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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KOSOVO

LAW ON KOSOVO JUDICIAL COUNCIL

LAW No. 06/L-055**ON KOSOVO JUDICIAL COUNCIL**

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON KOSOVO JUDICIAL COUNCIL**CHAPTER I
BASIC PROVISIONS****Article 1
Purpose**

This Law defines the duties, responsibilities, organization and functioning of the Kosovo Judicial Council.

**Article 2
Definitions**

1. Terms used in this Law have the following meanings:

- 1.1. **Constitution** - the Constitution of the Republic of Kosovo;
- 1.2. **President** - the President of the Republic of Kosovo;
- 1.3. **Assembly** - the Assembly of the Republic of Kosovo;
- 1.4. **Judiciary** - judges and lay judges;
- 1.5. **Council (KJC)** - Kosovo Judicial Council, a constitutional institution established by Article 108 of the Constitution;
- 1.6. **Chair** - Chair of the Council;
- 1.7. **Member of the Council** – if not otherwise defined, means the Chair, the Vice-Chair and the member of the Council;
- 1.8. **Days** – the calendar days;
- 1.9. **Secretariat** – the unit established within the Council for the purpose of providing

administrative support to the Council and the courts;

1.10. **Director** - The General Director of the Secretariat;

1.11. **Academy** - The Academy of Justice, a legal institution competent for the training of judges and prosecutors, and the training of judicial and prosecutorial administrative staff.

2. Words of one gender include the other gender too.

CHAPTER II DUTIES, RESPONSIBILITIES AND COMPOSITION OF THE COUNCIL

Article 3

Basic principles of the activities of the Council

1. The Council:

1.1. is a fully independent institution in exercising its functions and enjoys organizational, administrative and financial independence for the fulfilment of the duties defined by the Constitution and by Law;

1.2. ensures the independence, non-discrimination, proportionality, professionalism and impartiality of the judicial system;

1.3. ensures that courts in Kosovo are fair, apolitical, accessible and professional;

1.4. ensures that courts respect the principles of non-discriminations, proportionality as well as human rights and gender equality guaranteed by the Constitution and international agreements and instruments applicable in the Republic of Kosovo;

1.5. ensures that the courts reflect the multiethnic nature of the Republic of Kosovo and takes the necessary measures to increase the number of judges from non-majority communities in Kosovo.

Article 4

Independence and impartiality of Council members

The Chair, the Vice-Chair and the Council member exercise their duties independently, professionally and impartially.

Article 5

Personal liability of Council members

1. Members of the Judicial Council, shall not be held criminally or civilly responsible for expressed opinions within their scope as members of the Council.

2. The Council shall be notified without delay when an indictment is filed or a member of the Council is arrested.

Article 6

Status, seat and emblem

1. The Council is a legal person.
2. The seat of the Council is in Prishtina.
3. The Council and the courts use the emblem of the Republic of Kosovo, in accordance with the Law on Use of State Symbols of Kosovo.
4. The Council has its own unique symbol defined by an internal act.

Article 7

Duties and responsibilities of the Council

1. The Council exercises the following duties and responsibilities:
 - 1.1. decides on the organization, management, administration and oversight of the proper functioning of the courts according to the Law;
 - 1.2. proposes to the President the appointment, reappointment and dismissal of judges, and ensures that all proposed candidates meet the criteria established by Law, according to the respective legal procedures;
 - 1.3. proposes to the President the appointment and dismissal of the President of the Supreme Court of Kosovo, and ensures that the proposed candidate meets the criteria established by Law and that the respective legal procedures have been carried out;
 - 1.4. decides on the selection, appointment and dismissal of the President of the Court of Appeals, of the Presidents of the Basic Courts and of the supervising judges;
 - 1.5. ensures implementation and supervises the criteria for recruitment in the judiciary, which must be in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation, on the basis of public vacancy notice and after verifying the candidates' capacity to act;
 - 1.6. decides to announce open vacancies for candidates for positions in the judiciary;
 - 1.7. decides on the organization of the examination for candidates for judges according to the Regulation approved by the Council;
 - 1.8. decides and supervises the implementation of criteria for the ethnic composition of the territorial jurisdiction of the respective court, and for the fulfilment of vacancies guaranteed for members of non-majority communities in Kosovo;
 - 1.9. decides on the number of judges in each jurisdiction;

