
- the date of their judicial election;
- nationality;
- the number of their judicial ID And
- remarks

~~The Ministry of Justice shall deliver the Judicial Electoral Directory to all courts in the Republic of Macedonia no later than five days after the announcement of the elections.~~

~~The Court Electoral Registry shall be presented for inspection~~ The **Judicial Council** shall present for inspection the Court Electoral Registry. Each and every judge shall be entitled to insight into the directory and they shall be entitled within three days to request correction of the data in writing.

The **Judicial Council** ~~Ministry of Justice~~ shall decide on the request of paragraph 3 hereof within three days of its receipt.

An administrative dispute may be initiated against the decision of paragraph 4 hereof before a competent court within 24 hours of its receipt.

The competent court of paragraph 5 hereof shall rule within 48 hours.

The ~~Judicial Council Ministry of Justice~~ shall conclude the Judicial Electoral Directory at latest within 20 days of the announcements of the elections.

Manner of conducting elections from the ranks of judges, the Parliament and on the proposal of the President of the Republic of Macedonia

Article 18

The elections for Member of the Councils from the ranks of judges shall be conducted on a single day.

The elections shall be conducted on polling stations at all courts in the Republic of Macedonia, in accordance with the Law on courts.

The elections at the polling stations shall be conducted by an electoral board formed by a decision of the Electoral Commission as of article 14 of this law.

A candidate running for Member of the Council may not be a member of an Electoral board.

The electoral board shall consist of a president and two members from the ranks of judges and/or court clerks and their deputies.

The Electoral Commission as of article 14 of this law shall be obliged to form the electoral board seven days prior to the voting day.

Election material

Article 19

The election material is consisted of:

- ballot box and covers;
- minutes form;
- ballots according to the certificate from the Judicial Electoral Directory;
- candidates list;
- certificate from the Judicial Electoral Directory;
- other material necessary for voting.

Ballots

Article 20

The overall ballot contains the following:

- name of the ballot;
- electoral unit and name of polling station;
- serial number;
- name and surname of the candidates by the alphabet.

The special ballot contains:

- title of the ballot;
- electoral unit and name of polling station
- serial number;
- last name and first name of the candidates by the alphabet;
- data on the nationality of the candidates;
- court from where the candidate launches candidacy.

The Electoral Commission shall prepare the template of the ballot according to the article hereof.

Delivery of election material

Article 21

The Electoral Commission shall deliver the election material to the President of the Election Board within 24 hrs before the elections take place for which minutes are composed.

Conducting of the voting

Article 22

The voting shall be conducted during a working day.

The voting shall start at 08:00 hrs and shall last continuously till 15:00 hrs.

The judges shall vote for candidates from the general list from their appellate region and for single special list.

The judges from the Supreme Court of the Republic of Macedonia shall vote for the general list of candidates from the Supreme Court of the Republic of Macedonia and for the single special list.

Judges shall be identified and they shall vote with their judicial ID.

At 15:00 hrs the polling station shall be closed, whilst the judges still inside the premises at the time of closure shall be allowed to vote.

The Election Board can close the polling station before the deadline from the paragraph 1 of the Article herein, if all the judges registered at the certificate of the Judicial Election Directory have already voted.

Record of the voting

Article 23

After the closure of the polling station, the Election Board shall, by 18:00 hrs latest, compose the record for the course and the results of the voting and shall inform the Electoral Commission.

The record shall contain the following information:

- the total number of voter turnout;
- total number of votes won by each candidate;
- the number of invalid ballots;
- remarks on the course of the voting.

The Electoral Board shall submit the minutes with the results of the voting and other election materials to the Electoral Commission within 24 hrs.

Invalid ballot

Article 24

The ballot is invalid if it is not checked or if more candidates than the number that is being elected according to the election unit have been checked.

Election results

Article 25

The Electoral Commission shall sum the results from the polling stations and shall verify the election results in the election units at latest within 48 hrs from the moment of closure of elections.

The candidate with the most votes won in the election units shall be considered an elected member of the Council.

In the event of more candidates obtaining majority and same number of votes from one electoral list, the elections for these candidates shall be repeated within seven days from the polling day.

The Electoral Commission shall issue a certificate to the elected Member of the Councils from the ranks of judges.

The form and content of the certificate shall be prescribed with an act by the Minister of Justice.

Member of the Councils elected by the Parliament of the Republic of Macedonia

Article 26

The Member of the Councils elected by the Parliament of the Republic of Macedonia, as well as the members elected by the Parliament of the Republic of Macedonia upon nomination by the President of the Republic of Macedonia, shall come from the ranks of university professors of law, attorneys and other eminent lawyers.

The session of the Parliament where Member of the Councils are elected

Article 27

The election of the Member of the Councils elected by the Parliament upon proposal of the competent working body of the Parliament of Republic of Macedonia and the election of the Member of the Council upon proposal of the President of the Republic of Macedonia from the rank of candidates that have applied to the advertisement shall take place at same session.

The session of the Parliament of the Republic of Macedonia where members as of above paragraph are being elected shall be urgent and shall take place no later than 30 days from the election of the Members of the Councils elected by all judges.

Solemn statement

Article 28

Elected members of the Council and ex officio members shall give a solemn statement before the Chairman of the Parliament of the Republic of Macedonia.

The solemn statement shall cite, as follows:

"I hereby declare and swear that I will exercise the office of a member of the Judicial Council of the Republic of Macedonia conscientiously, responsibly and honourably, and that I will observe the Constitution of Republic of Macedonia, the laws and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia."

The newly elected members shall sign the solemn statement.

The elected members and the ex officio members of the Council shall give the solemn statement in Macedonian language and sign it in Macedonian language and its Cyrillic letter.

Elected members of the Council members of communities that speak an official language different from the Macedonian language spoken by at least 20% of the citizens shall give the solemn statement in Macedonian language, and they shall sign it in Macedonian language and its Cyrillic letter and in the language and letter of that community.

A copy of the signed solemn statement shall be issued to the newly elected member.

Constitution of the Council

Article 29

The constitutional session shall be held within 30 days from the election of the majority of Member of the Councils.

The constitutional session shall be summoned by the President of the former Judicial Council.

The constitutional session shall be chaired by the oldest member of the Council until President of the Council is elected.

Termination of the office of a Member of the Council

Article 30

The term of office of a member of the Council shall be terminated:

1. with the expiry of the term for which they have been elected;
2. upon request of the member;
3. by meeting the conditions for age retirement in accordance with the law;
4. if the member has been convicted for a crime with an effective judgement and unconditionally sentenced to imprisonment of at least six months, or of another crime rendering the member undignified to exercise the office of a member of the Judicial Council;
5. if a member of the Council is found permanently incapable of exercising his office ;
6. if they have been appointed to another public office or profession

In the event of paragraph 1, item 2 hereof, the term of office shall be terminated when the Council, i.e. the Parliament of the Republic of Macedonia accepts the resignation at its session.

In the event of paragraph 1, item 4, the term of office shall be terminated on the day when the judgment comes into force.

In the event of paragraph 1, items 5, the term of office shall be terminated when the Council establishes at its session the fulfilment of condition on ground of a previously conducted proceeding, i.e. when the Parliament of the Republic of Macedonia, upon the proposal of the Council, establishes and votes on the fulfilment of the condition for the termination of the term of a Member of the Council elected by the Parliament.

In the event of paragraph 1, item 6, the term shall be terminated with the election to another office or profession.

IV. Competence, organisation and operation of the Council

Competence

Article 31

- 1) The Council shall be competent:
 - to elect and dismiss judges;

- to elect and dismiss presidents of courts;
- to establish the termination of the judicial office;
- to elect and dismiss lay judges;
- to monitor and evaluate the work of the judges;
- to decide on the disciplinary accountability of the judges;
- to determine the unprofessional and unethical performance of the judicial function
- to decide on termination of the judicial office due to permanent inability to work as a judge;
- to decide on revoking the immunity of a judge;
- to decide upon requests for approving detention for a judge;
- to review the annual report of the Supreme Court of the Republic of Macedonia for the determined principal positions and principal legal opinions on issues of importance to ensure unity in the application of laws,
- to nominate two judges in the Constitutional Court of the Republic of Macedonia from the ranks of judges;
- to decide on the temporary suspension of a judge from the judicial office;
- to establish the number of necessary judicial positions for the courts;
 - to review and assess the quarterly and annual reports on the work of the courts;
- to care for the reputation of the judges and the trust of the citizens in the judiciary;
- ~~to act upon complaints by citizens and legal entities on the work of the judges and the courts;~~
- to submit a work report;
- to adopt the Rules of Procedure and other general acts regulating the work in its competence; ~~and~~
- to determine the orientation number of cases to be settled by the judge monthly and
- to conduct other business determined by law.

~~2) The Council compulsory at least once a month shall hold a session by hearing individually all petitions and complaints submitted by citizens and entities on the work of judges and courts, as well as the delay of court procedures and for each complaint and appeal shall adopt a decision, especially within 60 days.~~

~~3) The Session of the Council under paragraph 2 of this Article shall be public. [Paragraph 2 and 3 were added in 2010, and removed in 2015]~~

Work on sessions

Article 32

The Council shall review and decide on matters within its competence at sessions.

The sessions shall be summoned and chaired by the President of the Council.

The President shall be obliged to summon a session on the proposal of at least five members of the Council.

A session may be held if the majority of the total number of members **with the right to vote** are present, if not otherwise decided by the this Law.

The proposed agenda shall be adopted with the majority of votes of the members **with the right to vote** present.

The invitation along with the proposed agenda and the documents shall be delivered to the Member of the Councils at least seven days prior to the session.

Due to urgent business, the session of the Council may be scheduled and held on shorter notice than the notice established in paragraph 6 of this Article.

Transparency in the work

Article 33

The sessions of the Council shall be public.

The public may be excluded by a decision of the Council due to protection of the reputation and integrity of a judge or candidate for a judge. For exclusion of the public from the sessions, the Council shall decide with two third majority of votes from the total number of members **with the right to vote** of the Council.

Minutes and short-hand notes shall be kept for the work of the sessions of the Council.

President of the Council

Article 34

The President of the Council shall:

- represent the Council,
- chair and moderate sessions,
- take part in the work and the decision-making of the Council,
- sign decisions, proposals and other acts of the Council and look after their execution,
- look after enforcing the Rules of Procedure of the Council and carry out other work stipulated by law and the Rules of Procedure.

Equality of the Member of the Councils

Article 35

The members of the Councils **with the right to vote** shall be equal in their rights and responsibilities whilst performing the function member of the Council.

Rights, duties and responsibilities of a Member of the Council

Article 36

(1) A member of the Council **with the right to vote** shall have the following rights, duties and responsibilities:

- to take part in the work and in the decision-making of the Council;
- to raise initiatives, give proposals and opinions on issues in the scope of work of the Council;
- to take part in the work of the bodies of the Council in which the member has been elected;
- upon the conclusion of the Council, to examine the work of a judge, undertake other actions and report thereof;
- to be held accountable for infringing the Constitution and the law in exercising their Council office,

- to conduct other business stipulated by this Law.

