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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

SERBIA

FOLLOW-UP OPINION

TO THE OPINION

ON

THE DRAFT LAW ON THE JUDICIAL ACADEMY

**Adopted by the Venice Commission
at its 147th Plenary Session
(Venice, 12-13 June 2026)**

On the basis of comments by

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Commission)**
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I. Introduction

1. By letter of 13 February 2026, Mr Nenad Vujić, Minister of Justice of the Republic of Serbia requested a follow-up opinion of the Venice Commission to the opinion ([CDL-AD\(2024\)036](#))¹ on the draft Law on the Judicial Academy (“the 2024 Opinion”). The Minister of Justice provided the revised draft Law on the Judicial Academy ([CDL-REF\(2026\)010](#)) (“the revised draft Law”).

2. Ms Regina Kiener, Ms Hanna Suchocka and Mr Kaarlo Tuori acted as rapporteurs for this Follow-up Opinion, having acted also as rapporteurs for the 2024 Opinion.

3. On 30 April 2026, a delegation composed of Ms Regina Kiener and Ms Hanna Suchocka, accompanied by Mr Taras Pashuk and Ms Constanze Schimmel-Khalfallah from the Secretariat of the Venice Commission, conducted a series of on-line meetings with the Minister of Justice, the Supreme Court, the High Prosecutorial Council, the Supreme Public Prosecutor’s Office, the Judicial Academy, professional associations of judges and prosecutors, civil society organisations, and the European Commission and the Delegation of the European Union to the Republic of Serbia. The Venice Commission is grateful to the Ministry of Justice and the Council of Europe Office in Serbia for the excellent organisation of the meetings.

4. On 4 June 2026 the authorities submitted an explanatory note and amended articles of the revised draft Law on the Judicial Academy, notably further revising Articles 4, 8, 11, 13, and 38 ([CDL-REF\(2026\)025](#)).

5. This opinion was prepared in reliance on the English translation of the revised draft Law. The translation may not accurately reflect the original version on all points.

6. This opinion was drafted on the basis of comments by the rapporteurs and the results of the on-line meetings on 30 April 2026. Following an exchange of views with Mr Nenad Vujić, Minister of Justice of the Republic of Serbia, it was adopted by the Venice Commission at its 147th Plenary Session (Venice, 12-13 June 2026).

II. Background and content of the draft law

7. The Venice Commission has previously addressed the regulation of the Judicial Academy of Serbia in several opinions.

8. In its 2018 Opinion on the Draft Amendments to the Constitutional Provisions on the Judiciary, the Venice Commission noted that although the Judicial Academy already existed as an institution, it was not previously given explicit constitutional status. The constitutional reform attempted to provide such entrenchment by indirectly referencing the Academy in the Constitution. While the Commission recognised the important role of the Academy, it also recommended that, to protect the Academy from possible undue influence, its status should be more firmly established within the Constitution.²

9. In subsequent years, however, the constitutional entrenchment of the Judicial Academy was not pursued by the Serbian authorities. This was noted by the Commission in its 2021 Opinion.³ The Commission then suggested that in the absence of a constitutional basis, the

¹ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office.

² Venice Commission, [CDL-AD\(2018\)011](#), Serbia - Opinion on the Draft Amendments to the Constitutional Provisions on the Judiciary, §§37-42.

³ Venice Commission, [CDL-AD\(2021\)032](#), Serbia - Opinion on the Draft Constitutional Amendments of the Judiciary, § 97.

position and role of the Judicial Academy should be clearly established through ordinary legislation.⁴

10. In its 2024 Opinion, the central issue under assessment was whether the Judicial Academy should become the exclusive channel for entry into the judicial and prosecutorial professions through the completion of the prior training programme and the passing of a professional examination at the Academy.⁵

11. The Venice Commission found that both the options of having a sole entry point and of maintaining a dual system were acceptable. *“However, entrusting the exclusive responsibility for entry into the judicial and prosecutorial professions to the Academy presents several advantages and may represent the preferred alternative”*.⁶ The Commission found that placing prior training before appointment ensures that candidates are properly prepared for merit-based evaluation; establishing a single channel for professional examination guarantees equal and transparent standards; and eliminating redundant parallel systems streamlines recruitment for greater efficiency and predictability.⁷

12. As emphasised by the Venice Commission in its 2024 Opinion, the Judicial Academy must be protected from undue influence.⁸ With the current revised draft Law providing for the Judicial Academy as the sole entry point, considerations about the level of its independence from other branches of power and its autonomy in its relations with the High Judicial and Prosecutorial Councils⁹ become even more prominent.