- 1.10. recommends the establishment of new courts and court branches, in accordance with the Law on Courts;
- 1.11. performs judicial inspection;
- 1.12. administers the judiciary;
- 1.13. drafts and oversees the budget for the judiciary;
- 1.14. decides on the promotion, transfer and discipline of judges;
- 1.15. sets the criteria for regular assessment of judges;
- 1.16. decides on the court workload;
- 1.17. ensures efficient functioning of the courts;
- 1.18. establishes and supervises the criteria for defining policies, standards and guidelines related to the training of judges, lay judges and other judicial staff, and oversees the implementation of professional training of judges and lay judges;
- 1.19. adopts the Code of Ethics for Professional Conduct for Council members, judges and lay judges, as well as the Code of Ethics for administrative judicial staff whose violation constitutes the basis for sanctions, including dismissal from office;
- 1.20. decides on the adoption of a unique court fee schedule applicable throughout the territory of the Republic of Kosovo;
- 1.21. ensures the management of the central criminal records system according to the Regulation approved by the Council;
- 1.22. approves annual reports on court activities and budget expenditures for the judiciary;
- 1.23. cooperates with the judicial councils of other states and relevant local and international organizations, provided that it does not affect the independence of its work;
- 1.24. adopts sub-legal acts in view of implementing its duties and responsibilities, in accordance with the legislation in force;
- 1.25. performs other duties as defined by Law.

Article 8

Composition and election of Council members

1. The Council, as defined by Article 108 of the Constitution, consists of thirteen (13) members with professional qualifications and expertise. Members are appointed for a term of five (5) years and are elected as follows:

1.1. seven (7) members will be judges elected by members of the judiciary, as follows:

1.1.1. two (2) judges of the Supreme Court;

1.1.2. two (2) judges of the Court of Appeals;

1.1.3. three (3) judges of the Basic Courts.

1.2. two (2) members are elected by the Assembly Members, who shall hold their seats during the general allocation of seats, and at least one of them must be a judge;

1.3. two (2) members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of the Serb community in Kosovo, and at least one of them must be a judge;

1.4. two (2) members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of other communities, and at least one of them must be a judge.

2. The Council members reflect the multiethnic nature and principles of gender equality in the Republic of Kosovo.

3. Candidates for judicial positions reserved for members of non- majority communities in Kosovo, may be recommended for appointment only by Council members elected by Members of the Assembly who hold the seats reserved or guaranteed for members of non- majority communities in Kosovo. If this group of Council members does not propose a candidate for this position after two (2) consecutive sessions of the Council, then any member of the Council has the right to recommend a candidate for that judicial position.

4. Candidates for judicial positions in the Basic Courts under whose jurisdiction exclusively lies the territory of one or more municipalities where the majority of the population belongs to the Kosovo Serb community, may be recommended for appointment only by the two (2) members of the Council elected by Assembly Members who hold seats reserved or guaranteed for the Serb community in the Republic of Kosovo, acting collectively and unanimously. If these two (2) members do not recommend a judicial candidate for this position during the two (2) consecutive sessions of the Kosovo Judicial Council, then any member of the Kosovo Judicial Council has the right to nominate a candidate for that position.

5. All Council members should be able to contribute to the management and functioning of the courts in Kosovo. Respectable professionals can be appointed outside the legal field and may include persons with expertise in management, finance, information technology or social sciences.

6. The Council shall adopt special regulations for the implementation of this Article.

Article 9
Ineligibility of being a Council member

1. Membership in the Council is ineligible when the person:
 - 1.1. is the president of a court;
 - 1.2. is convicted of a criminal offense with the exception of offences committed by negligence;
 - 1.3. is a member of the Assembly, member of the Government, mayor or member of the municipal assembly;
 - 1.4. is exercising a function in any political party or any association or foundation associated with a political party;
 - 1.5. is working for the administration, including persons performing duties in the Government or administrative bodies, institutions established by the Constitution or created through legislation;
 - 1.6. one (1) elected Council member shall be dismissed by the Council, if he does not resign or suspend the position which is inconsistent, prior to the appointment as a Council member;
 - 1.7. is a prosecutor;
 - 1.8. Judge with initial mandate.
2. The elected Council member shall be dismissed by the Council if he/she does not resign from an incompatible position before taking their appointment as a Council member or does not suspend the position under sub-paragraph 1.6. of this Article.