(2) The Minister for Justice as a member of the Council shall have the same rights, obligations and responsibilities as the members with the right to vote referred to in paragraph 1 of this Article, except for the right to decide referred to in paragraph 1, indent 1 and to have an insight into the work of a judge upon a decision of the Council and to undertake other actions referred to in paragraph 1, indent 4 of this Article.

The Rules of Procedure of the Council

Article 37

The Council shall adopt the Rules of Procedure with a two-thirds majority of votes of the total number of members **with the right to vote**.

The Rules of Procedure of the Council shall stipulate the procedure and the manner of operation of the Council, and other issues within the competence of the Council.

The Rules of Procedure shall be published in the “Official Gazette of the Republic of Macedonia”.

V. ELECTION, TERMINATION OF OFFICE AND DISMISSAL OF JUDGES AND LAY JUDGES

Determining the vacancies for judges in courts of first instance

Article 38

~~At latest until February in the current year, the Council shall establish with a decision the number of vacant judicial posts in the courts of first instance in the Republic of Macedonia for the following two years and it shall submit that decision to the Academy for training of judges and public prosecutors.~~

The Council shall establish the number of free judicial positions in the first instance courts in the Republic of Macedonia by a decision, taking into account the total number of free positions for judges in the first instance courts, as well as the

projections for the needs of the positions to be filled after the completing of the initial training.

The decision under paragraph 1 of this Article, the Council shall adopt by majority votes of the total number of members with the right to vote and communicate to the Academy for Judges and Public Prosecutors until 31 March in the year in which the decision is taken.

Announcing election of judges

Article 39

1) The Council shall adopt a decision for announcing an advertisement for the election of a judge immediately after the judicial post becomes vacant or upon establishing the need for a judicial post.

2) In the decision to publish the notice for the election of a judge the necessary specialization (criminal, civil, commercial area or other more specific area within the scope of competence of the court) shall be stated, in order to fill the vacant judicial post, and in accordance with the previously submitted request by the court to the Council requesting filling in a judicial post.

3) The advertisement shall be published in the “Official Gazette of the Republic of Macedonia” and in at least two daily newspapers, one of which shall be in a language other than Macedonian spoken by at least 20% of the citizens in the Republic of Macedonia and it shall be open for 15 days from the day of publication in the “Official Gazette of the Republic of Macedonia”.

Election of a judge in a court of first instance

Article 40

~~The Council shall elect a judge in a court of first instance from the list of candidates delivered by the Judicial Academy for the training of judges and public prosecutors who have responded to the vacancy.~~

~~If the candidate shall not respond to three consecutive advertisements for judge, the candidate shall lose the established priority in the list of candidates of the Judicial Academy for election of judges.~~

The Council shall elect a judge of first instance court of the ranking of candidates submitted by the Academy for Judges and Public Prosecutors that have called for the announcement.

The Council, election of judges in first instance courts from among the candidates who have completed the initial training at the Academy for Judges and Public Prosecutors, shall perform sequentially according to the achieved success set out in the final ranking.

Election of a judge in a higher court Article 41

The Council shall elect a judge in an Appellate Court, the Administrative Court ~~of Macedonia~~, the High Administrative Court and the Supreme Court of the Republic from the rank of candidates who have replied to the vacancy and who meet the conditions and criteria stipulated by the Law on Courts and the this Law **in a way that candidates who applied shall be ranked in accordance with the specialisation required for filling in the judicial post.**

The Council shall elect for judge the person of highest expert and professional qualities, with good reputation in exercising his/hers judicial office, while on the base of the following criteria:

- ~~1) expert knowledge in the field, taking into account the specialised and post-graduate studies and participation in continuous education;~~
- ~~2) attitude towards the work, taking into account the achieved balance between the undertaken and expected volume and efficiency in conducting the work of a judge;~~

1) professional knowledge and specialisation in the profession and participation in the continuous training;

2) attitude towards work, taking into account the respecting of deadlines for taking litigation actions, the respecting of legal deadlines for the adoption, publication and preparation of decisions, the relationship between the number of

confirmed, cancelled or converted decisions in relation to the total number of solved cases, the number of cases resolved in relation to orientation number of items to be resolved by the judge determined monthly by the Council;

3) If the candidate is among the judges, the Council obtains an opinion from the court and conducted an anonymous survey of the employees in the court where the candidate performs the judicial function;

4) President of the Court on the basis of the session of the judges held, shall submit the opinion to the Council;

~~3) capability in resolving legal issues, taking into account the achieved level of regularity and legitimacy of judicial ruling and verification, foremost, during proceedings with legal means;~~

5) If the candidate for a judge of the Administrative Court or the Senior Administrative Court is not among the judges, the Council shall obtain an opinion from state authority where the candidate works;

6) The manner of conducting the survey under paragraph 3 of this Article shall be regulated by the Council.

~~4) safeguarding the reputation of a judge and court, to be verified by the manner of presiding with cases, communication with sides and other organs, preservation of the independency, impartiality, confidentiality, importance and interrelation towards work and out of it;~~

~~5) capacity to convey both in writing and verbally, that can be observed from the prepared decisions and professional judicial proceeding;~~

~~6) undertaking extra work when performing judicial duty by participating in procedures to resolve backlog of cases;~~

~~7) undertaking extra work when performing judicial duty by means of mentorship, education etc;~~

~~8) relationship with the colleagues and the court administration;~~

~~9) capability in conducting tasks with managing nature.~~

~~If the candidate does not come from the ranks of judges, the Council shall obtain the opinion of the legal entity where the candidate is employed, as well as from other institutions in regards to candidate's professional development in the area of law and its application.~~

Decision for election of a judge

Article 42

The Council shall decide on the election of a judge on a session attended by at least two-thirds of the members of the Council **with the right to vote**.

The candidate who's won two-thirds of votes from the total number of members of the Council **with the right to vote** shall be elected a judge.

Equitable and adequate representation in the election of judges and chief justices

Article 43

When the Council elects a judge and a President of the court of first instance in an area of the local self government unit where 20% of the citizens speak an official language other than Macedonian, it shall decide according to Article 42 of the this Law, with the majority of votes of the members present who come from communitites that are not a majority in the Republic of Macedonia.

When the Council elects President and a judge of the Supreme Court of Republic of Macedonia, it shall decide according to Article 42 of the This Law, with a majority of votes of the members present who come from communitites that are not a majority in the Republic of Macedonia.

Election of the President of a court

Article 44

The Council shall elect the President of a court from the candidates who have applied to the advertisement for electing a President of the court with two-thirds majority of votes from the total number of members of the Council **with the right to vote**.

The Council shall elect the person for the position of President who meets the requirements stipulated by Law on Courts.

Repeating the advertisement

Article 45

If after the procedures for the election of a judge or a President of a court, the Council establishes that none of the applicants who applied to the advertisement for a judge, or for a President of a court, satisfy the conditions for a judge, a President of court, or has not been elected for a judge, or a President of a court, it shall decide to repeat the advertisement for the election of a judge or a President of court.

Election and dismissal of lay judges

Article 46

The Council shall elect and dismiss lay judges upon the proposal of the President of the court of first instance and the appellate court.

The Council shall determine the number of lay judges upon the proposal of the President of the court for which the lay judges are being elected.

When the Council elects a lay judge in a court that is in an area of the unit of self government where 20% of the citizens speak an official language other than Macedonian, it shall decide with a majority of votes of the members present, including a majority of votes of the members present who are coming from communities that are not a majority in the Republic of Macedonia.

Termination of the judicial office

Article 47

The Council shall determine with a decision the termination of the judicial office of a judge when one of the conditions stipulated in the Constitution has been satisfied, as regulated with this Law, as follows:

1. upon request from the judge;
2. if the judge has permanently lost the ability to exercise the judicial office;
3. if the judge meets the conditions for age retirement;
4. if the judge has been convicted with an effective judgement for a crime and unconditionally sentenced to prison of at least six months;

5. if the judge has been elected or appointed to another public office, except in cases of dormancy established by law, from the day of election or appointment to another public office or profession.

Termination of the judicial office at the request of the judge

Article 48

The Council shall adopt a decision for the termination of the office of a judge when the judge so requests, without particular examination of the reasons therefore.

Termination of the judicial office due to permanent loss of the ability to exercise the judicial office

Article 49

The Council shall establish with a decision the termination of the judicial office of a judge due to permanent loss of the ability to exercise the judicial function.

The permanent loss of the ability to exercise the judicial office is established on the grounds of documentation containing findings, assessment and opinion of the competent healthcare committee.

The procedure to establish permanent loss of ability to exercise the judicial function shall be initiated ex officio by the Council when it receives such information or when such an initiative has been raised by the President of the court where the judge exercises his/hers office or by the President of the higher court or by Supreme Court of the Republic of Macedonia at a general session.

The procedure for initiating and establishing permanent loss of ability shall be closely regulated by a Rulebook adopted by the Council.

~~**Termination of the judicial office due to meeting the conditions for age retirement**~~

~~**Article 50**~~

~~—————The Council shall adopt a decision for termination of the judicial office of a judge when the conditions for acquiring the right to age retirement, regulated by law, have been met.~~

Termination of the judicial function by reaching the age of 64 years.

Article 50

- (1) The judicial function shall be terminated by reaching the age of 64 years.
- (2) The Council, termination of the judicial function in accordance with paragraph 1 of this Article shall be established by a decision at its next session.

Termination of the judicial office due to the perpetration of a crime

Article 51

The Council shall establish with a decision the termination of the judicial office of a judge when the judge has been convicted for a crime to an unconditional sentence of imprisonment in duration of at least six months, upon the judgement containing the sentence has become valid.

The court of first instance that has conveyed the decision shall immediately deliver to the Council a copy of the judgment whereby the judge has been convicted for a perpetrated crime to an unconditional sentence of imprisonment in duration of at least six months.

Termination of the judicial office due to election or appointment to another public office or profession

Article 52

The Council shall establish with a decision the termination of the judicial office of a judge when they have been elected or appointed to another public office, on the day of election, i.e. appointment.

The body that has elected, i.e. appointed the judge to other public office shall be obliged to deliver immediately to the Council the act for the election, i.e. appointment of the judge.

Grounds for dismissing a judge

Article 53

~~A judge shall be dismissed from their judicial office:~~

- ~~1. for committing serious disciplinary infringement prescribed by law, rendering them undignified to exercise the judicial office; and~~
- ~~2. for unprofessional and in bad faith exercising of the judicial office, as regulated by law.~~

A judge shall be dismissed from his/her judicial function due to committed disciplinary violation stipulated by law, making him unworthy to perform the judicial function and due to unprofessional and negligent performance of the judicial function, upon conducted disciplinary proceedings.

Disciplinary procedure for determining disciplinary responsibility of a judge

Article 54 (new)

The disciplinary procedure for determining disciplinary responsibility of a judge (hereinafter referred to as: disciplinary procedure), shall be initiated upon a request of a ~~member of the Council, the president of the Court, the president of the higher court or the general session of the Supreme Court of the Republic of Macedonia~~ Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge within six months from the date of recognition of the committed offence, but not longer than three years from the day of the injury made.

Disciplinary action is urgent and confidential, shall be run without the presence of the public and by respecting the dignity and reputation of the judge, taking into consideration the protection of personal data of the judge according to the regulations on protection of personal data.

Upon a request of the judge, the Council will decide the procedure to be undertaken with the presence of the public.