13. The Commission notes that the judicial reform adopted in January 2026¹⁰ includes laws that were previously considered alongside the draft Law on the Judicial Academy in the 2024 Opinion, notably the Law on Judges and the Law on the Public Prosecutor’s Office. It appears that the recent amendments to the Law on Judges and the Law on the Public Prosecutor’s Office have not yet incorporated the specific changes indicated in 2024 for the scenario in which the Judicial Academy serves as the sole entry point.

14. Furthermore, the broader judicial and prosecutorial reforms are still ongoing. These reforms are the subject of assessment by the Venice Commission through a separate Urgent Opinion, as well as a follow-up opinion, both of which address a larger reform framework.¹¹

⁴ Venice Commission, [CDL-AD\(2021\)032](#), Serbia - Opinion on the Draft Constitutional Amendments of the Judiciary, § 98.

⁵ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, §45.

⁶ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, §46.

⁷ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, §§26-28.

⁸ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, §38.

⁹ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, §47.

¹⁰ See Venice Commission, [CDL-PI\(2026\)007](#), Serbia - Urgent Opinion on the 28 January 2026 Amendments to Laws Governing the Judiciary and the Prosecution, §§51-73 on the proposed changes. The Urgent Opinion issued upon this request summarises the impact of the proposed amendments as follows *“[t]he amendments affect the allocation of competences and the scope of hierarchical control within the public prosecution service, broaden the circumstances in which provisional appointments and reappointments may be used in both the judiciary and the prosecution service, alter the regime on the temporary assignment of public prosecutors, and aim to introduce a remapping of certain basic courts and prosecution offices in Belgrade.”* (Venice Commission, [CDL-PI\(2026\)007](#), Serbia - Urgent Opinion on the 28 January 2026 Amendments to Laws Governing the Judiciary and the Prosecution, §95).

¹¹ Cf. Venice Commission, [CDL-PI\(2026\)007](#), Serbia - Urgent Opinion on the 28 January 2026 Amendments to Laws Governing the Judiciary and the Prosecution and Venice Commission, CDL-AD(2026)023, Serbia – Draft Follow-up Opinion to the Urgent Opinion on the 28 January 2026 Amendments to Laws governing the Judiciary and the Prosecution, CDL(2026)023.

Changes introduced in one area may have repercussions in others, making coherence and consistency across the entire reform process essential to a comprehensive and effective reform.

15. The revised draft Law endorses the option that the Judicial Academy becomes the exclusive channel for entry into the judicial and prosecutorial professions through the completion of the "prior training" programme and the passing of a professional examination at the Academy.

16. Apart from this point, there are three main amendments in the revised draft Law: ¹²

- Removal of compulsory continuous training (dual track model): As the revised draft Law adopts the "prior training" model, it removes provisions on compulsory continuous training for newly elected judges and prosecutors (former draft Article 56 on the compulsory continuous training for a judge or prosecutor elected for the first time¹³, former draft Article 10 (9) on the competence of the Management Board to adopt such a training programme, former draft Article 18 (4) on the competence of the Programme Council to determine such a draft training programme; former draft Article 55 (1) on listing this training as one of the continuous training programmes).¹⁴
- Change in required majority for certain Management Board decisions: Key decisions of the Management Board (such as election and dismissal of the President and the Deputy President of the Management Board and the Director of the Academy, the Statute and the Rules of Procedure of the Management Board) now require a two-thirds majority, rather than a unanimous vote (draft Article 13 (2)).
- Exclusion of Minister of Justice from certain decisions of the Management Board: Draft Article 13 (3) excludes the Minister of Justice from Management Board decision-making on specific matters, as set out in Article 10 (items 18 to 21)¹⁵.