Article 10
Procedure for nomination, election and dismissal of the Council members by the Assembly

1. The procedure for the election of Council members by the Assembly begins six (6) months before the expiry of the mandate of the member.
2. Notwithstanding paragraph 1. of this Article, when the mandate expires prematurely, as determined by this Law, the procedure for the election of the member begins within thirty (30) days from the day the position is vacant.
3. The Assembly announces the open vacancy for the election of Council members in the official languages in written and electronic media.
4. The relevant Assembly Committee (hereinafter: the Committee) shall set out the requirements for the election of a member. The vacancy announcement cannot be shorter than fifteen (15) days and longer than twenty (20) days.

5. After the expiration of the vacancy announcement provided for in paragraph 4. of this Article, the Committee shall, within a period of fifteen (15) days, assess whether candidates meet the requirements to be elected as Council members, and shall reject candidates that do not meet the requirements defined in the vacancy announcement.
6. The Committee conducts an interview with each candidate who meets the requirements to be elected as Council member and, on the basis of the received information and the results of the interview, prepares a shortlist of candidates.
7. The list for the Assembly meeting consists of two (2) candidates for one position.
8. The Assembly elects the Council members through a secret voting.
9. If in the first round, the candidates proposed by the respective Assembly Committee do not receive the majority of votes of all the present and voting deputies, then in the second round the candidate with the highest number of votes shall be considered as elected.
10. The dismissal of the members elected by the Assembly shall be done by the Assembly with majority of the votes of all deputies of the Assembly, upon the proposal of the respective Committee or Council.

Article 11

Chair and Vice-Chair of the Council

1. The Council, from among its judge members, elects the Chair and the Vice-Chair for a (3) three-year term. Election in these functions shall not extend the mandate of a Council member.
2. The Chair shall have the following competencies:
 - 2.1. chairs all meetings of the Council;
 - 2.2. approves the compilation of all agendas and issues to be submitted to the Council for review and decision;
 - 2.3. represents the Council in front of the public, governmental agencies and other public bodies;
 - 2.4. supervises and manages the work of the Council and its committees;
 - 2.5. proposes to the Assembly the budget drafted by the Council for the expenses of staff of the Council and the courts;
 - 2.6. the Vice-Chair has full authority to act on behalf of the Council in case of the Chair's absence or incapability.
3. The Chair of the Council shall address and submit a written report to the Assembly at least once a year with regard to the judicial system.

Article 12
Term of the Council members

1. The Council members shall be elected for a five (5) years term without the right to re-election.
2. The Chair, the Vice-Chair, Chair of the Committee for Normative Issues, the President of the Committee for Evaluation of the Performance and Chair of the Court Administration shall serve at the Council on a full-time basis and suspending the duty of the judge.
3. The Council members from paragraph 2. of this Article shall not lose their status as a judge, and have the right to return to their duty as judges in the courts where they have served before they were appointed Council members.
4. The Council member cannot be promoted or appointed as President of the relevant Court during the exercise of his/her function as a member of the Council.
5. The Council member who, prior to obtaining the mandate, had been employed in the public sector or in an institution funded by public funds, has the right to continue the function in his or her position or in the same rank after the end of the mandate of the Council member.
6. The term of office of the elected members of the Council commences from the date of their election.

Article 13
Termination of the term

1. The mandate of a member of the Council ends upon:
 - 1.1. his/her death;
 - 1.2. loss of capacity to act for more than three (3) months due to certified medical reasons;
 - 1.3. repeated failure to attend the activities of the Council for more than three (3) months;
 - 1.4. termination of the status on which the appointment is based;
 - 1.5. expiration of the mandate;
 - 1.6. resignation, by submitting to the Council a notice of thirty (30) days in advance;
 - 1.7. reaching the retirement age;
 - 1.8. conviction for a criminal offense with the exception of the offenses committed by negligence;
2. Members of the Council shall be dismissed from office before the expiry of the mandate they have been elected for, if a disciplinary measure for dismissal was issued by the Judicial

Council.