A request for initiation of disciplinary procedure

Article 55 (new)

The request for initiation of disciplinary procedure under Article 54 paragraph 1 of this Law (hereinafter referred to in: a request), shall be submitted to the Council and contain the name and surname of the judge, address and place of residence, identification number, the court in which he performs his function, a description of the disciplinary offence, the legal name of the offence by stating the provisions of the Law on Courts and the evidence proposal to be carried out at the hearing.

By the request, shall be submitted and the evidence that is based upon the request.

Disciplinary Commission

Article 56 (new)

1) The Council, regarding a request filed for disciplinary procedure, shall ~~debate only on whether the request is timely, completely and legal~~ appoint a rapporteur from among its own ranks.

2) The rapporteur referred to in paragraph 1 of this Article shall prepare Report on whether the request is timely, completely and allowed and shall submit it to the Council for further deciding.

~~2) 3) If the Council finds that the request is untimely, incompletely or illegal, by a decision it will reject the request.~~

~~3) If the Council accepts the request, the Council of its members shall form a Disciplinary Commission composed of a president and four members (hereinafter referred to as: Commission). [Added in 2010, deleted in 2015]~~

~~4) The Council from its members shall designate a deputy to the president and Commission and a deputy to the members of the Commission. [Added in 2010, deleted in 2015]~~

~~5) The deputy to members of the Commission can only replace one member at the holding of meetings and hearings. [Added in 2010, deleted in 2015]~~

~~Article 57 (new) [Added in 2010, deleted in 2015]~~

~~The Commission shall submit the request and evidence in person to the judge against whom is made.~~

~~The judge may respond in writing to the allegations in the request or give an oral statement for the registry within eight days of receiving the request. The judge against whom the request filed for, shall be eligible for a defence attorney that by himself shall inform and provide for the hearing.~~

~~Together with the response to the request, the judge shall submit all the evidence on the grounds which its response to the request is based on, or by which disproves the allegations and evidence in the request.~~

~~The judge in the response to a request is be obliged to state the address to which the written will be submitted, during the disciplinary procedure in writing, as well as the electronic address to which the written will be submitted electronically.~~

~~The written, during the procedure shall be submitted by mail with recorded delivery to the judge in person and electronically to the address listed in the response to the request under paragraph 4 of this Article.~~

~~If the judge does not come across at the address mentioned in the response to a request where the submission of the written shall be performed, the provider will leave a written notification for receipt of the written which shall be notified to come to a particular date and time in the specified court room to receive the written. If the judge fails to act upon the notice, shall be deemed that the submission is performed at the day and hour specified in the notice.~~

~~—The submission electronically shall be performed, in accordance with the provisions of the Law on Civil Procedure.~~

Obtaining data and evidence

Article 58 (new)

~~—The Commission by a request shall obtain data and evidence that are of interest for establishing the situation concerning the disciplinary responsibility of the judge.~~

If the data and evidence referred to in paragraph 1 of this Article can be found in a state authority, authority of the local self-government or a natural or legal person who is entrusted with the execution of public powers, they shall be obliged without charge to submit to the Council within the deadline specified in the request under paragraph 1 of this Article. *[Added in 2010, deleted in 2015]*

A report with proposal

Article 59 (new)

Based on the obtained data and evidence under Article 58 of this Law, the Commission within 30 days shall submit a report with proposal on the justification of the request to the Council. *[Added in 2010, deleted in 2015]*

Hearing upon the request

Article 60 (new)

The Council on a session shall debate upon ~~the request and proposal of the Commission~~ the Report of the Rapporteur and shall decide for initiation of a disciplinary procedure or for termination of a disciplinary procedure.

The decision referred to in paragraph 1 of this Article, the Council shall be adopted by majority votes of the total number of members of the Council ~~with the right to vote within 30 days of receipt of the report under Article 59 of this Law~~ on the same session for reviewing upon the report referred to in paragraph 1 from this Article.

If the judge against whom the disciplinary procedure is taken, submits a request for termination of the judicial function, the Council in the decision on termination of the judicial function upon his request will establish that termination of the judicial function upon his request by which he will specify that has been taken for a time when there has been a disciplinary action against the judge.

In the case of paragraph 3 of this Article, the disciplinary procedure shall cease.

Submitting a decision

Article 61 (new)

The decision referred to in Article 60 of this Law shall be submitted to the applicant of the request, the judge and the president of the court where the judge performs his function. ~~and the case with all records, shall be transferred to the Commission.~~

Temporary withdrawal

Article 62 (new)

When the Council adopts a decision regarding initiation of a disciplinary procedure the Council may, by a decision temporarily to remove the judge from exercising the judicial function, according to the Law on courts.

Hearing before the Council of the Commission

Article 63 (new)

The ~~Commission~~ Council shall schedule a hearing within 15 days on the day following its adoption for initiation of disciplinary procedure.

~~At the hearing the Commission shall operate in its full composition.~~

~~—The hearing shall be governed by the president of the Commission.~~

The hearing shall be chaired by the rapporteur for the concrete case.

Invitation for a hearing

Article 64 (new)

~~At the hearing, the applicant of the request and the judge shall be invited, that the obtained evidence shall be delivered to them from the Commission.~~

The claimant and the judge shall be invited at the hearing, and the obtained evidence shall be submitted to them by the Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge.

If the participants under paragraph 1 of this Article that shall be duly invited did not come and did not justify the absence, the hearing will be held.

Article 65 (new)

~~At the hearing, the evidence proposed by the applicant of the request and the judge will be carried out, as well as the evidence obtained by the Commission.~~

The evidence proposed by the claimant and the judge, as well as the evidence collected in the procedure shall be presented at the hearing before the Council.

The judge has the right to state his decision upon all the evidence carried out at the hearing.

Conversion of a request

Article 66 (new)

If the evidence carried out, suggests on the committed ~~more serious~~ disciplinary offence under ~~Article 76 of~~ the Law on Courts, which was not indicated in the request, the applicant of the request may convert the request by highlighting the new request, in addition to existing.

The applicant of the request may convert the request of the minutes before the ~~Commission~~ Council or request the hearing to be postponed for the preparation of the new requirement, and the judge can immediately respond to the request or to request postponement of the hearing for the preparation of a response to the allegations in the converted request.

In the case of postponement of the hearing for the preparation of a response to allegations in the converted request, the judge is obliged, within three days to submit a response to request.

A copy of the minutes shall be given to the judge.

After the given response to the request, the ~~Commission~~ rapporteur within eight days shall submit a draft report on the validity of the new request to the Council, which decides for the ~~initiation~~ continuation of the disciplinary procedure or for the termination of the disciplinary procedure upon the new request.

Minutes

Article 67 (new)

For the actions taken at the hearing, minutes shall be composed.

The minutes shall be kept by a person determined by the Council, from among the state advisors.

The minutes, shall especially contain data for: day, hour and place of the hearing, ~~the president and members of the Commission~~ the rapporteur and the person who kept the minutes, names of attendants, the statement of the applicant of the request, or his attorney and the evidence that are carried out.

The minutes shall be signed by the applicant of the request, the judge or his attorney, the ~~Commission~~ rapporteur and the person who keeps the minutes.

~~The president of the Commission may order all or part of the ongoing hearing to be in shorthand notes, or a tone recording to be performed.~~

The entire or part of the hearing before the Council shall be recorded in shorthand notes or in tone recording.

The shorthand notes, or a tone recording within 48 hours will be translated, reviewed and joined to the minutes, along with the transcript of the tone recording.

Another committed disciplinary offence

Article 68 (new)

If the evidence carried out, suggests on another other ~~more serious~~ disciplinary offence under ~~Article 76 or a disciplinary offence under Article 77~~ of the Law on Courts with actions other than the actions by which the offence was committed and a disciplinary procedure is initiated, the applicant may extend the request by highlighting the request despite the current.

The applicant of the request may extend the request of the minutes before the ~~Commission~~ Council or request the hearing to be postponed for the preparation of the new requirement, and the judge can immediately respond to the request or to request postponement of the hearing for the preparation of a response to the allegations in the extended request and a copy of the minutes shall be given to the judge.

In the case of postponement of the hearing for the preparation of a response to allegations in the extended request, the judge is obliged, within eight days to submit a response to the extended request.

After the given response to the request, the ~~Commission~~ rapporteur within eight days shall submit a draft report on the validity of the new request to the Council, which decides for the ~~initiation~~ continuation of the disciplinary procedure or for the termination of the disciplinary procedure upon the extended request.

The request will not be considered as extended request, if the applicant amends the request with other acts of committing the offence for which a procedure is initiated.

In the case under paragraph 5 of this Article, the judge shall be allowed to declare and for other actions, and if the judge requires postponement of the hearing for preparing a response, the ~~Commission~~ Council will postpone the hearing and a copy of the minutes will be given to the judge.

In the case of postponement of the hearing referred to in paragraph 6 of this Article, the judge is obliged to respond to the request within the period specified in paragraph 3 of this Article.

Report of the Commission

Article 69 (new)

~~The Commission within 15 days after the hearing shall submit a report on the established situation and shall give a proposal to the Council to decide for. After the hearing the Council shall decide for:~~

- ~~- termination suspension of the disciplinary procedure,~~
- ~~- pronouncing imposing a disciplinary measure sanction or~~
- ~~- dismissal of the judge because of committed more serious disciplinary offence.~~

Contents of the report

Article 70 (new)

~~—The report should contain all documents and acts during the procedure the Commission had available, the statement of the judge, a description of the carried actions, as well as a reasoned proposal for a decision, or proposal for pronouncing a disciplinary measure to the Council. [Added in 2010, deleted in 2015]~~

Council Decisions

Article 71 (new)

1) ~~The Council on the basis of a report under Article 70 of this Act and after the hearing on the session of the Council within 15 days from the day of the holding of the hearing may:~~

- ~~- terminate the disciplinary procedure and~~
- ~~- pronounce a disciplinary sanction measure appropriate to the committed offence. and~~
- ~~- dismiss the judge because of committed more serious disciplinary offence.~~

2) ~~The Decision of the Council must have an introduction, sentence and elaboration.~~

Termination of the procedure

Article 72 (new)

~~When the Council determines that it is not committed a disciplinary offence, it will adopt a decision for termination of the procedure.~~

Pronouncing disciplinary measures sanctions

Article 73 (new)

~~For the established disciplinary responsibility of a judge, the Council may pronounce the following disciplinary measures:~~

~~—written warning,~~

~~—public reprimand and~~

~~—salary reduction from 15% to 30% of the monthly salary of the judge, for a period of one to six months.~~

Upon the established disciplinary liability of a judge, the Council shall impose a disciplinary sanction stipulated in the Law on the Courts

The decision for pronouncing a disciplinary ~~measure~~ ~~sanction~~ under paragraph 1 of this Article, shall be adopted by majority votes of the total number of members of the Council. ~~[deletion of the words "with a right to vote" – however, these were never included]~~

Article 74 (new)

At the pronouncing of the disciplinary ~~measure~~ ~~sanction~~ under Article 73 of this Law, the Council will take into account the following circumstances:

- the number and severity of the committed offences and their consequences,
- the degree of responsibility,
- the circumstances under which the offence is committed,
- the previous work and behaviour of the judge and
- as well as all other circumstances that may affect the type of decision, and including the cooperation that the judge has showed during the disciplinary procedure.