III. Scope of the Opinion

17. The current opinion aims at assessing the revised draft Law in the light of the 2024 Opinion and reviewing to which extent the authorities have followed the recommendations of the Venice Commission, to the extent that they pertain to the revised draft Law itself. The absence of comments on certain provisions of the revised draft Law should not be interpreted as tacit approval of those provisions.

18. The 2024 Opinion states in its paragraph 25 that "*Option 2 [sole entry point] may present distinct advantages in preparing individuals for the judicial and prosecutorial professions.*" Furthermore, the 2024 Opinion contains the following key recommendations in paragraph 48:

¹² Venice Commission, [CDL-REF\(2026\)010](#), Serbia - Draft Law on the Judicial Academy.

¹³ Text of the former draft article that has been deleted: "Article 56: (1) Continuous training shall be compulsory for a judge, or a public prosecutor who is elected to the office for the first time and has not completed the prior training previously. (2) A judge, or a public prosecutor shall attend the continuous training referred to in paragraph 1 of this Article at the Academy, in the duration of 30 days, and he/she shall be obliged to start the attendance within three months since the day of assuming the judicial, or prosecutorial office. (3) The continuous training programme referred to in paragraph 1 of this Article shall be adopted by the Management Board upon a proposal of the Programme Council, and approval of the High Judicial Council and the High Prosecutorial Council. (4) The Academy shall issue a certificate of attendance at the training referred to in paragraph 1 of this Article on a form stipulated by the Management Board."

¹⁴ All those articles have been marked in the 2024 draft Law with "NOTA BENE: Alternative solution would imply deletion of this Article".

¹⁵ Article 10 item 18 concerns the competencies of the Management Board to "[p]ropose members of the Commission for the entrance exam for prior training (hereinafter referred to as: Examination Commission);" item 19 to "[p]ropose members of the Appeals Commission;" item 20 to "[p]ropose members of the Commission for the final exam for prior training (hereinafter referred to as: Final Exam Commission)" and item 21 to "[g]ive consent for a decision on appointment of members of commissions of the Programme Council".

“(1) elaborating on and clarifying the procedures related to the exercise by the Judicial and Prosecutorial Councils of the specific competencies granted to them, namely:

- (i) the monitoring of the Academy's operation and its professional supervision,
- (ii) the review of the entrance examination report and ranking,
- (iii) the exercise of discretion in reviewing candidates following successful completion of “prior training” programme at the Academy.

(2) consider removing the *ex officio* participation of the Minister of Justice in the Management Board of the Judicial Academy.”¹⁶

19. The Venice Commission notes that, unlike in 2024 when the 2024 Opinion addressed not only the draft Law on the Judicial Academy but also the draft amendments to the Law on Judges and the Law on the Public Prosecutor's Office, the current request by the Minister of Justice concerns only the revised draft Law on the Judicial Academy.

IV. Analysis

A. Sole entry point

20. As underlined above, in its 2024 Opinion, the Venice Commission expressed the view that establishing a single channel for professional examination guarantees all candidates are evaluated under the same rigorous and transparent standards, thus, ensuring equality and transparency. Finally, eliminating redundant parallel systems would streamline recruitment, increasing efficiency, reducing potential administrative complications and enhance predictability in appointments.¹⁷

21. The Venice Commission therefore considers that the authorities' decision to adopt the model making the Judicial Academy the sole entry point into the profession is a valid policy choice, which is in line with the earlier recommendation of the Commission.

22. However, the Commission also notes that, as the Academy becomes the exclusive entry route into the judicial and prosecutorial professions, it will have a monopoly on the training of candidates for these posts. If admission to the Academy, successful completion of its programme, ranking within it, or certification by it are a necessary precondition for the election or appointment as a judge or prosecutor, then the Academy becomes not “just” an educational body, but an integral part of the selection and appointment process for judicial and prosecutorial posts. This development makes its independence from the executive branches and its autonomy in its relationship with the High Judicial and Prosecutorial Councils - and the adoption of effective safeguards - even more important. Furthermore, *mutatis mutandis*, all the standards put forward by the Venice Commission related to judicial appointments should be taken into account.