3. If a seat in the Council is vacated before the expiration of a member's mandate, the vacancy shall be filled in the same way as for the member whose mandate has expired. A person who is selected to fill a vacancy in the Council is appointed or elected for a full term of five (5) years.

4. The procedure for election of members of the Council by members of the judiciary begins three (3) months before the expiration of the regular mandate.

Article 14

The public nature of Council meetings

1. Council meetings are open to the public.

2. The agenda of the Council will be public at least forty eight (48) hours before the meeting.

3. The Council may decide to hold a closed meeting with the majority of members' votes on the following matters:

3.1. a state secret whose disclosure would be a violation of the Law;

3.2. staff issues concerning judges or judiciary employees, except the Council meeting where a final disciplinary decision is taken against a judge;

3.3. non-public information or data disclosure that would endanger the life or safety of any person;

3.4. an ongoing investigation on misconduct or criminal activity whose disclosure would reasonably prejudice the objectivity and efficiency of the investigation;

3.5. performance assessments of judges and administrative officers;

3.6. asset information whose disclosure could prejudice the interests of any party competing for a governmental tender;

3.7. business asset information, data, processes or computer codes that are confidential under a contractual agreement or a non-disclosure agreement between the trader and the Council; and

3.8. any other information whose disclosure would constitute a violation of the Law.

4. In any case when the Council decides to close the meetings, the decision on closure shall be public and justified, according to the Law in force.

5. Once the Council has closed the meeting, no member of the Council or any other person attending the meeting shall discuss the nature, content or outcome of the meeting unless otherwise provided by Law.

6. An urgent meeting of the Council may be called to address issues related to the safety and security of facilities or court staff, or where exceptional circumstances require immediate action. The Council may convene an urgent session upon the call of the Chair or Vice-Chair in the absence of the Chair. The Chair shall, within twenty-four (24) hours from the end of an emergency session, disclose to the public the nature of the urgency and the issues discussed at the meeting, unless such disclosure is exempted as provided under this Article.

7. Decisions and all policies adopted by Article 14 of this Law, shall be published on the official website of the Council, within five (5) days of their approval.

Article 15 **Quorum and decision-making**

1. The quorum of the Council shall be composed of nine (9) members.
2. The decisions of the Council shall be taken by a simple majority vote of the members present, unless otherwise provided by Law.
3. The Chair, respectively the Vice Chair, when chairing the Council meeting, shall be the last to vote.

Article 16 **Council Committees**

1. The Council shall have its standing committees as follows:
 - 1.1. Committee for Normative Issues;
 - 1.2. Committee for Evaluation of Judges' Performance;
 - 1.3. Committee for Court Administration;
 - 1.4. Committee for Budget, Finance and Personnel;
 - 1.5. Committee for training.
2. The Council may establish, as appropriate, other committees.
3. The committees referred to in paragraph 1. of this Article shall be led by members of the Council.
4. The Council shall issue regulations on the duties and responsibilities of the Committees set out in this Article.

Article 17 **Budget**

1. The Council shall draft the annual budget in accordance with the Law on Public Financial Management and Accountability.

2. The Council manages the annual budget for the judicial system in the Republic of Kosovo.

Article 18

The salary of the Chair and the Council members

1. During their term of office, the Chair and the members of the Council appointed for full time, shall receive their salaries as follows:

1.1. The Chair receives a salary equivalent to the salary of the President of the Supreme Court.

1.2. The Vice-Chair and the full time members shall receive a salary equivalent to the salary of the judge of the Supreme Court.

2. The non-judge members of the Council who are part time members are entitled to compensation for their work as members of the Council. The Council will adopt the compensation scheme.

3. During their term of office, the Chair and judge members as full time members shall only accept the salary provided for by Law, except for reimbursement of reasonable and necessary expenditures related to the exercise of their duties, as defined in paragraph 5. of this Article.

4. Chair and the Vice-Chair, upon expiry of their term, shall receive the compensation of the initial position within the court where they will return.