Article 75 (new)

By a decision, the Council will dismiss the judge for committed ~~more serious~~ disciplinary offence of ~~Article 76 of~~ ~~set out in~~ the Law on Courts.

Article 76 (new)

The decision under Article 75 of this Law, the Council shall adopt by two-third majority vote of the total number of members of the Council ~~with the right to vote~~. ~~[added 2011, deleted under draft amendment]~~

The decision shall be prepared in writing within 15 days from the date of its adoption.

A copy of the decision shall be submitted to the judge, his attorney, the applicant of the request, the president of the court where the judge performs his function, or the president directly of the higher court.

When a decision is adopted for termination of the disciplinary procedure, then if the decision is adopted for interim removal from performing the judicial function, shall be null and void.

Procedure for establishing unprofessional and unethical performance of the judicial function

~~Article 77 (new)~~

~~The judge shall be dismissed from the judicial function because of unprofessional and unethical performance of the judicial function under the conditions laid down by law.~~

Request for establishing unprofessional and unethical performance of the judicial function

~~Article 78 (new)~~

~~Procedure for establishing unprofessional and unethical performance of the judicial function shall be initiated at the request of a member of the Council, the president of the court, the president of the higher court or the general session of the Supreme Court of the Republic of Macedonia Council for determination of the facts and initiation of disciplinary procedure for determining disciplinary responsibility of a judge within one year from the date of recognition of the committed offence.~~

~~The procedure is urgent and confidential, shall be run without the presence of the public and by respecting the dignity and reputation of the judge, taking into consideration the protection of personal data of the judge according to the regulations on protection of personal data.~~

~~Upon a request of the judge, the Council will decide the procedure to be undertaken with the presence of the public.~~

~~Procedure for establishing unprofessional and unethical performance of the judicial function in any case can not be initiated, if it has been expired more than five years from the date of the committed offence, unless a decision has been adopted by the European Court of Human Rights for violation of Article 6 of the European Convention on Human Rights or a decision has been adopted by the Supreme Court of the Republic of Macedonia and in respect of the right to trial within a reasonable time, as a result of the actions of courts for which a procedure is~~

initiated for establishing unprofessional and unethical performance of the judicial function.

Contents of the request

Article 79 (new)

The request for initiating a procedure for establishing unprofessional and unethical performance of the judicial function under Article 78, paragraph 1 of this Law (hereinafter referred to as: a request), shall be submitted to the Council and contain the name and surname of the judge, address and place of residence, identification number, the court in which he performs his function, a description of the offence, the legal name of the offence by stating the provisions of the Law on Courts and the evidence proposal to be carried out at the hearing.

By the request, shall be submitted and the evidence that is based upon the request.

Commission for establishing unprofessional and unethical performance of the judicial function

Article 80 (new)

1) The Council, after a request filed for establishing unprofessional and unethical performance of the judicial function, shall debate whether the request is timely, completely and legal appoint a rapporteur from among its own raks.

2) The rapporteur referred to in paragraph 1 of this Article shall prepare Report on whether the request is timely, complete and legal and shall submit it to the Council for further deciding.

3) If the Council finds that the request is untimely, incompletely or illegal, by a decision it will reject the request.

Hearing upon the request

Article 84 (new)

The Council on a session shall debate upon the request and proposal of the Commission the Report of the Rapporteur and shall decide for initiation of a procedure or for termination of a procedure.

The decision referred to in paragraph 1 of this Article, the Council shall be adopted by majority votes of the total number of members of the Council with the right to vote within 30 days of receipt of the report under Article 83 of this Law on the same session for reviewing upon the report referred to in paragraph 1 from this Article.

~~If the judge against whom the procedure is taken for establishing unprofessional and unethical performance of the judicial function, submits a request for termination of the judicial function, the Council in the decision on termination of the judicial function upon his request will establish that termination of the judicial function upon his request by which he will specify that has been taken for a time when the judge against whom the procedure is taken for establishing unprofessional and unethical performance of the judicial function.~~

~~In the case of paragraph 3 of this Article, the procedure shall cease.~~

Submitting a decision

Article 85 (new)

~~The decision referred to in Article 84 of this Law shall be submitted to the applicant of the request, the judge and the president of the court where the judge performs his function, and the case with all records, shall be transferred to the Commission.~~

Temporary withdrawal

Article 86 (new)

~~When the Council adopts a decision regarding initiation of a procedure for establishing unprofessional and unethical performance of the judicial function the Council may, by a decision temporarily to remove the judge from exercising the judicial function, according to the Law on Courts.~~

Hearing of the Commission Council

Article 87 (new)

~~The Commission Council shall schedule a hearing within 15 days on the day following its adoption for initiation of a procedure for establishing unprofessional and unethical performance of the judicial function.~~

~~The hearing shall be chaired by the rapporteur for the concrete case.~~

Invitation for a hearing

Article 88 (new)

~~At the hearing, the applicant of the request and the judge shall be invited, that the obtained evidence shall be delivered to them from the Commission.~~

~~The claimant and the judge shall be invited at the hearing, and the obtained evidence shall be submitted to them by the Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge.~~

~~———— If the participants under paragraph 1 of this Article that shall be duly invited did not come and did not justify the absence, the hearing will be held.~~

~~Article 89 (new)~~

~~———— At the hearing, the evidence proposed by the applicant of the request and the judge will be carried out, as well as the evidence obtained by the Commission.~~

~~———— The evidence proposed by the claimant and the judge, as well as the evidence collected in the procedure before the Council shall be presented at the hearing.~~

~~———— The judge has the right to state his decision upon all the evidence carried out at the hearing.~~

Minutes

~~Article 90 (new)~~

~~———— For the actions taken at the hearing, minutes shall be composed.~~

~~———— The minutes shall be kept by a person determined by the Council, from among the state advisors.~~

~~———— The minutes, shall especially contain data for the day, hour and place of the hearing, the president and members of the Commission the rapporteur and the person who kept the minutes, names of attendants, the statement of the applicant of the request, or his attorney and the evidence that are carried out.~~

~~———— The minutes shall be signed by the applicant of the request, the judge or his defendant, the Commission rapporteur and the person who keeps the minutes.~~

~~———— The entire or part of the hearing before the Council shall be recorded in shorthand notes or in tone recording.~~

~~———— The shorthand notes or a tone recording within 48 hours will be translated, reviewed and joined to the minutes, along with the transcript of the tone recording.~~

Another committed offence

~~Article 91 (new)~~

~~———— If the evidence carried out, suggests on another other committed offence referred to in Article 75 under the Law on Courts with actions other than the actions by which the offence is committed and the procedure is initiated, the applicant may extend the request by highlighting the request despite the current.~~

~~———— The applicant of the request may extend the request of the minutes before the Commission Council or request the hearing to be postponed for the preparation of the new requirement, and the judge can immediately respond to the request or to~~

~~request postponement of the hearing for the preparation of a response to the allegations in the extended request and a copy of the minutes shall be given to the judge.~~

~~— In the case of postponement of the hearing for the preparation of a response to allegations in the extended request, the judge is obliged, within eight days to submit a response to the extended request.~~

~~— After the given response to the request, the Commission rapporteur within eight days shall submit a draft report on the validity of the extended request to the Council, which decides for the initiation continuation of a procedure for establishing unprofessional and unethical performance of the judicial function or for the termination of the procedure upon the extended request.~~

~~— The request will not be considered as extended request, if the applicant amends the request with other acts of committing the violation for which a procedure is initiated.~~

~~— In the case under paragraph 5 of this Article, the judge shall be allowed to declare and for other actions, and if the judge requires postponement of the hearing for preparing a response, the Commission Council will postpone the hearing and a copy of the minutes will be given to the judge.~~

~~— In the case of postponement of the hearing referred to in paragraph 6 of this Article, the judge is obliged to respond to the request within the period specified in paragraph 3 of this Article.~~

Report of the Commission

Article 92 (new)

~~After the hearing the Council shall decide for:~~

~~— for termination of the procedure, if it is not established unprofessional and unethical performance of the judicial function or~~

~~— for dismissal of the judge because of unprofessional and unethical performance of the judicial function.~~

Council Decisions

Article 93 (new)

~~1) The Council within 30 days from the day of the holding of the hearing may:~~

~~— terminate the procedure, if it has not been established unprofessional and unethical performance of the judicial function, and~~

~~— dismiss the judge because of unprofessional and unethical performance of the judicial function.~~

~~2) The Decision of the Council must have an introduction, sentence and elaboration.~~

~~Article 94 (new)~~

~~By a decision, the Council will dismiss the judge for unprofessional and unethical performance of the judicial function, if it has been established unprofessional and unethical performance of the judicial function, in cases under Article 75 of the Law on Courts.~~

~~Article 95 (new)~~

~~The decision under Article 94 of this Law, the Council shall adopt by two-third majority vote of the total number of members of the Council with the right to vote.~~

~~The decision shall be prepared in writing within 15 days from the date of its adoption.~~

~~A copy of the decision shall be submitted to the judge, his defendant, the applicant of the request, the president of the court where the judge performs his function, or the president directly of the higher court.~~

~~If the judge does not come across at the address mentioned in the response to a request where the submission of the written shall be exercised, the provider will leave a written notification for receipt of the written which shall be notified to come to a particular date and time in the specified court room to receive the written. If the judge fails to act upon the notice, shall be deemed that the submission is performed at the day and hour specified in the notice.~~

~~When a decision is adopted for termination of the disciplinary procedure, then if the decision is adopted for interim removal from performing of the judicial function, shall be null and void.~~

Right of appeal

Article 96 (new)

Against the decision of the Council for dismissal of a judge or, a pronounced disciplinary measure, the judge has the right to appeal to the Council for deciding on appeals by the Judicial Council, established within the Supreme Court of the Republic of Macedonia, within eight days from the receipt of the decision.

The Council deciding on appeal shall consist of nine members, three judges of the Supreme Court of the Republic of Macedonia, four judges from the appellate courts and two judges from the court where the judge performs, against whom the procedure is conducted.

The president of the Supreme Court of the Republic of Macedonia, can not be a member of the Council under paragraph 1 of this Article.

The Council deciding on appeal may confirm or abolish the decision of the Council for dismissal of the judge or, for a pronounced disciplinary measure.

The effective decision for dismissal of the judge or, for a pronounced disciplinary measure, shall be published on the website of the Council within two days from the date that the decision shall take effect, in accordance with the regulations concerning the protection of personal data and classified information with respect to the reputation and dignity of the judge.

Article 97 (new)

~~The provisions of this law governing the procedure for establishing disciplinary responsibility, or the procedure for establishing unprofessional and unethical performance of the judicial function, shall be referred to the president of the Court.~~

The provisions of this Law governing the procedure for determining the disciplinary liability of a judge shall also apply to the president of the court

Article 97 –a

During the procedure before the Council, the judge or the presiding judge against whom a procedure is conducted has the right to a fair trial in accordance with the guarantees set out in Article 6 of the European Convention for Protection of Human Rights.

Criteria and procedure for monitoring and evaluation of the work of the judge

Article 98 (new)

The monitoring and evaluation of the work of the judge shall be consist of:

- continuous two [added 2015] annual monitoring and evaluation of the performance of the judge,
- the total performance of the judge and
- the contribution of the judge to the development of the legal system and professional thought.