23. Against this background, and with a view to ensuring that the future Judicial Academy operates on a basis of equal opportunity, the Commission notes that the current draft Article 37(4)¹⁸, which provides that “[c]andidates who are not covered by paragraph 3 of this Article, and have passed the entrance exam, may attend prior training as the beneficiaries of the prior trainings, with an obligation to bear the costs of the training on their own”, could be interpreted

¹⁶ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §48.

¹⁷ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §§26-28.

¹⁸ Art. 37 (4): “Candidates who are not covered by paragraph 3 of this Article, and have passed the entrance exam, may attend prior training as the beneficiaries of the prior trainings, with an obligation to bear the costs of the training on their own.”

as treating the self-funded candidates differently from those financed by state budget (see paragraph 3¹⁹), by not admitting the self-funded candidates strictly according to their order in the entry exam ranking list. The Commission underlines that such an interpretation should be excluded to guarantee equal treatment of all candidates.

B. Key recommendation 1: clarification of competencies of the High Judicial and Prosecutorial Councils regarding the Judicial Academy

24. The Commission notes at the outset that the relevant articles in the current draft Law as identified in the 2024 Opinion²⁰ (in particular, Articles 4, 8, 10, 27, 33, 36, 38, 43)²¹ remain unchanged from the version examined in the 2024 Opinion as regards to this recommendation. Furthermore, no other draft laws have been submitted to the Commission which might clarify or address this recommendation.

25. The Commission would like to stress that it considers these matters to be not of minor procedural detail²² but to represent essential procedural and institutional matters related to the autonomy of the Judicial Academy. In particular, the procedures regulating the exercise of core competencies by the High Judicial Council and the High Prosecutorial Council in relation to the Judicial Academy are of institutional importance. These include the monitoring of the Academy's operation and the professional supervision of its activities, as envisaged in draft Article 4. They also include the composition of the Academy's Management Board under draft Article 8, as well as the establishment of the commissions responsible for conducting the entrance examination and the final examination, regulated by draft Articles 33 and 43. These commissions exercise functions that are important in providing access to judicial and prosecutorial careers and therefore must be structured in a manner that safeguards impartiality, transparency and institutional autonomy of the Judicial Academy while respecting the constitutional mandates of the two Councils of electing judges (Article 150(2) Constitution) and prosecutors (Article 162(2) Constitution) as the Constitution reserves the candidates' final assessment for the High Judicial Council and the High Prosecutorial Council.

26. The same applies to the procedure for receiving and assessing the report on the entrance examination under draft Article 38, particularly where the competent Council may reject the report with the consequence of annulling the entrance examination. Such a power may have significant legal and practical consequences for candidates, for the credibility of the selection process and for the institutional autonomy of the Academy. The possibility of a judicial remedy against such a decision could be examined and, where appropriate, specifically regulated in the draft law. Similarly, the annual report of the Academy, referred to in draft Article 4, is not a

¹⁹ Art. 37 (3): *"For the beneficiaries of the prior training, whose training is funded from the budget of the Republic of Serbia, candidates shall be admitted according to their order in the ranking list until the number of beneficiaries determined by the High Judicial Council and the High Prosecutorial Council is filled."*

²⁰ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §32.

²¹ These articles were listed in the 2024 Opinion as particularly pertinent regarding the subordination of the Judicial Academy to the Councils: The Academy is subject to monitoring and professional supervision by the Judicial and Prosecutorial Councils (Article 4); the Judicial and Prosecutorial Councils have a decisive role in the formation of the management board of the Academy (Articles 8 and 10); the Judicial and Prosecutorial Councils have a decisive role in the formation of (a) the commission responsible for the entry examination, (b) the appeal commission for the entry examination, and (c) the final examination commission (Articles 33, 36, and 43); (iv) the Judicial and Prosecutorial Councils determine, on a regular basis, the number of vacancies for the "prior training" programme (Article 27); (v) the Judicial and Prosecutorial Councils may review the report on the entrance examination and the ranking list of candidates applying for the "prior training" (Article 38).