5. The Chair, the Vice-Chair and the members of the Council shall not be entitled to exercise any other public or professional duty for which they are rewarded with payment, except for teaching in higher education institutions.

6. The Chair, the Vice-Chair and the members of the Council may engage in scientific, cultural, academic and other activities which do not contradict their functions and legislation in force.

Article 19

Disciplinary procedures for Council members

1. The Council shall determine the rules for the implementation of disciplinary procedures for its members, including the procedures governing the investigation, suspension or recommendation for dismissal of any Council member.

2. A committee established by the Council composed of three (3) members, one of whom shall be a judge of the Council, and two (2) other judges, shall decide on disciplinary measures and sanctions, including suspension and dismissal of any member of the Council.

3. On the recommendation of the Committee, one (1) member of the Council may be dismissed by two-thirds (2/3) of the votes of the members of the Council.

4. One (1) member of the Council, who has been dismissed, has the right to appeal against the Council's decision directly to the Supreme Court within fifteen (15) days from the decision for dismissal.

CHAPTER III
RECRUITMENT, APPOINTMENT AND DISMISSAL OF JUDGES

Article 20
Recruitment of judges

1. The Council, through a public announcement, invites all qualified legal professionals to apply as candidates for judicial appointments.
2. When recruiting a candidate, the Council shall, inter alia, consider the following requirements:
 - 2.1. professional knowledge, work experience and performance, including knowledge and respect for human rights;
 - 2.2. capacity for legal justifications as evidenced by professional activities in the field of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or other professional activity;
 - 2.3. the professional ability based on the result of the previous career, including participation in organized training forms where performance is assessed;
 - 2.4. ability and capacity to analyze legal problems;
 - 2.5. the ability to perform tasks impartially, honestly, with care and responsibility;
 - 2.6. communication skills; and
 - 2.7. personal integrity.
3. The Council develops procedures for recruiting candidates to be appointed as judges that are in accordance with the Constitution and the criteria determined by the Law.
4. The procedure for assessing the eligibility of a candidate to become part of the judiciary shall be carried out through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the standard verification of records for the criminal past.
5. The recruitment process of lay judges shall be defined by a regulation adopted by the Council and it will be carried out by respective courts.

Article 21
Proposal for appointment

1. The Council shall, after conducting recruitment procedures, submit to the President proposals for candidates to be appointed judges with a three (3) year initial term.
2. The proposal should include a written report on the process and the candidate.

Article 22

Appointment of judges

1. The President appoints judges in the judicial system with a three (3) year initial mandate based on the Council's proposals.
2. Within sixty (60) days after the receipt of the proposal, the President shall issue a decree on the appointment as judge of the candidate proposed by the Council. If within this deadline the President does not appoint the judge, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council.

Article 23

Oath of judges

1. A newly appointed judge with a three (3) year initial term of office takes office after taking oath before the President.
2. The oath is as follows:

"I solemnly swear that during the performance of the duty I shall always remain loyal to the Republic of Kosovo, the Constitution, the Laws in force and will respect the rules of professional ethics and will perform faithfully, independently, professionally and impartially the duties and functions entrusted to me".

3. The oath of newly appointed judges with a three (3) year initial mandate is made in a public ceremony before the President, unless the President decides otherwise.
4. The Office of the President approves the Regulation on the oath ceremony of judges.

Article 24

Reappointment of judges

1. The President reappoints judges in the judicial system with a permanent mandate based on the Council's proposals.
2. Within thirty (30) days after the receipt of the proposal, the President shall issue a decree on the appointment as a judge of the proposed candidate by the Council for a permanent mandate. If within this period the President does not appoint the judge, the Council may re-propose the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council.

Article 25

Dismissal of judges

1. Judges may be dismissed from office because of the punishment for a criminal offense or for serious neglect of duties.
2. Judges have the right to appeal the decision on dismissal directly to the Supreme Court of Kosovo.

