



Strasbourg, 24 December 2024

CDL-REF(2024)048

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KOSOVO

**DRAFT LAW ON AMENDING AND SUPPLEMENTING LAW ON
KOSOVO JUDICIAL COUNCIL**

**DRAT LAW ON AMENDING AND SUPPLEMENTING
LAW NO. 06/L-055 ON KOSOVO JUDICIAL COUNCIL**

Assembly of the Republic of Kosovo,

Pursuant to Article 65 (1) of the Constitution of the Republic of Kosovo

Adopts:

**LAW ON AMENDING AND SUPPLEMENTING LAW NO. 06/L-055 ON KOSOVO
JUDICIAL COUNCIL**

**Article 1
Purpose**

The purpose of this Law shall be to amend and supplement Law No. 06/L-055 on Kosovo Judicial Council (hereinafter: the Basic Law).

Article 2

1. Article 8, paragraph 1, sub-paragraph 1.1 of the Basic Law shall be reworded as follows:

“1.1. seven (7) members shall 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 Appeal or the second instance of specialized courts;

1.1.3. three (3) judges of Basic Courts or the first instance of specialized courts.”

Article 3

Chapter IV of the Basic Law is reworded as follows:

**CHAPTER IV
PERFORMANCE ASSESSMENT, PROMOTION AND TRANSFER OF JUDGES**

**Article 27
Performance assessment of judges**

1. The Performance Evaluation Committee shall conduct performance evaluations judges.

2. The Performance Evaluation Committee from paragraph 1 shall consist of seven (7) judges, appointed by the Council, comprised as follows:

- 2.1. Four (4) judges shall be from among the judges of the Supreme Court, of whom one shall be a Council member and shall serve as a Chairperson of the Committee;
- 2.2. Three (3) judges shall be from among the judges of the Court of Appeals, or equivalent levels of specialized courts.
3. The term of office for a member of the Performance Evaluation Committee shall be five (5) years without the possibility of re-election in the subsequent term. The mandate of the member of the commission who is also a member of the Council corresponds to his mandate in the Council.
4. The composition of the Committee shall reflect ethnic and gender representation in accordance with the applicable legislation.
5. The Committee shall monitor the implementation of findings from individual performance evaluations and shall report on this matter to the Council.

Article 27/A
Performance Evaluation of Presidents of the Court

1. The Council shall, from among its members, appoint a Committee of five (5) members to evaluate the performance of the Presidents of the Courts.
2. The mandate of a member of the for the Performance Evaluation Committee the of the Presidents shall correspond with his/her mandate as a member of the Council.
3. The composition of the Committee from paragraph 1 shall reflect the ethnic and gender composition according to the applicable legislation.

Article 27/B
Criteria, procedure, and levels of performance evaluation

The procedure and levels of evaluation of the performance of judges, including the Presidents of the Courts shall be determined by the relevant Law on the performance of judges.

Article 28
Transfer and Promotion of Judges

The transfer and promotion of judges is done in accordance with the conditions and procedure defined in the relevant Law on the Status of Judges.

Article 4

1. Article 30 of the basic law, paragraph 5, is reworded as follows:

“5. Court presidents are appointed for a four (4) year term, with the right to re-election for another consecutive four (4) year term. After the end of the mandate as the president of the court, the judge will continue to serve as a judge in the same court in which he was originally appointed.”

2. In Article 30 of the Basic Law, after paragraph 5, a new paragraph 5a is added as follows:

“5a. The limitation of the mandate from paragraph 5 shall apply only to the same level of court”.

3. Article 30 of the basic law, paragraph 6, is reworded as follows:

“6. Supervisory judges are appointed for a four (4) year term, with the right to re-election for another consecutive four (4) year term. After the end of the mandate as a supervising judge, the judge will continue to serve as a judge in the same court in which he was originally appointed.”

Article 5

Article 35, paragraph 1, sub-paragraph 1.1 of the Basic Law shall be reformulated as follows:

“1.1.is selected, appointed and dismissed by the Council, in accordance with the rules of the Law on Public Officials, and the special or additional conditions determined by a bylaw issued from the Council.”

Article 6

Article 36 of the Basic Law is reworded as follows:

“Article36 Inspection and Verification Unit

1. The Inspection and Verification Unit (hereinafter referred to as “the Unit”) shall operate within the Judicial Council and shall carry out the following duties and responsibilities:

1.1. supports the Council and relevant Commissions for court administration, recruitment, performance and discipline of judges;

1.2. proposes to the Council policies and guidelines for reforming or improving the work of the courts;

1.3. supports the conduct the administrative investigation procedure of integrity control, collecting, processing data, and preparing relevant reports, and;

1.4. provides support in the preparation of integrity check methodologies;

2. The Unit shall directly report to the Judicial Council for the implementation of the duties and responsibilities from paragraph 1.

3. The Unit shall be composed of civil servants with special status according to the applicable Law on Public Officials. Other employment conditions for these positions shall be determined by a sub-legal act of the Council.

4. The integrity checks for judges, as well as candidates for these positions, shall be supported by verification officers within the Unit, who undergo the integrity check procedure in accordance with the sub-legal act of the Council.

5. The integrity check procedure for candidates for judges shall be applied accordingly to the integrity check procedure for verification officers.

6. Verification officers within the Unit shall declare their assets in accordance with the applicable Law on Declaration of Assets.
7. Salaries and other allowances for officials and head of the Unit are regulated by the relevant Law on Salaries.
8. The internal organization of the Unit shall be determined by the internal regulations of the Council.

Article 7 Transitional Provisions

1. Notwithstanding the provisions of this Law, the members of the first Performance Evaluation Committee for Judges, as established by Article 27 after the entry into force of this Law, except of the Council member, shall be selected by lot with staggered mandates, whereby four (4) members will serve for five (5) years, and two (2) members for four (years), while mandate of the member of the council is related to his mandate as member of the Council.
2. The current verification officers within the unit shall undergo the integrity check procedure in accordance with the sub-legal act of the Council within six (6) months from the entry into force of this Law.

Article 8 Entry into force

This Law shall enter into force fifteen (15) days following its publication in the Official Gazette.

Glauk Konjufca

Speaker of the Assembly of the Republic of Kosovo