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

NORTH MACEDONIA

DRAFT LAW ON THE JUDICIAL COUNCIL

I. BASIC PROVISIONS

Establishment

Article 1

This Law shall regulate the procedure for selection and responsibility of the members of the Judicial Council of the Republic of North Macedonia, the manner of exercising its offices, the selection, the termination and the dismissal of a judge and a lay judge, the procedure for establishment of responsibility of a judge of president of a court establishment of unprofessional and bad faith in exercising the judicial office, the monitoring and assessment of the judges work, the manner of working and deciding, and other issues connected with the operation of the Judicial Council of the Republic of North Macedonia and its Expert Service.

Aim of establishment

Article 2

The Judicial Council of the Republic of North Macedonia (hereinafter: the Council) shall be an autonomous and independent judicial body. The Council shall ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws.

Political activity

Article 3

(1) Political organization and activity in the Council are forbidden.

(2) The members of the Council must not be members of a political party, nor carry out any party activity while performing functions in the Council.

(3) The Council through its work shall prevent the political influence in the judiciary.

Council status

Article 4

(1) The Council shall have the capacity of a legal entity.

(2) The head office of the Council shall be in Skopje.

Seal of the Council

Article 5

(1) The Council shall have a seal

(2) The seal shall contain the name Republic of North Macedonia, the coat of arms of the Republic of North Macedonia, the name and the head office of the Council.

(3) The name and the head office, the coat of arms and the flag of the Republic of North Macedonia shall be displayed 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, out of whom:

- the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be *ex officio* members;
- eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed;
- the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and
- two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

(2) Members of the Council by function participate in the work of the Council without the right to vote.

(3) Members of the Council by function shall not participate in the work of the Council sessions on which initiated procedure for determining responsibility, election or dismissal of a judge or president of a Court are being discussed and decided upon.

Term of office of the Members of the Council

Article 7

~~(1) The members of the Council elected by the judges have a six-year term of office with the right to another term after the expiration of at least six years following the termination of the previous term of office at the Judicial Council.~~

~~(2)(1) _____ The members of the Council elected by the Parliament of the Republic of North Macedonia shall have a six-year term of office with the right to another term after the expiration of at least four years following the termination of the previous term of office at the Judicial Council.~~

~~(3)(2) _____ The term of office of the president of the Supreme Court of the Republic of North Macedonia and of the Minister of Justice in the Council shall cease upon termination of their functions.~~

~~(4)(3) _____ The term of office of the member who is elected at additional elections, due to early termination of the term of office of the member of the Council in whose place he is elected, shall last six years.~~

**Selection~~Election, duration of and termination~~term of office and
procedure for the dismissal of the President of the Council**

~~'s term of office~~ Article 8

- (1) The work of the Council is chaired by a President.
- (2) The Council President has a deputy, who deputies him in his absence.
- (3) The Council President and ~~his~~ the Deputy President are elected from among the members with a voting right, elected by the Assembly.
- (4) The Council President and ~~his~~ the Deputy President are elected with at least 8 votes from the members with a voting right.
- (5) The term of office of the Council President and Vice-Deputy President is two years, without the right to one re-election.
- (6) The procedure for dismissal from the position of President or Deputy President shall be initiated upon a reasoned request submitted by at least four voting members of the Council.
- (7) The procedure for dismissal of the President or the Deputy President shall be public, and the public may not be excluded under any circumstances.
- (8) The Council shall adopt a decision on dismissal by at least eight votes of its voting members.
- (9) (9) The President or Deputy President shall have the right to file a lawsuit against the dismissal decision before the Administrative Court within eight days from the date of receipt of the decision. The Administrative Court shall decide within eight days from the submission of the case files.
- (10) An appeal against the decision of the Administrative Court referred to in paragraph (4) of this Article may be lodged with the Higher Administrative Court within eight days of receiving the decision.
- (11) The Higher Administrative Court shall decide within eight days from receipt of the appeal.

(5)

III. PROCEDURE FOR ELECTION OF A MEMBER OF THE COUNCIL

Announcement for a member of the Council

Article 9

- (1) The president of the Council, ~~three-six~~ months at latest, before the expiry of the term of office of the Council or a member of the Council, shall be obliged to:
 - publish an announcement for election of a member of the Council from among judges,
 - notify the president of the Assembly of the Republic of North Macedonia to publish an announcement for election of a member of the Council who is being elected by the Assembly, and
 - notify the president of the Republic of North Macedonia to propose to the Assembly for each member at least two ~~a~~ candidates for member of the Council.