3. Before submitting a proposal for dismissal of a judge, the Council shall ensure that all relevant procedures under the legislation in force are completed.
4. The Council, after ensuring that all relevant procedures have been completed, shall submit to the President the proposals for dismissal of the judge.
5. The proposal should include a written report and Council's proposal for dismissal of a judge.
6. The President, within thirty (30) days after the receipt of the proposal, issues a decree on the dismissal of the judge proposed by the Council. If within this period the President does not dismiss the judge, the Council re-submits the proposed candidate together with the supplementary reasoning in writing. Thereafter, the President dismisses the judge on the proposal of the Council.
7. Prior to the implementation of such a decision, the judge shall be officially informed by the Council on the decision of the President on approving or refusing the dismissal.

Article 26

Discharge from the function of judges

1. In cases of resignation and retirement of judges, the Council shall send the proposal to the President for discharge from office.
2. Within thirty (30) days after receipt of the proposal, the President shall issue a decree on the discharge of the judge.

CHAPTER IV

ASSESSMENT, PROMOTION AND TRANSFER OF JUDGES

Article 27

Performance assessment of judges

1. The Council shall establish requirements for the assessment of performance and promotion of judges in accordance with the sub-legal act issued by the Council, which shall include at least:
 - 1.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
 - 1.2. capacity for legal reasoning;
 - 1.3. professional ability, based on the work results during the evaluation period, including participation in organized forms of training in which the performance has been evaluated;
 - 1.4. capability and capacity for analyzing legal problems;
 - 1.5. ability to perform duties impartially, honestly, with care and responsibility;

- 1.6. communication skills;
 - 1.7. conduct out of office;
 - 1.8. personal integrity;
 - 1.9. number of cases returned to re-trial or re-decision or cases that have been removed by the highest court.
2. The evaluation of the performance assessment committee of the judge is the basis for advancement or reduction in office as well as for initiating the dismissal procedure of the judge. Such assessment should be based on measurable and transparent criteria.
 3. Any judge assessed shall be notified for the assessment results and may add written objections to the Council against any conclusions or findings.
 4. The regular performance assessment of judges with a permanent mandate is made every three (3) years. The manner of selection of judges for regular performance assessment is determined by the Council with an internal act.

Article 28

Transfer of judges

1. The Council may transfer a judge to another court for a period of up to one (1) year, in cases when the other court has insufficient number of judges to handle the cases or to increase the efficiency.
2. The transfer under paragraph 1. of this Article shall be conducted in accordance with the rules laid down in the Council Regulation on the Transfer of Judges.
3. The Council, in exceptional circumstances, may temporarily transfer a judge to a court or other branch of the court for the period of time in accordance with paragraph 1. of this Article, with the possibility of extension for one additional year.
4. The judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.
5. Judges may apply to the Council for permanent transfer to another court.
6. Judges are entitled to a direct appeal to the Supreme Court against a decision of the Council on permanent transfer or transfer exceeding the one (1) year period. The Council announces the rules and regulations that establish the standards and procedures governing the complaints.
7. When a permanent transfer is made or a transfer that exceeds one (1) year period, the Council shall endeavour to ensure that the transfer does not change the ethnic composition of the court affected by the transfer.

CHAPTER V
ADMINISTRATION OF COURTS

Article 29
Administration of courts

The Council oversees the functioning of the courts of the Republic of Kosovo and defines the policies and strategies for the efficient and effective functioning of the courts.

Article 30
Appointment of Presidents of Courts and Supervising Judges

1. The President shall appoint or dismiss the President of the Supreme Court of Kosovo from the ranks of judges of the Supreme Court for a seven (7) year mandate with no possibility of reappointment after the proposal of the Council for his appointment or dismissal.
2. The Presidents of the Courts shall be appointed by the Council in consultation with the judges of the respective courts. In appointing the Presidents of the Courts, the Council shall consider specialized training, managerial experience, and performance assessment.
3. The Council, after an open, competitive and merit-based process, shall appoint the Supervising Judge of each branch of the Basic Court.
4. The Council, in consultation with the President of the Basic Court, may appoint a Vice-President of the Court who shall assist in the management of the court and in the absence of the President of the Court shall serve as acting President of the Court.
5. The Court Presidents shall be appointed for a five (5) year term, without the right to re-election. Upon termination of the mandate as President of the Court, the judge shall continue to serve as a judge in the same court where they were first appointed.
6. The supervising judges shall be appointed for a five (5) year term, without the right to reelection. Upon termination of the mandate as a supervising judge, the judge shall continue to serve as a judge in the same court where they were first appointed.
7. In order to ensure that courts reflect the multiethnic nature of Kosovo, the Council shall endeavour to ensure that members of non-majority communities in Kosovo are appointed to judicial management roles, including as Court Presidents and supervising judges.
8. The appointment of the Presidents of Courts and supervising judges shall be conducted through an open, competitive, transparent and merit-based process as defined by the Law.