²² Cf. Venice Commission, [CDL-AD\(2025\)026](#), North Macedonia - Opinion on the Draft Law on the Judicial Council, §11, where the Commission stated that *"[w]hile rightly dealing with essential matters at legislative level, it also includes details – for example concerning the criteria and procedure for monitoring and assessment of the work of judges and court presidents, see Articles 76ff – most of which could be addressed at the level of (Judicial Council) regulations, thus making it more difficult to identify the main elements of the law."*

merely administrative document. It is an important mechanism of accountability and oversight, and the procedures surrounding it should therefore be clearly and predictably regulated.

27. As the Commission has previously stated, by-laws can only determine mechanisms and procedures for detailing and developing constitutional norms and relevant legislation. These requirements stem from the guaranteed rule of law principle and its components such as legality and legal certainty.²³ In contrast, by-law regulation may be subject to frequent amendment.

28. Thus, the Commission reiterates its earlier recommendation of elaborating on and clarifying the procedures related to the exercise by the High Judicial and Prosecutorial Councils of the specific competencies granted to them, namely: (i) the monitoring of the Academy's operation and its professional supervision, (ii) the review of the entrance examination report and ranking, (iii) the exercise of discretion in reviewing candidates following successful completion of "prior training" programme at the Academy.²⁴

29. Given this situation, the Commission considers that this recommendation has not yet been implemented at the current stage of the drafting process.

C. Key recommendation 2 : removal of the *ex officio* participation of the Minister of Justice in the Management Board of the Judicial Academy

30. The revised draft Law addresses this recommendation in draft Article 13 (2) and (3),

- a) by excluding the Minister of Justice from decision-making on matters regulated in draft Article 10, nos. 18-21, which relate to the proposal of members for the Examination Commission, Appeals Commission, and Final Exam Commission, as well as the consent to the appointment of members of commissions of the Programme Council (draft Article 13 (3)); as well as
- b) by changing the unanimity requirement of certain decisions of the Management Board to a two-thirds majority (draft Article 13 (2)).

31. By excluding the Minister of Justice from the decision-making process related to these items, the current draft Law reduces potential executive influence over the composition of these committees that, in the end, decide on the evaluation and selection of candidates as well as the final evaluation of candidates. Admittedly, these tasks stand out compared to other competences of the Management Board, as they directly impact the entry and final examination that gives access to careers in the judiciary and prosecution. Therefore, the exclusion of the Minister from these critical decisions is an important step forward and is welcome.

32. However, the Commission notes that there are still important decisions of the Management Board in which the Minister remains involved, such as adopting the Statute and other key acts of the Academy (Article 10, no. 1), appointing and dismissing the Academy Director and members of the Programme Council (nos. 3 and 4), adopting rulebooks on taking the entrance and final exam for the prior training (nos. 6-7), and approving training programmes *inter alia* for the prior training and the voluntary continuous training (nos. 8-9). These competences thus influence the institutional structure, the structure of the entry and exit exams, and the training programmes for the judiciary and the prosecutorial branch itself. The Minister's continued

²³ See e.g. Venice Commission, [CDL-AD\(2020\)024](#), Ukraine - Urgent joint opinion of the Venice Commission and the OSCE/ODIHR, on the Draft Law 3612 on democracy through all-Ukraine referendum, §79; see also Venice Commission, [CDL-AD\(2025\)015](#), Kosovo - Opinion on the Law on the Judicial Council and the draft law amending and supplementing it, §§21-22.

²⁴ Cf. Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §48.

participation in these key decisions maintains a significant level of influence over the Academy's functioning.