(2) In the case of an early termination of the term of office referred to in Article 7 paragraph (4) of this Law, the president of the Council shall act in accordance with paragraph (1) of this Article within 15 days upon the termination of the term of office of the Council member.

Duration of the announcement

Article 10

(1) The announcement referred to in Article 9 of this Law shall be published within 8 days from the day of receipt of the notification, in the "Official Gazette of the Republic of North Macedonia" and in at least two daily newspapers, one of which is published in the language spoken by at least 20% of the citizens who speak an official language other than Macedonian language.

(2) The announcement shall last 15 days as from the day of publication in the "Official Gazette of the Republic of North Macedonia".

(3) At least 30 days should pass from the day of publishing the announcement to the day of voting.

Conditions for election of a member of the Council from the ranks of judges

Article 11

(1) Any judge who exercises the office of a judge in the moment of publication of the announcement and meets the following requirements may apply to the announcement for selection of a member of the Council from among the judges:

- has at least ~~six~~ ten years of service as a judge and
- has a positive assessment in the performance of the judicial office,
- has not been pronounced with a legally valid decision, a disciplinary measure reduction of salary in the amount of 15% to 30% from the monthly salary, which is valid in the moment of publication of the announcement.

Article 11-a

Eligibility Criteria for Election of a Member of the

Council by the Assembly

(1) The members of the Council elected by the Assembly of the Republic of North Macedonia, as well as the members elected by the Assembly of the Republic of North Macedonia upon the proposal of the President of the Republic of North Macedonia, shall be selected from the ranks of university professors of law, attorneys-at-law, former judges of the Constitutional Court of the Republic of North Macedonia, former judges of international courts, and other distinguished legal professionals.

(2) Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement of the Assembly of the Republic of North Macedonia for selection of a member of the Council ~~on a proposal of the Assembly of the~~

~~Republic of North Macedonia:~~

- to be a citizen of the Republic of North Macedonia,
 - ~~- to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination or a university professor of law and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities with at least seven years of work experience in the teaching-scientific title,~~
 - ~~- has distinguished himself through scholarly or professional work on issues in the field of justice;~~
 - ~~- has distinguished himself through public engagement in the protection of the rule of law, the independence of the judiciary, and human rights;~~
 - ~~—not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and~~
 - ~~- has a reputation and integrity in the exercise of the office of a member of the Council, demonstrated by submission of at least three recommendations from university law professors, attorneys-at-law, former or current judges of the Constitutional Court or of international courts, or person/s with at least 15 years of professional legal experience following the passing of the bar exam, two of whom must be from the same legal profession.~~
- ~~-(3)-(3) On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council:~~
- to be a citizen of the Republic of North Macedonia,
 - ~~- to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination or a university professor of law with at least seven years of work experience in the teaching-scientific title,~~
 - ~~- has distinguished himself through scholarly or professional work on issues in the field of justice;~~
 - ~~- has distinguished himself through public engagement in the protection of the rule of law, the independence of the judiciary, and human rights;~~
 - ~~- not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with imprisonment of at least six months that makes him unworthy to perform his function as a Council member and~~
 - ~~—has a reputation and integrity in the exercise of the office of a member of the Council to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,~~
 - ~~—not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and~~
 - ~~- has a reputation and integrity in the exercise of the office of a member of the Council, (4) In the cases referred to in paragraphs (2) and (3) of this Article, a person who at the moment of the announcement performs a judicial or public prosecutor's office or a person who has been dismissed from a judicial or public prosecutor's office shall not be elected as a member of the Council, except for cases when the European Court of Human Rights has established violation of the Convention in the dismissal procedure, or a person who in the last four years was an MP, a member of the Government, or held office in a political party.~~
- ~~-(4) Candidates shall submit, along with their application, biographical data and data on their professional and academic development, a motivation letter, as well as evidence of fulfilment of the requirements under paragraph 2, respectively paragraph 3 of this Article.~~

~~(5)~~(4) In the cases referred to in paragraphs (2), (3) of this Article, a person may not be elected as a member of the Council if, at the time of the publication of the announcement, they are performing a judicial or prosecutorial function or have been dismissed from a judicial or prosecutorial function, unless the European Court of Human Rights has established a violation of the European Convention on Human Rights in the dismissal proceedings, nor a person who has been, within the last four years, a Member of Parliament, a member of the Government of the Republic of North Macedonia, or has held or currently holds a position in a political party body. The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.