Article 31
Dismissal of Presidents of Courts and supervising judges

1. The Council may dismiss from the position of the President of the Court or the supervising judge due to mismanagement, inability or failure to perform office duties. The dismissal of the President of the Court or the supervising judge does not constitute dismissal from the position of the judge.

2. The Council may suspend a Court President or supervising judge from position during the period of investigating allegations for criminal conduct, mismanagement, incapability or failure to perform their duties, a suspension which does not constitute a suspension from the judicial office. In case the Council suspends a Court President, the Vice-President of the Court becomes Acting President of the Court until the Council withdraws the dismissal or until the appointment of a new President of the Court. In case the Council suspends a supervising judge, the President of the Basic Court shall appoint an acting supervising judge until the Council withdraws the suspension or until the appointment of a new supervising judge.

Article 32

Legal Defence

1. The judge has the right to file a complaint directly to the Supreme Court of Kosovo, against decisions of the Kosovo Judicial Council, regarding the dismissal or proposal for dismissal of the President of the Supreme Court, decisions related to the performance assessment of judges and disciplinary decisions and as a consequence will influence on degradation of the judge.

2. The Supreme Court, within ninety (90) days of the receipt of the complaint, has to decide based on the merit.

Article 33

Assembly of Presidents of Courts and supervising judges

1. The Council shall establish the Assembly of Presidents of Courts and Supervising Judges, which shall be an advisory body to the Council on matters related to the actions of the courts.

2. The Assembly shall be composed of the President of the Supreme Court, the President of the Court of Appeals, the Presidents of the Basic Courts and of a supervising judge from each of the Basic Court appointed by the Council.

3. The Assembly exercises only advisory power subject to regulations issued by the Council after the public consultation process with the members of the Assembly.

4. The Council may invite the Assembly or individual Members of the Assembly to attend meetings of the Council when the Council decides, that such participation would be helpful to the Council.

Article 34

Council Secretariat

1. The Secretariat shall exercise the following duties and responsibilities:

1.1. assist the Council in implementing its rules, regulations and policies regarding the management, budget, and administration of the courts;

1.2. based on the Council instructions, shall draft sub-legal acts necessary for the exercise of the Council's functions and implementation of this Law. Proposals and initiatives of the Secretariat, after approval by the Council, shall be prepared and submitted to the Council for approval;

- 1.3. in accordance with the instructions of the Council, prepare a consolidated budget proposal for the judiciary;
 - 1.4. administer the approved budget of the judiciary;
 - 1.5. manage the administrative and support personnel of the judiciary, based on the workload, maintain staff records, establish a performance assessment system, ensure proper disciplining of court employees and protect employment rights;
 - 1.6. ensure that courts are properly supplied with the materials necessary for the efficient and effective functioning;
 - 1.7. provide administrative and professional support to the Council and its committees and assumes other duties and authorizations as instructed by the Council.
2. The Council shall adopt regulations on the organizational structure and functioning of the Secretariat.

Article 35
General Director of Secretariat

1. The General Director of Secretariat shall:
 - 1.1. be selected, appointed and dismissed by the Council after the public announcement of the position and shall be based on a competitive, transparent and merit-based process, in accordance with the procedures, requirements and qualifications developed and approved by the Council;
 - 1.2. be the main administrative officer;
 - 1.3. be accountable to the Council for the efficient and effective administration of the Secretariat;
 - 1.4. shall report to the Council and the Chair of the Council;
 - 1.5. shall participate in Council meetings and shall respond to all Council requests for information.
2. The Council shall determine the salary of the Director of the Secretariat in accordance with the legislation in force.