Purpose of monitoring and evaluation

Article 99 (new)

The purpose of monitoring and evaluating the work of the judge is affirmation of the judiciary as an independent authority, strengthening the personal motivation of judges, providing further professional development of judges based on their personal and professional abilities, without any influence, as well as strengthening the independence and impartiality of judges in the exercise of judicial function.

Monitoring and evaluating the work of the judge shall be exercised without prejudice to the independence of the judge in the exercise of the judicial function.

Regular and extraordinary assessment

Article 100 (new)

~~The assessment of the work of the judge shall be done regularly and extraordinary.~~

~~Regular evaluation of the judge shall be done annually by the end of April in the current year on the occasion of reviewing the annual work report of the court and judges of the previous year.~~

~~The Council assesses the newly elected judge in the course of the year in which he was elected, provided that he has exercised a minimum of six months effective job as a judge in that year.~~

~~Extraordinary evaluation of the work of the judge may be performed only after assessment of the Council.~~

The evaluation of the performance of the judge and the president of the court shall be carried out regularly and extraordinary.

The regular evaluation of the judge and president of the court shall be carried out once in every two years, by the end of March in the current year, for the work of the court and judges in the previous two years.

The extraordinary evaluation of the performance of the judge may be carried out upon the assessment of the Council, when electing a judge in a higher court or when electing a president of a court, upon request by the Council for Determination of the

Facts and Initiation of Procedure for Establishing Disciplinary Responsibility of a Judge.

Purpose of monitoring and evaluation

Article 101 (new)

The evaluation of the work of the judge is based on the overall results of the judge through quantitative and qualitative evaluation of the work of the judge, direct monitoring, additional and specific criteria related to the exercise of the judicial function.

The Council shall determine the form and content of the template that contains data and information about the work of the judge and the work of the court president, according to the criteria stipulated in this Law, in which the data on the operations of the judge and court president that are filled once a month are entered.

Component of the form of paragraph 2 of this article is the guideline on how to fill out the form prepared by the Council.

Quantitative criteria

Article 102 (new)

Quantitative criteria for the operation of the judge are:

- data and information obtained about the operation of the judge through Automated court case management information systems (ACCMIS) for the number, type and solved cases in relation to orientation number of items that should be resolved monthly by the judge.

Qualitative criteria for judicial operation

Article 103 (new)

Qualitative criteria for evaluating the work of the judge shall be determined by the judge's attitude toward work, taking into account:

- respectability of the judicial deadlines for taking procedural actions,
- respectability of the judicial deadlines for adoption, publication and preparation of decisions and
- relationship between the number of confirmed, abolished or converted decisions concerning the total number of solved cases.

Qualitative criteria for evaluating the operation of a judge referred to in paragraph 1, item 3 shall be taken into account when calculating the evaluation of the operation of the judge against whose decisions are stated remedies.

Article 104 (new)

Immediate follow-up includes:

- continuous monitoring of the activity of the judge,
- the attitude of the judge toward the objects, the parties, judges, judicial officers and
- orderliness of maintenance of records that are in operation at the judge, the quality of oral and written expression and respect of the priority in solving the cases for which is in charge.

Orientation number of items that should be resolved monthly by Judge

Article 105 (new)

Orientation number of items that should be resolved monthly by the judge in the Basic Court, Appeal Court, Administrative Court, the Higher Administrative Court and the Supreme Court shall be determined according to the legal field, the complexity of the matter which includes the subject and the type of courts under the actual jurisdiction.

The Council prescribes the methodology for determining the complexity of the matter with act which includes the case when determining the orientation number of items to be resolved monthly by the judge in Basic Court, Appeal Court, Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia.

The Council each year determines by a decision the orientation number of cases referred to in paragraph 1 of this article and the required number of subjects for achieving orientation number of cases that should be solved monthly by a judge.

Elements for calculating the evaluation

Article 106 (new)

As a basis for calculating the assessment of the activity of the judge the sum of the results obtained from quantitative and qualitative criteria shall be taken. In calculating the evaluation of the activity of the judge, an effective operating time shall be considered.

If the number of solved cases in certain types of objects in relation to the anticipated orientation number is 100%, it shall be considered that the judge met the quantitative criteria.

The method of calculating the effective operating time shall be prescribed by the Council.

Article 107 (new)

The result achieved in terms of number of cases resolved by orientation number of subjects shall be evaluated with 100 points.

The result that is not achieved in terms of backlogs, and the majority of cases resolved in relation to the orientation specified number of subjects shall be evaluated in a way that for each start 1% plus or minus the number of points referred to in paragraph 1 of this Article shall be increased or reduced by one point.

Article 108 (new)

For the quantitative criterion the judge may receive a maximum of 140 points from the orientation number of cases that should be decided monthly.

Article 109 (new)

The judge in his activity is obliged to respect the legal deadlines for taking the procedural actions, legal deadlines for adoption, publication and preparation of court decisions that the judge shall be scored according to the following table:

- has complied with the deadlines in 100% of the cases	10 points
- has complied with the deadlines in more than 75% of the cases	5 points
- has complied with the deadlines in less than 75% of the cases	0 points

Article 110 (new)

The quality of the activity of the judge regarding the number of discontinued decisions in relation to the total number of resolved cases in the period in which is evaluated shall be scored according to the following table:

Percentage of discontinued decisions in relation to the total number of resolved cases	Points
Up to 3%	100
From 3% to 6%	75
From 6% to 15%	50
From 15% to 20%	25
More than 20%	0

Article 111 (new)

The quality of the activity of the judge regarding the number of converted decisions in relation to the total number of resolved cases in the period in which is evaluated, shall be scored according to the following table:

Percentage of converted decisions in relation to the total number of resolved cases	Points
Up to 5%	10
From 5% to до10%	8
From 10% to 15%	6
From 15% to 20%	4
From 20% to 30%	2
More than 30%	0

Additional criteria concerning the performance of judicial function

Article 112 (new)

On the basis of qualitative criteria in evaluating a judge can get an additional 3 points for published papers and developed educational materials for the needs of the Academy of Judges and Prosecutors.

The judge will get points of paragraph 1 of this article provided that the sum of points based on quantitative and qualitative criteria is at least 140 points.

Article 113 (new)

The judge to which while conducting the disciplinary action has been imposed a disciplinary measure, in the period for evaluating the number of points determined on criteria established by this Law shall be reduced for each measure according the following table:

Written warning	10 points
Public reprimand	15 points
Reduction of salary	30 points

The judge in the period for evaluating the number of points determined on criteria established by this Law shall be reduced by 20 points, unless as a result of his conduct a verdict is adopted by the European Court of Human Rights with which is established the infringement of the right to a fair trial under Article 6 of the European Convention on Human Rights or a decision of the Supreme Court of the

Republic of Macedonia is adopted with which infringement of the right to trial is adopted within a reasonable time.

In the period for which the judge is being evaluated, the number of points determined on criteria established by this Law shall be reduced to 10 points for every old object, provided the aging has occurred as a result of the actions of the judge.

Special cases of evaluation of the operation of the judge

Article 114 (new)

If the judge's work is such that its decisions are not subject to supervision by the higher court, against the same are not declared legal means, so just for that reason it cannot be evaluated according to the criteria of Articles 110 and 111 of this law, and that one shall be evaluated according to the criteria of paragraph 2 of this article, for which 100 points can be gained.

The Council evaluates the operation of the judge on the basis of direct continuous monitoring of the operation of the judge, his attitude toward work, respect of the priority in solving the cases with which he is responsible, according to the report of the referee, to the parties, judges and judicial officers which is determined on the basis of possible petitions and complaints about the operation of the judge, and other activities (the work in judicial councils, mentoring, etc.).

The points under this criterion are calculated in a way that each member of the Council who has participated in the work of the Council, individually evaluates the work of the judge with up to 100 points after which the result of the evaluation in this case is determined by calculating the average, thus the total number of points received shall be divided with the number of Council members who participated in the work of the Council and who gave points to the judge.

Evaluation of the work of the judge

Article 115 (new)

The evaluation of the Council on the work of a judge may be positive or negative.

Article 116 (new)

Based on the set of points on all criteria for monitoring and evaluating the work of judges, the Council shall evaluate the judges with the following assessments:

- 1) positive evaluation, which consists of three stages:
 - satisfactory, if the judge gets from 100 to 140 points,

- satisfactory, if the judge gets from 141 to 180 points,
- satisfactory, if the judge gets more than 180 points and
- 2) negative rating, if the judge gets less than 100 points.

Evaluation of the President of the Court

who assumed responsibility for prosecution of cases

Article 117 (new)

Monitoring and evaluating of the work of the court president who assumed responsibility for prosecution of cases shall be performed in accordance with the provisions of this Law concerning the criteria and procedure for monitoring and evaluating the work of the judge.

Monitoring and assessment of the work of the president of the Court as president of court

Article 118 (new)

As a basis for calculating the evaluation of the work of the court president as president of the court, the sum of the results obtained from quantitative and qualitative criteria shall be taken in accordance with Articles 119 and 121 of this Law, as well as the result achieved in the organization of the work of the court designated to evaluate the president of the court as president of court under this law.

In calculating the evaluation of the activity of the judge, an effective time for activity shall be considered.

Article 119 (new)

Quantitative criteria for evaluating the work of the President of the Court as president of the Court represents the sum of the sum of the orientation number of cases to judges in the departments of the court divided by the number of units of the court for which the presiding judge shall be scored as president of the Court according to the following table:

Percentage of resolved cases in terms of orientation number of items	Points
More than 130%	30
From 111% to 130%	25
From 91% to 110%	15
From 70% to 90%	10

Less than 70%	0
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Article 120 (new)

President of the Court shall be scored on the basis of quantitative criteria for the operation of the court in respect of old cases according to the following table:

Percentage of old cases solved	Points
More than 90%	30
70% - 80%	25
65% - 70%	15
60% - 70%	10
More than 60%	0

Qualitative criteria for evaluating the president of the Court as president of court

Article 121 (new)

Qualitative criteria for evaluating the president of court as the president of court represents a sum of the percentage of subjects abolished for all judges in all units of the court, for which the President of the court shall be scored according to the following table:

Percentage of abolished decisions with a total of resolved cases	Points
up to 20%	30
From 21% to 30%	25
From 31% to 40%	15
More than 40%	0

Criteria for evaluating the work of the court president as president of the court for the organization of the work of the court

Article 122 (new)

In calculating the evaluation of the work of the president of the court as president of the court it shall be taken into account the results of organizing the work of the court, promptly and properly performance the duties in the court, the application of the Court Rules, the arrangement of things in court to perform certain administrative, financial, operational, handling and ancillary tasks, for which the president of the court shall be scored as president of the court as follows:

- efficiently organized work regarding the functioning of the court up to 30 points,
- informing the public about the work of the court up to 30 points,
- applying information technology up to 20 points and
- financial operations of the court up to 20 points.

Data for determining the results of paragraph 1 of this Article shall be provided from the annual report of the court which is considered on a general session by the Supreme Court of the Republic of Macedonia.

Evaluation of the work of the president of the court

Article 123 (new)

The evaluation of the Council on the work of the president of the court may be positive or negative.