Article 11-b

Procedure for Election of Members of the Council by the Assembly of the Republic of North Macedonia

(1) The procedure for the election of members of the Council by the Assembly shall begin with the publication of the announcement referred to in Article 9 of this Law.

(2) Within ten days from the publication of the announcement referred to in Article 9, the Committee on Election and Appointment Issues of the Assembly of the Republic of North Macedonia shall form a Working Group for the preliminary selection of candidates for members of the Council (hereinafter: the Working Group), following a public call for the appointment of representatives who are not Members of Parliament.

(3) the Working Group shall consist of five members:

- one member from the Association of Judges of the Republic of North Macedonia,
- one member from the Bar Association of the Republic of North Macedonia,
- one member from civil society organizations working in the field of the rule of law and judiciary,
- one Member of Parliament from the parliamentary majority, and
- one Member of Parliament from the parliamentary opposition.

(4) Administrative support to the Working Group shall be provided by the organizational unit of the service of the Assembly of the Republic of North Macedonia that supports the working bodies of the Assembly of the Republic of North Macedonia.

(5) Within eight days from the expiration of the application deadline referred to in Article 10 of this Law, the Working Group shall verify whether the conditions under Article 11 of this Law are met and shall prepare a report with a list of candidates, which shall be submitted to the Committee on Election and Appointment Issues.

(6) The report and the list referred to in paragraph (5) of this Article, along with the candidates' biographies and motivation letters, shall be published in full on the website of the Assembly of the Republic of North Macedonia, including information on compliance with the conditions under Article 11 of this Law, immediately and no later than one day from the date of finalization.

(7) Within five days from the publication of the list referred to in paragraph (5) of this Article, the Committee on Election and Appointment Issues shall organize a public hearing for the

presentation of candidates who meet the requirements from Article 11 of this Law, and it shall be broadcast on the Assembly Channel. If a candidate fails to attend the public hearing, their application shall be considered withdrawn.

(8) The Committee shall invite to the public hearing representatives from the Association of Judges, the Bar Association of the Republic of North Macedonia, civil society organizations working in the field of the judiciary, rule of law and human rights, media representatives, and the academic community.

(9) The date and time of the presentation at the public hearing shall be published on the website of the Assembly of the Republic of North Macedonia on the day of publication of the list referred to in paragraph (5) of this Article is published.

(10) During the public hearing, the attendees shall have the right to ask questions.

(11) Within 14 days of the conclusion of the public hearing, the Committee shall prepare a report with a proposed list of candidates and, together with the documents referred to in Article 11-a of this Law, submit it to the Assembly. The proposed list shall include twice as many candidates as the number of Council members to be elected, provided that there be a sufficient number of applicants.

(12) The Assembly shall deliberate and vote separately for each candidate who meets the requirements according to the proposed list compiled by the Committee.

(13) In the procedure for the election of members of the Council, the Assembly shall ensure that every third member of the Council from the candidates proposed by the Committee is elected upon proposal from the opposition, in accordance with the proposed list, taking into consideration the composition of the Assembly and the Judicial Council, and at least one member of the Council shall be elected upon proposal from the opposition in the current composition of the Assembly.

(14) If two candidates receive at least an absolute majority of the total number of Members of Parliament, the candidate who receives the higher number of votes shall be considered elected.

(15) If the Assembly fails to elect members of the Council, the entire election procedure shall be repeated in its entirety by publishing a new announcement within ten days.

(16) The principles of equitable and fair representation and equal gender representation shall be taken into consideration during the election procedure for members of the Council.

(17) Candidates for members of the Council who believe that the provisions of Articles 7 and 11-a of this Law were violated during the election procedure shall have the right to file a lawsuit with the Administrative Court in accordance with Article 27-a of this Law.

Article 11-b

Procedure for Election of Members of the Council by the Assembly of the Republic of North Macedonia

(1) Within ten days from the publication of the announcement referred to in Article 9, the Committee on Election and Appointment Issues of the Assembly of the Republic of North Macedonia shall form a Working Group for the preliminary selection of candidates for members of the Council (hereinafter: the Working Group), following a public call for the appointment of representatives who are not Members of Parliament.