33. Furthermore, it is recalled that this recommendation was made in 2024 at a time when the choice of the entry model had not yet been taken. Even then, the Commission considered the *ex officio* participation of the Minister of Justice in the Management Board of the Judicial Academy to be a matter of concern. The Commission stressed that the appropriateness of such membership would also depend on the option ultimately selected. Now that the Judicial Academy serves as the sole entry point into both the judicial and prosecutorial professions, the importance of safeguarding the Judicial Academy's independence becomes even more essential.

34. The Commission is of the view that, having regard to the overall competences of the Management Board as provided for in the draft Law, and to the proportion of decisions to be taken without the participation of the Minister, a significant part of the Board's competencies as described above would still involve the participation or input of the Minister regarding decisions with impact on institutional structure, the structure of entry and exit exams and the setting of training programmes.

35. The Commission also finds that the reduction of the quorum for decisions to a two-thirds majority may lessen the degree of consensus required, but it does not by itself address the underlying concerns about executive involvement.

36. The Commission recalls that the independence of the institution must be ensured not only in practice but also in appearance. The presence of representatives of the executive in the management or steering bodies of a judicial training institution may give rise to perceptions of influence over the training, evaluation or career development of future judges and prosecutors, even where formal safeguards are in place.

37. Furthermore, the Commission wishes to underline the structural concern that arises with the Minister's proposed *ex officio* membership in both the Management Board of the Judicial Academy and his or her *ex officio* membership in the High Prosecutorial Council (Article 163 (1) of the Constitution). Since both Councils exercise supervisory functions over the Judicial Academy under draft Articles 4 and 38, the Minister would participate, on the one hand, in the High Prosecutorial Council which is a body entrusted with oversight of the Academy and, on the other hand, in the Academy's own management structure. This creates an overlap between supervisory and managerial functions and may create a conflict of interest.

38. During the meetings, certain stakeholders argued that the *ex officio* membership of the Minister of Justice contributed to better visibility of the Judicial Academy within the institutional national framework, enhancing policy coordination, communication, cooperation, planning and resources. The Commission is of the view that these objectives could be achieved via alternative means, without integrating the Minister in the management board.

39. In view of the above, and having carefully considered the arguments put forward by the authorities, the Commission is of the view that even if draft Article 13 (2) and (3) represent an improvement, it does not fully address the structural concern created by executive involvement at both the supervisory and managerial levels regarding the prosecutorial training branch of the Judicial Academy. The Commission is therefore of the view that this recommendation has only been partially met, and, taking into account that the Judicial Academy has now become the sole entry point to the career of judge and prosecutor, recommends removing the *ex officio* participation of the Minister of Justice from the Management Board of the Judicial Academy. This recommendation equally applies to any person representing or delegated by the Ministry of Justice, who should not be a member of the Management Board.

D. Follow-up to other recommendations and other issues

40. The Commission also recommended that the authorities explore the introduction of provisions aimed at ensuring a gender-balanced composition of the Academy's bodies.²⁵ The draft Law submitted for review does not contain any such provisions. The Commission therefore repeats this recommendation for the implementation in the further drafting process. The Commission encourages the authorities to give due consideration to statutory guarantees in this area, as such provisions contribute to the inclusiveness and legitimacy of key legal institutions.

41. Furthermore, during the online consultations, civil society and professional associations expressed concerns about the insufficient level of consultation and participation afforded to them in the process of elaborating the draft Law. As previously stated, European principles of good law-making require a transparent, inclusive, and democratic process, with meaningful debate and consultation involving national stakeholders, especially on matters affecting key institutions. Draft legislation should be accessible and when appropriate accompanied by explanatory material and impact assessments.²⁶ In view of the above and acknowledging that process for the revision of the Law on the Judicial Academy is still at its early stages, the Commission recommends that the ongoing process ensures transparency, inclusiveness, and broad participation.²⁷

V. Conclusion

42. The Minister of Justice of the Republic of Serbia, Mr Nenad Vujić, requested a follow-up opinion of the Venice Commission to the opinion (CDL-AD(2024)036)²⁸ on the draft Law on the Judicial Academy ("the 2024 Opinion"). The Minister of Justice provided the revised draft Law on the Judicial Academy.