Article 124 (new)

Based on the set of points on all criteria for monitoring and evaluating the work of the president of the court, the Council evaluates the president of the court as president of the Court with the following opinions:

1) positive evaluation, which consists of three stages:

- satisfactory, if he receives 150 points,
- good if he gets from 151 to 180 points and
- very good, over 180 and

2) negative evaluation, if he received less than 150 points.

Article 125 (new)

Monitoring and evaluating the work of the judges and the president of the court has made the Council after a proposal from the Commission with three members formed from among the members of the Council **with the right to vote**.

Opinion of the Court

Article 126 (new)

Before evaluating the judge and the president of the court by the Council, it is obligatory to ensure a Commission's opinion made by the president of the court and two judges who are elected at a meeting of judges in the court where the evaluated judge performs judicial functions, taking into account criteria of this law.

Article 127 (new)

Before evaluating the work of a judge – head of department, it is given an opinion by a committee composed of the president of the court and two judges - Heads of departments and other departments or units who are elected at a meeting of judges in the court where the evaluated judge - head of the department perform judicial functions, taking into account the criteria of this law.

Opinion of the superior court

Article 128 (new)

When assessing the work of the president of the court, the opinion of the President of the Higher Court is required, which besides the criteria of this Law will have the following information:

- execution or untimely execution of activities in judicial administration,
- impact on the independence of the judges,
- harder disruption of relations with the Court that significantly affect the operation of the court,
- non-implementation of the principle of publicity and transparency, and public relations,
- violation of the rules of distribution of cases and
- failure of the program for work.

In evaluating the work of the president of the court, the reports of higher courts, any complaints, as well as the minutes and conclusions of the controls performed by the competent authorities will be taken into account.

Solution Assessment

Article 129 (new)

The Council takes a decision on the evaluation of the work of the judge and the president of the court, which contains an explanation of the reasons for evaluation.

The solution for evaluating the work of the judge and the president of the court within eight days shall be submitted to the judge and the president of the court for who the assessment procedure has been led.

The content of the solution for evaluating the work of the judge and court president is confidential.

Re-evaluation

Article 130 (new)

If the judge and the president of the court are unhappy with the grade they received, they may seek to re-evaluation.

The request for re-evaluation shall be submitted to the Council within eight days from the date of receipt of the resolution for evaluation of the judge.

The council shall, within 30 days of receipt of the request for re-evaluation to conduct a review of the work of the judge and the president of the court.

Re-evaluation of the judge and the president of the court is based on a report of a Commission composed of three members of the Council, in which persons who served in the Commission cannot be members which suggested the evaluation of the judge at the first assessment.

Article 131 (new)

Against the decision for re-evaluation made by the Council, the judge and the president of the court have no right of appeal.

The procedure for regular evaluation of judges for 2009 will be completed in accordance with this Law within three months from the date of entering into force of this law.

Initiated disciplinary procedures of judges and procedures for determining unprofessional and unethical performance of judicial function shall be completed in accordance with existing regulations and in accordance with this law.

The judges shall within eight days from the date of entering into force of this law to the Judicial Council of the Republic of Macedonia to submit a written e-mail address to receive written document.

If the judges fail to act within the period specified, Information Center at the Supreme

Court of the Republic of Macedonia, to the Judicial Council of the Republic of Macedonia shall submit the e-mail addresses for receiving written document to judges within the deadline established.

Nomination of judges for the Constitutional Court of the Republic of Macedonia

Article 132 (ex 61)

The Council shall propose to the Parliament of the Republic of Macedonia two candidates for judicial election for the Constitutional Court of the Republic of Macedonia from the ranks of judges, upon previous evaluation of their overall results in the work of and their contribution to the development of the expertise and theory, and of the legal system.

The nomination of paragraph 1 of this Article shall be adopted by the Council with a two-thirds majority of members **with the right to vote** and in the manner and procedure stipulated in the Rules of Procedure of the Council.

Revoking the immunity of a judge

Article 133 (ex 62)

The Council shall decide on revoking the immunity of a judge, in cases regulated by law, on the session of the Council with a **qualified** majority of members **with the right to vote**.

Deciding on a request for detention

Article 134 (ex 63)

The request for approving the detention of a judge, i.e. the notification that a judge has been detained shall be decided on by the Council on its session.

Following the notification of the detention of a judge who has not called upon their immunity, the Council may decide to apply immunity to the judge if they assess that this is necessary for exercising the judicial office.

If the Council does not approve detention, the judge shall be released immediately.

The procedure where the Council decides on revoking the immunity of the judge shall be urgent and it shall be conducted within 3 days from the delivery of the request, i.e. notification for detention.

Work report
Article 135 (ex 64)

The Council shall submit an annual report about its work to the Parliament of the Republic of Macedonia.

The report of paragraph 1 of this Article shall be published.

The report shall contain data on:

- the number of appointed and dismissed judges and lay judges,
- the number of instituted and completed disciplinary procedures,
- the state of the human resources in the judiciary,
- the assessment for the cooperation and the relations of courts with other judicial organs and the organs of the legislative and executive power.
- the assessment of the state of the judiciary for the protection of human rights and basic liberties,
- data upon complaints and suggestions from citizens and institutions regarding the work of the judges and the courts.

The report shall also contain assessments on the work of judges and in the Republic of Macedonia with regards to the quality and efficiency of their work, as well as other issues related to exercising the independence and comity of the judiciary.

The Council shall adopt at its session the report about its work with a two-thirds majority of the total number of members **with the right to vote**, and it shall submit it to the Parliament of the Republic of Macedonia for review **and adoption**.

Following the adoption of the work report, the Council shall submit it to all courts in the Republic of Macedonia.

If the Parliament does not adopt the report, it shall serve as grounds for initiating a discussion before the organs that have elected the members of the Judicial council for assessment of their work in the council.

VI. ADMINISTRATIVE OFFICE OF THE COUNCIL

Article 136 (ex 65)

The Council shall have an administrative office.

The Administrative Office shall be managed by a Secretary General.

The Council shall adopt the acts for the internal organisation and systematisation of positions.

In employing in the Administrative Office of the Council, the equitable representation of citizens belonging to all the communities in the Republic of Macedonia shall be ensured.

Article 137 (ex 66)

The Council shall appoint a Secretary General from the ranks of court management or **state administrative** advisors, on the basis of vacancy.

The candidates for Secretary General, in addition to the general terms for employment in a court, i.e. the terms stipulated in the Law on Civil Servants, shall also need to have 8 years of work experience and to have passed the bar examination.

VII. FUNDING

Article 138 (ex 67)

The funding for the work of the Council shall be provided from the state budget from the allotment to the judicial branch.

Article 139 (ex 68)

The salaries of the Member of the Councils, the Secretary General, and of the court clerks shall be regulated by the Law.

VIII. TRANSITIONAL AND FINAL PROVISIONS

ex Article 69

The first election of members of the Judicial Council of the Republic of Macedonia, pursuant to this Law, shall be conducted by the Commission established by the Minister of Justice and the Supreme Court of the Republic of Macedonia composed of five members from the Ministry of Justice and four members from the Supreme Court of the Republic of Macedonia.

During the first election of the members of the Council from the ranks of judges, the candidates for members of the Council from the ranks of judges are not obliged to submit data according to the Article 12 paragraph 2 line 3 of the this Law.

The Ministry of Justice shall be obliged to start the procedure for electing the Judicial Council of the Republic of Macedonia within 30 days from the entry into force of this Law.

The Council shall adopt the Rules of Procedure within 30 days from the day of its constitution.

The acts for the internal organisation and systematisation of the work and tasks of the Council shall be adopted within 30 days from the day of the constitution of the Council.

The other acts envisaged with this Law shall be adopted within three months from the constitution of the Council.

The Rulebook on the form and contents of the certificate shall be adopted by the Minister of Justice within 30 days from the constitutional session of the Council.

ex Article 70

On the day of the constitution of the Judicial Council of the Republic of Macedonia, the employees of the Republic Judicial Council shall continue their work and assignments in the Council, and with the adoption of the acts for the internal organisation and systematisation, they shall be assigned to the appropriate positions.

ex Article 71

This Law shall enter into force on the eighth day from the day of publication in the “Official Gazette of the Republic of Macedonia”, and shall start to be implemented on 01.09.2006.

ex Article 72

The Law on the Republic Judicial Council (“Official Gazette of the Republic of Macedonia” 80/92, 50/99 and 43/03) shall cease to be valid on the day of entry into force of this Law.

The procedures which commenced before the application of this (Feb 2015) law shall be completed in accordance with the provisions of the Law of the Judicial council of Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 60/06, 150/10 and 100/11).

The procedures which commenced before the application of this (April 2015) law shall be completed in accordance with the provisions of the Law of the Judicial council of Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 60/06, 150/10, 100/11 and 20/11).

ASSEMBLY OF THE REPUBLIC OF MACEDONIA

Pursuant to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue this

DECREE

FOR PROMULGATION OF THE LAW ON THE COUNCIL FOR DETERMINATION OF THE
FACTS AND INITIATION OF DISCIPLINARY PROCEDURE FOR ESTABLISHING
DISCIPLINARY RESPONSIBILITY OF A JUDGE

The Law on the Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge, adopted by the Assembly of the Republic of Macedonia, on its session held on 11 February 2015 is hereby promulgated.

No. 08 - 750/1
11 February 2015
Skopje

President of the
Republic of Macedonia
Gjorgje Ivanov, PhD

President of the Assembly
of the Republic of Macedonia,
Trajko Veljanoski

**LAW ON THE COUNCIL FOR DETERMINATION OF THE FACTS AND INITIATION OF
DISCIPLINARY PROCEDURE FOR ESTABLISHING DISCIPLINARY RESPONSIBILITY
OF A JUDGE**

Incorporation

Article 1

This Law shall regulate the procedure for election of the Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge (disciplinary procedure and procedure for unprofessional and unethical performance, pursuant to the law) the manner of exercising its functions, election, termination, decision - making and other questions related to the work of the Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge.

Purpose of incorporation

Article 2

The Council for determination of the facts and initiation of disciplinary procedure for establishing disciplinary responsibility of a judge (hereinafter: the Council) shall be established for the purpose of determination of the facts and reaching of a decision for the need of submitting of the request for initiation of the procedure for establishing of responsibility of a judge or president of the court before the Judicial Council of the Republic of Macedonia. The Council for determination of the facts is autonomous and independent body.

Political activity

Article 3

Political organisation and activity in the Council shall be prohibited.
Members of the Council must not perform political activities while exercising the functions of the Council.
The Council through its work disables political influence in the judiciary.

Council status

Article 4

The Council for determination of the facts shall have the capacity of a legal entity.
The Council for determination of the facts shall have its principal office in Skopje.

Seal of the Council

Article 5

The Council for determination of the facts shall have a seal.
The seal shall contain the name Republic of Macedonia, the national coat of arms of the Republic of Macedonia, the name and the head office of the Council.
The name and principal office, the national coat of arms and the flag of the Republic of Macedonia shall be posted on the building where the head office of the Council is located.