Article 36
Unit for Judicial Inspection

1. Unit for Judicial Inspection (hereinafter: "the Unit") shall:
 - 1.1. assist the Committee for Court Administration, and the Committee on Performance Evaluation of Judges in assessing the work of courts, and

- 1.2. proposes to the Council policies or guidelines for reforming or improving the work of the courts.
2. The unit has a separate budget within the consolidated budget of the judiciary and independently reports to the Council on its own expenditure.
3. The Secretariat shall provide to the Unit budgetary and administrative assistance in accordance with the regulations and instructions of the Council.
4. The Council shall adopt regulations dealing with the organizational structure and functioning of the Unit.

Article 37
Director of Unit

1. The Director of the Unit shall:
 - 1.1. be selected, appointed and dismissed by the Council after the public announcement of the position and shall be based on a competitive process, in accordance with the procedures, criteria and qualifications developed and approved by the Council;
 - 1.2. be responsible for the efficient and effective administration of the Unit in coordination with the Secretariat;
 - 1.3. report to the Council.
2. The Council shall determine the salary of the Director of the Unit in accordance with the legislation in force.

Article 38
Court Administrators

1. The Council, in accordance with the Law on Civil Service, conducts recruitment and supervision procedures for Court Administrators.
2. The court administrator shall be accountable to the Court President for the efficient and effective administration of the court, in coordination with Secretariat.
3. The duties and responsibilities of the administrator shall be determined by the Law on Courts and sub-legal act issued by the Council.

CHAPTER VI
DISCIPLINARY LIABILITY AND JUDICIAL TRAINING

Article 39
Disciplinary liability

The disciplinary liability of judges and the right to appeal shall be conducted in accordance with the relevant procedures established by the relevant Law on Disciplinary Liability and relevant acts issued by the Council.

Article 40
Trainings

1. The Council, in coordination with the Academy of Justice, shall define the policies, standards and guidelines for arranging the training of judges, lay judges and administrative staff, including initial training.
2. The Council may cooperate with other associations or organizations with a view to professional development of judges and lay judges.
3. The Council may request the revision of any training program in order to ensure the implementation of policies and standards for the professional training of judges and lay judges.

CHAPTER VII
TRANSITIONAL AND FINAL PROVISIONS

Article 41
Continuance of duty

1. Elected Council members who exercise this function at the time of entry into force of this Law shall remain in the office until the end of their current mandate.
2. Members of the Council shall continue to perform their duties according to the provisions set out in this Law.
3. Council members shall have the right to file a resignation within thirty (30) days from the entry into force of this Law and continue to hold the current position until the election of new members according to the provisions set out in this Law.
4. Presidents of the Courts and Supervisory Judges remain in office until the end of their current mandate.

Article 42
Issuance of sub-legal acts

1. The sub-legal acts specified in this Law shall be issued within one (1) year after the entry into force of this Law.
2. During the drafting process of sub-legal acts defined in this Law, the Council may carry

out public consultations with relevant institutions.

3. Until the adoption of sub-legal acts determined by this Law, all sub-legal acts issued by the Council shall apply, provided they are not in violation of the provisions of this Law.

Article 43

Abrogation

1. Upon entry into force of this Law, the following Laws shall be abrogated:

1.1. Law no.03/L-223 on the Kosovo Judicial Council (Official Gazette, No.84; 03 November 2010);

1.2. Law no. 04/L-115 on Amending and Supplementing the Laws related to the Ending of International Supervision of Independence of Kosovo, Article 11 - amending and supplementing the Law no. 03/L-223 on the Kosovo Judicial Council (Official Gazette, No. 25, 07 September 2012);

1.3. Law no.05/L-033 on Amending and Supplementing the Law no. 03/L-223 on the Kosovo Judicial Council; (Official Gazette, no. 17, 30 June 2015), including the notice on improving the technical issuance in the Law (Official Gazette, No. 18, 13 July, 2015);

1.4. Law no. 05/L-094 on Amending and Supplementing the Law no. 03/L-223 on the Kosovo Judicial Council, amended and supplemented by the Law no. 05/L -033, and the Law no. 04/L-115 (Official Gazette, no. 11, 06 April 2016).

Article 44

Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 06/L-055
23 November 2018

Promulgated by Decree No.DL-058-2018, dated 13.12.2018, President of the Republic of Kosovo Hashim Thaçi.