43. The Venice Commission commends the efforts made by the Ministry of Justice to bring the draft Law on the Judicial Academy in line with the earlier recommendations and the good cooperative dialogue with the national authorities during the elaboration of this opinion.

44. The Venice Commission considers that the authorities' decision to adopt the model making the Judicial Academy the sole entry point into the judicial and prosecutorial professions is a valid policy choice, which is in line with the earlier recommendation of the Commission.

45. In light of this development, the Commission wishes to underline that the independence and autonomy of the Judicial Academy become even more important: It is essential that the Judicial Academy be afforded robust safeguards to protect its independence from the executive and its autonomy in its relations with the High Judicial and Prosecutorial Councils, thereby ensuring that selection, training and evaluation processes are objective, transparent, and merit-based. The Commission encourages the authorities to provide clear legislative guarantees reinforcing the Academy's position in this regard, particularly given its future pivotal role as a gatekeeper to a judicial or prosecutorial career.

46. The Commission notes that the first key recommendation, to elaborate on and to clarify *"the procedures related to the exercise by the Judicial and Prosecutorial Councils of the*

²⁵ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §42.

²⁶ Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, §34.

²⁷ Cf. also Venice Commission, [CDL-PI\(2026\)007](#), Serbia - Urgent Opinion on the 28 January 2026 Amendments to Laws Governing the Judiciary and the Prosecution, §96.

²⁸ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office.

*specific competencies granted to them, namely: (i) the monitoring of the Academy's operation and its professional supervision, (ii) the review of the entrance examination report and ranking, (iii) the exercise of discretion in reviewing candidates following successful completion of 'prior training' programme at the Academy"*²⁹, has not been addressed.

47. As regards the second key recommendation "*to consider removing the ex officio participation of the Minister of Justice from the Management Board of the Judicial Academy*"³⁰, the Venice Commission notes that the limitation of the decision-making powers of the Minister of Justice in the Management Board by excluding the Minister of Justice from decision-making on certain matters and by changing the unanimity requirement of certain decisions of the Management Board to a two-thirds majority, as currently proposed in the revised draft Law, represents a welcome improvement but does not sufficiently address the underlying concerns that formed the basis of the Commission's 2024 recommendation. These concerns have become even more evident, given that the Judicial Academy is now established as the sole entry point to a judicial or prosecutorial career. The Commission observes that a significant part of the Management Board's competencies would still involve the participation or input of the Minister regarding decisions with impact on institutional structure, the structure of entry and exit exams and the setting of training programmes, and stresses that the requirement of independence extends to the structure and governance of the training institution as a whole. The reduction of the quorum for decisions to a two-thirds majority only lessens the degree of consensus required but does not eliminate the potential Minister's input. Regarding the prosecutorial training branch, in addition, the Minister would participate both in a body involved in supervising the Academy, the High Prosecutorial Council, and in the Academy's own management body. The Venice Commission therefore concludes that its second key recommendation has not yet been fully implemented and recommends removing entirely the *ex officio* participation of the Minister of Justice in the Management Board of the Academy. In the specific context of Serbia, this recommendation equally applies to any person representing or delegated by the Ministry of Justice, who should not be a member of the Management Board.

48. In addition, the 2024 recommendation on considering provisions aimed at ensuring a gender-balanced composition of the Academy's bodies remains unaddressed and the Commission wishes to reiterate it.

49. Finally, given the importance of the issues at stake, the Venice Commission reiterates that, according to its long-standing standards, the law-making process should be inclusive and allow for adequate participation by all relevant stakeholders, including civil society organisations. Ensuring transparency, consultation, and meaningful engagement at each stage of the legislative process is crucial to both the legitimacy and the effectiveness of reforms, particularly those affecting the judiciary and the rule of law.

50. The Venice Commission welcomes the readiness of the national authorities to provide amendments aimed at substantially addressing the Commission's recommendations expressed in the present opinion and remains at the disposal of the Serbian authorities for further assistance in this matter.

²⁹ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §48.

³⁰ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, §48.