COMPOSITION AND THE PRESIDENT OF THE COUNCIL

Composition of the Council

Article 6

The Council for determination of the facts shall consist of 9 members, of which:
- three members from among the ranks of the retired judges with uninterrupted judicial years of service of over 15 years, with outstanding results in their work and who during their

judicial years of service were not subject to disciplinary sanctions, from whom one shall be a member of the communities that do not constitute a majority in the Republic of Macedonia,

- three members from among the ranks of the retired public prosecutors with uninterrupted years of service as a public prosecutor of over 15 years, with outstanding results in their work and who during their years of service as a public prosecutor were not subject to disciplinary sanctions, from whom one shall be a member of the communities that do not constitute a majority in the Republic of Macedonia,
- two members from among the ranks of the retired professors of the Faculties of Law within the universities of the Republic of Macedonia, with uninterrupted university years of service of over 15 years, with outstanding results and published scientific papers, from whom one shall be a member of the communities that do not constitute a majority in the Republic of Macedonia
- one member from among the ranks of the retired lawyers with uninterrupted years of service as a lawyer of over 15 years, with outstanding results in his/her work and who during their working years of service as a lawyer were not subject to disciplinary sanctions.

The term of office of the Members of the Council

Article 7

The term of office of the members elected shall last four years without the right to re-election.

The term of office of a member elected on additional elections, due to the premature termination of the term of office of a member of Council for whose vacancy he/she has been elected, shall last four years.

President of the Council

Article 8

The work of the Council is managed by a President.

The President of the Council shall be elected from the ranks of the members of the Council with the majority of the total number of votes.

The term of office of the President of the Council shall last two years without right to re-election.

The Council, upon proposal of the President of the Council, at the same session when the President is being elected, shall elect a Deputy President who shall replace him in his absence.

PROCEDURE FOR ELECTION OF MEMBER OF THE COUNCIL

Competition for Member of the Council

Article 9

The President of the Council shall be obliged at latest three months prior to the expiry of the term of office of the Council or of a Member of the Council to announce a competition for electing a Member of the Council, pursuant Article 6 from this Law.

In the event of premature termination of the term of office in the cases under Article 7, the President of the Council shall act under paragraph 1 of this article within 15 days following the termination of the term of office of a member of the Council.

Duration of the competition

Article 10

The competition as of Article 9 of this Law shall be published in the "Official Gazette of the Republic of Macedonia" and in at least two public media, one of which shall be in an official language other than Macedonian language spoken by at least 20% of the citizens in the Republic of Macedonia.

The competition shall last for 15 days from the day of publication in the "Official Gazette of the Republic of Macedonia".

At least 30 days must expire from the day of announcement of the competition until the day of voting.

Conditions for a Member of the Council from the ranks of judges

Article 11

Any person shall be eligible to apply for the advertisement if at the moment of publication of the advertisement meets the conditions under Article 6 from this Law, as well as has passed test of integrity and psychological test.

The psychological test implemented by the Judicial Council of the Republic of Macedonia aims at that, by checking the social skills to promote candidates to perform the function of a judge.

The test for integrity implemented by the Judicial Council of the Republic of Macedonia is based on existing ethical and professional codices and aims at reviewing the ethical and moral values of the candidate to perform the function of a judge and it is consisted of test which is conducted in writing and anonymously, based on the standard set list of questions.

The Judicial Council of the Republic of Macedonia shall be owed in the application of the psychological tests and tests for integrity, to take into account the protection of personal data, reputation and dignity of the candidate, in accordance with a law.

For the application of psychological tests and the test of integrity the Judicial Council of the Republic of Macedonia hires experts for an independent and fully accredited vocational

institution. The psychological test is conducted based on internationally recognised psychological tests.

Candidacy

Article 12

The candidates shall submit their candidacy to the Council in writing.

The candidates shall enclose to their application the following:

- proof of years of service;
- biographical data about their professional and expert development, and
- data about participation in expert and professional education

Committee for preparation of the candidate list

Article 13

The Council, from its own ranks, shall establish a Committee of three members to prepare the list of candidates (hereinafter: the Committee).

The Committee shall prepare the candidate list and submit them to the Council using the properly received candidacies of the candidates who have met the conditions under Article 6 and 11 of this Law.

The candidate list is consisted of the following categories:

1. Candidates from among the ranks of the retired judges;
2. Candidates from among the ranks of the retired public prosecutors;
3. Candidates from among the ranks of the retired university professors;
4. Candidates from among the ranks of the retired lawyers;
5. Candidates from among the ranks of the communities that do not constitute a majority in the Republic of Macedonia.

The Council on its session shall determine the candidate list of paragraph 3 of this Article.

The Council shall submit the candidate list to the Commission for conducting the elections of Members of the Council within 15 days from the expiry of the competition.

The Commission for conducting of elections for members of the Council

Article 14

The Council shall establish from its ranks a Commission for conducting elections for Members of the Council which shall consist of a president and two members (hereinafter: the Electoral Commission).

The Electoral Commission shall prepare the election material, create election boards, and conduct the elections.

Article 15

A member of the Committee for preparing the candidate list may not be a member of the Electoral Commission for conducting elections for members of the Council and vice versa.

Election of members of the Council

Article 16

The members of the Council shall be elected by all the judges in the Republic of Macedonia, on direct and secret elections.

Judicial Electoral Directory

Article 17

The Judicial Council of Republic of Macedonia shall deliver the Judicial Electoral Directory to all courts in the Republic of Macedonia no later than five days after the announcement of the elections.

Every judge shall be entitled to insight into the Directory and they shall be entitled within three days to request correction of the data in writing.

The Judicial Council of the Republic of Macedonia with decision shall decide on the request of paragraph 2 thereof within three days of its receipt.

An administrative dispute may be initiated against the decision of paragraph 3 thereof before a competent court within 24 hours of its receipt.

The competent court of paragraph 4 thereof shall decide within 48 hours.

The Judicial Council of Republic of Macedonia shall conclude the Judicial Electoral Directory at latest within 20 days of the announcements of the elections.

Manner of conducting elections for members of the Council

Article 18

The elections for members of the Council shall be conducted on a single day.

The elections shall be conducted on polling stations with number and seat in all courts in the Republic of Macedonia, in accordance with the Law on Courts.

The elections at the polling stations shall be conducted by an electoral board established by a decision of the Electoral Commission.

The electoral board shall consist of a president and two members from the ranks of judges and/or court clerks and their deputies.

The Electoral Commission shall be obliged to form the electoral board seven days prior to the election day.

Election material

Article 19

The election material is consisted of:

- ballot box and covers;
- minutes form;
- number of ballots according to the certificate from the Judicial Electoral Directory, candidates lists;
- certificate from the Judicial Electoral Directory;
- other material necessary for voting

Ballots

Article 20

The overall ballot contains the following:

- name of the ballot;
- name of the polling station;
- serial number;
- name and surname of the candidates in an alphabetical order for each of the categories under Article 13 paragraph 3 from this Law.

Delivery of election material

Article 21

The Electoral Commission shall deliver the election material to the President of the Election Board within 24 hours before the elections take place for which minutes are composed.

Conducting of the voting

Article 22

The voting shall be conducted during a working day.

The voting shall start at 08:00 and shall last continuously till 15:00.

The judges shall vote for candidates from the list.

Judges shall be identified and they shall vote with their judicial ID.

At 15:00 the polling station shall be closed, whilst the judges still inside the premises at the time of closure shall be allowed to vote.

The Election Board may close the polling station before the deadline from the paragraph 1 of the Article herein, if all the judges registered at the certificate of the Judicial Election Directory have already voted.

Minute for the voting

Article 23

After the closure of the polling station, the Election Board shall, by 18:00 latest, compose the minute for the course and the results of the voting and shall inform the Electoral Commission.

The minute shall contain the following information:

- the total number of voters' turnout;
- total number of votes won by each of the candidates from each of the categories under Article 13 paragraph 3 from this Law;
- the number of invalid ballots;
- remarks on the course of the voting.

The Electoral Board shall submit the minute with the results of the voting and other election materials to the Electoral Commission within 24 hours.

Invalid ballot

Article 24

The ballot is invalid if it is not checked or if more candidates than the number that is being elected according to the election categories under Article 13 paragraph 3 from this Law have been checked.

Election results

Article 25

The Electoral Commission shall sum up the results from the polling stations and shall verify the election results in the election units at latest within 48 hours from the moment of closure of elections.

As elected members of the Council shall be considered:

1. The first two candidates with the most votes won from among the ranks of the retired judges, and the first candidate with the most votes won from among the ranks of the retired judges of the communities that do not constitute a majority;
2. The first two candidates with the most votes won from among the ranks of the retired public prosecutors, and the first candidate with the most votes won from among the ranks of the retired public prosecutors of the communities that do not constitute a majority;
3. The first two candidates with the most votes won from among the ranks of the retired university professors, and the first candidate with the most votes won from

among the ranks of the retired university professors of the communities that do not constitute a majority;

4. one candidate with the most votes won from among the ranks of the retired lawyers

Constitution of the Council

Article 26

The constitutional session shall be held within 15 days from the election of the members of the Council.

The constitutional session shall be summoned by the President of the former Council.

The constitutional session shall be chaired by the oldest member of the Council, until President of the Council is elected.

Termination of the office of a Member of the Council

Article 27

The term of office of a member of the Council shall be terminated:

1. with the expiry of the term for which they have been elected;
2. upon demand of the member;
3. due to death;
4. if the member has been convicted for a crime with an effective judgement and unconditionally sentenced to imprisonment of at least six months, or of another crime rendering the member undignified to exercise the office of a member of the Council;
5. if a member of the Council is found permanently incapable of exercising his office, and
6. if they have been appointed to another public office or profession.

In the event of paragraph 1, item 2 thereof, the term of office shall be terminated when the Council accepts the resignation at its session.

In the event of paragraph 1, item 4, the term of office shall be terminated on the day when the judgment comes into force.

In the event of paragraph 1, item 5, the term of office shall be terminated when the Council establishes at its session the fulfilment of condition on ground of a previously conducted proceeding.

In the event of paragraph 1, item 6, the term shall be terminated with the election to another office or profession.

OFFICE FOR EXPERT ASSISTANT - TECHNICAL TASKS OF THE COUNCIL

Article 28

The Council employees shall have a status of administrative servants and the Law on Administrative Servants shall be applied as regards to their rights, duties, and responsibilities.

The employees who execute assistance services or technical tasks do not have a status of administrative servants and on their rights, duties and responsibilities shall be applied Article 3 from the Law on the Employees in the Public Sector.

FUNDING AND RESOURCES FOR THE OPERATION OF THE COUNCIL

Funding Sources

Article 29

The resources for the operation of the Council shall be provided from the Budget of the Republic of Macedonia through the allotment of the budget from the "Judiciary power".

The premises and the equipment

Article 30

The Government of the Republic of Macedonia shall provide the premises and the equipment for performance of the Council activities.

Article 31

The salary of the President of the Council shall be adequate to the salary of the President of the Judicial Council of the Republic of Macedonia, whilst to the members of the Council shall be adequate to the salary of the members of the Judicial Council of the Republic of Macedonia.

COMPETENCE, ORGANISATION AND OPERATION OF THE COUNCIL

Competence

Article 32

The Council shall be competent:

- to act individually upon all written submissions and complaints submitted by citizens, legal entities, president of courts on the work of judges or president of courts, as well as for the delay of court procedures, and upon rumours or upon other obtained information for the work of judges or president of courts (hereinafter: initiative),

- to collect data and evidences that are of interest to determine the situation of the findings into the initiative,
- to obtain data and evidence that are of interest for establishing the situation on the findings in the initiative on disposal of state authority, authority of the local self-government or a natural or legal entity who is entrusted with the execution of public powers, and shall be obliged without charge to submit it to the Council within the deadline specified in the request,
- to perform an immediate insight into the court files and other documents and records that are of interest to the Council to establish the facts about the findings in the initiative,
- to review the reports of the Judicial Council of the Republic of Macedonia for the work of judges and the courts in the Republic of Macedonia,
- to submit a request for initiation of proceedings of responsibility of a judge or president of the court to the Judicial Council of the Republic of Macedonia,
- to represent before the Judicial Council of the Republic of Macedonia, the request for initiation of proceedings for the responsibility of a judge or president of the court ,
- to prepare an annual report on the matters within its competence which shall publish on the web site of the Council, no later than February 1 of the current year for the previous year and
- to conduct other competences determined by law.

At least once in a working week, the Council shall compulsory hold a session on which shall debate individually upon all initiatives and shall adopt decision, mostly within 40 days of submission of the written submission or complaint, i.e. as of the day of the rumors or other obtained information.

Work on sessions

Article 33

The Council shall review and decide on matters within its competence at sessions.

The sessions shall be summoned and chaired by the President of the Council.

The President shall be obliged to summon a session on the proposal of at least three members of the Council. A session may be held if the majority of the total number of members with voting right is present, if not otherwise determined by this Law.

The invitation along with the proposed agenda and the documents shall be delivered to the Member of the Councils at least three days prior to the session.

The proposed agenda shall be adopted with the majority of votes of the members present.

Due to urgent business, the session of the Council may be scheduled and held on shorter time limit than the one set out in paragraph 6 of this Article.

Transparency in the work

Article 34

The sessions of the Council shall be public.

The public may be excluded only by a decision of the Council due to protection of the reputation and integrity of a judge or candidate for a judge. For exclusion of the public from the sessions, the Council shall decide with two-third majority of votes from the total number of members of the Council.

Minutes and stenographic notes shall be kept for the work of the sessions of the Council.

President of the Council

Article 35

The President of the Council shall:

- represent the Council,
- chair and moderate the sessions,
- participate in the work and the decision-making of the Council,
- sign decisions, proposals and other acts of the Council and is responsible for their execution,
- be responsible for implementation of the Rules of Procedure of the Council and shall conduct other activities stipulated by the Law and the Rules of Procedure

Equality of the Member of the Councils

Article 36

The members of the Councils, in the performance of the function member of the Council, shall have equal rights and responsibilities.

Rights, duties and responsibilities of a Member of the Council

Article 37

A member of the Council shall have the following rights, duties and responsibilities:

- to participate in the work and in the decision-making of the Council;
- to raise initiatives, give proposals and opinions on issues within the scope of work of the Council;
- to participate in the work of the Council in which has been elected;

- to perform, upon Council's conclusion, an immediate insight into the work of a judge or president of the court, and to undertake other actions for which submit a report to the Council;

- upon the Council's conclusion, represent the Council before the Judicial council of Republic of Macedonia in the procedure for determination of responsibility of a judge or president of the court;

- to be held accountable for infringing the Constitution and the law in exercising their Council office, and

- to conduct other activities stipulated by this Law.

The Rules of Procedure of the Council

Article 38

The Council shall adopt the Rules of Procedure with a two-thirds majority of votes of the total number of members.

The Rules of Procedure of the Council shall stipulate the procedure and the manner of operation of the Council, and other issues within the competence of the Council.

The Rules of Procedure shall be published in the "Official Gazette of the Republic of Macedonia".

Procedure for determining the facts for the responsibility of a judge or a president of the court

Article 39

The procedure for determining the facts for the responsibility of a judge or a president of the court (hereinafter referred to as: procedure), shall be initiated within six months from the date of recognition of the committed offence, but not longer than three years from the day of the violation made.

The procedure shall be urgent and confidential, shall be conducted without presence of the public and by respecting the dignity and reputation of the judge or the president of the court, taking into consideration the protection of personal data of the judge or the president of the court according to the regulations on protection of personal data. Upon a request of the judge or the president of the court, the Council shall decide the procedure to be conducted with the presence of the public.

Article 40

The Council regarding the submitted initiative shall appoint a rapporteur from among its ranks who shall, after reviewing the initiative, submit a Report to the Council on whether the request is timely, allowed, completely and founded.

The Council on the basis of the report from paragraph 1 of this Article shall debate upon and reject the initiative and shall inform the applicant if:

- it was submitted for the action of the judge which does not constitute violation under the law;
- statute of limitation has occurred;
- the initiative is submitted by an unauthorized person.

The Council, upon deciding shall be bound to the factual situation stated in the initiative for initiation of the procedure.

The Council on the basis of the report from paragraph 1 under this Article shall debate and if finds that the initiative is untimely, incompletely, unfounded or disallowed, shall reject the initiative and shall notify the applicant thereof.

If the Council accepts the initiative, the Council, out of its rank shall establish a Commission composed of a president and a Chairman and two members for determining of the facts with regards to the findings stated in the initiative (hereinafter referred to as: Commission).

The Council, out of its ranks shall designate a deputy to the president of the Commission and a deputy to the members of the Commission.

Deputy members of the Commission can only replace one member at the holding of the meetings and the hearings.

Article 41

The Commission shall submit the initiative and the evidences in person to the judge or the president of the court against whom the initiative has been submitted.

The judge or the president of the court may respond in writing to the allegations in the initiative or give an oral statement for the record within eight days of receiving the initiative. The judge or the president of the court against whom the initiative has been raised, shall have the right to a defence attorney that by himself shall inform and provide for the hearing.

Together with the response to the initiative, the judge or the president of the court shall submit all the evidence on the grounds which its response to the initiative is based on, or by which abnegate the allegations and evidence in the initiative.

The judge or the president of the court in the response to an initiative shall be obliged to state the address to which the writ will be submitted, during the procedure in writing, as well as the electronic address to which the writ will be submitted electronically.

The writ, during the procedure shall be submitted by mail with recorded delivery to the judge or the president of the court in person and electronically to the address listed in the response to the initiative under paragraph 4 of this Article.

If the judge or the president of the court does not come across at the address mentioned in the response to the initiative where the submission of the writ shall be exercised, the provider will leave a written notification for receipt of the writ which shall be notified to come to a particular date and time in the specified court room to receive the writ. If the judge or the president of the court fails to act upon the notice, it shall be deemed that the submission is performed at the day and hour specified in the notice.

The submission electronically shall be performed, in accordance with the provisions of the Law on Litigation Procedure.

Obtaining data and evidence

Article 42

The Commission shall obtain data and evidences by request that are of interest for determining the situation related to establishing the responsibility of the judge.

If the data and evidence referred to in paragraph 1 of this Article can be found in a state authority, authority of the local self-government or a natural or legal person who is entrusted with the execution of public powers, they shall be obliged without charge to submit to the Council within the deadline specified in the request under paragraph 1 of this Article.

Hearing of the Commission

Article 43

The Commission shall schedule a hearing within 7 days from the day following the receiving of the response to the initiative by the judge or the president of the court.

At the hearing the Commission shall operate in its full composition.

The hearing shall be governed by the president of the Commission.

Invitation for a hearing

Article 44

At the hearing, the judge or the president of the court shall be invited, to whom the obtained evidence from the Commission shall be delivered

If the participants under paragraph 1 of this Article that were duly invited did not come and did not justify their absence, the hearing shall be held.

Article 45

At the hearing, the evidence proposed by the applicant of the initiative and the judge or the president of the court will be presented as well as the evidence obtained by the Commission.

The judge or the president of the court shall have the right to state his/her decision upon all the evidence presented at the hearing

Minutes

Article 46

For the actions taken at the hearing, minutes shall be composed.

The minutes shall be kept by a person determined by the Council, from among the expert service of the Council.

The minutes, shall especially contain data for the day, hour and place of the hearing, the president and members of the Commission and the person who kept the minutes, names of attendants, the statement of the judge or the president of the court, or his attorney and the evidence that are carried out.

The minutes shall be signed by the applicant of the request, the judge or the president of the court or their defendant, the Commission and the person who keeps the minutes.

If any of the persons referred to in paragraph 4 of this Article shall not sign the minutes, it will be recorded in it.

The president of the Commission may order all or part of the ongoing hearing to be in stenographic notes, i.e. a tone recording to be performed.

The stenographic notes or a tone recording shall be translated within 48 hours, reviewed and joined to the minutes, along with the transcript of the tone recording.

Report of the Commission

Article 47

The Commission within 10 days after the hearing shall submit a report on the determined situation and shall give a proposal to the Council to adopt a decision on submitting a request to the Judicial Council of the Republic of Macedonia to initiate the procedure for determining the responsibility of a judge or president of the court.

Content of the report

Article 48

All the documents and acts which, during the procedure were at disposal to the the Commission should be contained in the Report, the statement of the judge or president of the court, a description of the carried actions, as well as a reasoned proposal for decision-making.

Council Decision

Article 49

The Council on the basis of a report under Article 48 of this Law and the hearing on the session of the Council shall adopt a decision for submitting of a request to the Judicial Council of Republic of Macedonia for initiating of procedure for establishing responsibility of a judge or president of the court.

The Council shall reject the initiative if finds that it's unfounded due to lack of evidences that the judge committed violation under the law.

Article 50

The Council by a conclusion shall determine from its own ranks one member of the Council, who shall represent the Council in the procedure for determining the responsibility of a judge or president of the court before the Judicial Council of the Republic of Macedonia.

Submitting a decision

Article 51

The decision referred to in Article 50 of this Law shall be submitted within deadline of three days from the day of the session on which the decision was adopted to the judge or the president of the court against which the procedure was carried before the Council, and the case with all records and the Decision under Article 50 from this Law shall be transferred to the Judicial council of Republic of Macedonia in the deadline stipulated in this paragraph.

In the deadline under paragraph 1 of this Article, the Council shall inform the applicant of the initiative with the decision of Article 50 of this Law.

TRANSITIONAL AND FINAL PROVISIONS

Article 52

The first election of the members of the Council, pursuant to this Law, shall be conducted by the Commission established by the Judicial Council of the Republic of Macedonia composed of five members.

The Judicial Council of the Republic of Macedonia shall be obliged to start the procedure for electing the members of the Council, within 60 days from the date of entry into force of this Law.

The Council shall adopt Rules of Procedure, within 30 days from the date of its constitution.

The acts for the internal organisation and systematisation of the work and tasks of the Council shall be adopted within 30 days from the day of the constitution of the Council.

Official Gazette of the Republic of Macedonia No. 20 from 12.02.2015

The other acts envisaged with this Law shall be adopted within three months from the constitution of the Council.

The constitutive session of the first Council shall be summoned and chaired by the oldest member of the Council, until the election of the President of the Council.

Article 53

This Law shall enter into force on the eight day from the day of its publication in the Official Gazette of the Republic of Macedonia, and shall begin to apply upon the expiry of the three months from the day of entering into force.