(2) The Working Group shall consist of seven members:

- two members nominated by the Association of Judges of the Republic of North Macedonia,
- one member nominated by the Bar Association of the Republic of North Macedonia,
- one member from the ranks of university professors of law,
- one member from civil society organizations working in the field of the rule of law and judiciary,
- one Member of Parliament from the parliamentary majority, and
- one Member of Parliament from the parliamentary opposition.

(3) The members from the ranks of the Members of Parliament shall be appointed by the Committee on Election and Appointment Issues of the Assembly of the Republic of North Macedonia.

(4) Administrative support to the Working Group shall be provided by the organizational unit of the service of the Assembly of the Republic of North Macedonia that supports the working bodies of the Assembly of the Republic of North Macedonia.

(5) Within three days from the expiration of the application deadline referred to in Article 10 of this Law, the Working Group shall verify whether the conditions under Article 11 of this Law are met and shall prepare a list of candidates, including information on which of them meet the requirements.

(6) The list referred to in paragraph (4) of this Article, along with the candidates' biographies and motivation letters, shall be published in its entirety on the website of the Assembly of the Republic of North Macedonia, including information on compliance with the conditions under Article 11 of this Law, immediately and no later than one day from the date of finalization.

(7) Within five days from the publication of the list referred to in paragraph (4) of this Article, an interview shall be organized with the candidates who meet the conditions under Article 11-a of this Law (hereinafter: the interview), which shall be broadcast on the Assembly Channel. If any of the candidates fails to attend the interview, their application shall be considered withdrawn.

(8) The date and time of the interview shall be published on the website of the Assembly of the Republic of North Macedonia on the day of publication of the list referred to in paragraph (4) of this Article.

(9) The interview shall be conducted by the Working Group at a public session.

(10) The manner of conducting the interview, the assessment and the ranking of candidates shall be determined by a decision adopted by the Assembly of the Republic of North Macedonia / the Committee on Election and Appointment Issues of the Assembly of the Republic of North Macedonia.

(11) Simultaneously with the publication of the announcement referred to in Article 9 of this Law, a public call shall be published on the website of the Assembly of the Republic of North Macedonia, inviting the Association of Judges of the Republic of North Macedonia, the Bar Association, journalists' associations, other associations and foundations to participate in the interview. The application deadline for the call shall be ten days from the date of its publication.

(12) All journalists' associations that have been established in accordance with the law and registered for more than five years, as well as all associations or foundations registered in accordance with the law and with at least five years of experience in the field of the judiciary, rule of law, human rights, or good governance, shall be eligible to apply to the call and

participate in the interview with one representative each, for whom they shall submit identification information.

(13) In addition to the Members of Parliament of the Assembly of the Republic of North Macedonia, the representatives registered or nominated pursuant to paragraphs (11) and (12) of this Article shall have the right to ask the candidates questions.

(14) Within three days of the completion of the interview, the Working Group shall establish a list of candidates in accordance with the criteria set out in the decision referred to in paragraph (9) and shall submit it, along with the biography and motivation letter, in a plenary session of the Assembly of the Republic of North Macedonia.

(15) The Assembly shall deliberate and vote separately for each of the candidates who meet the requirements according to the list compiled by the Working Group.

(16) If the Assembly does not elect members of the Council, the election procedure shall be repeated in its entirety with a new announcement published within ten days.

(17) The principles of equitable and fair representation and equal gender representation shall be taken into consideration in the election procedure for members of the Council.

(18) Candidates for members of the Council who believe that provisions of this Law have been violated during the election procedure shall have the right to file a lawsuit with the Administrative Court.

The procedure before the Administrative Court shall be urgent.

Procedure for Election of Members of the Council from the ranks of judges

PCandidacy Article 12

(1) The candidates for a member of the Council from among the judges shall submit their candidacy to the Council in a written form.

(2) The candidate shall attach to the application the following:

- ~~- a certificate for the length of service as a judge,~~
- biographical data on the vocational and professional development,
- information on participation in professional and vocational education, issued by the Academy for Judges and Public Prosecutors or another institution,
- a motivation letter,
- a declaration indicating which candidate list they are applying for.

(3) The Council shall, ex officio, attach the following to the candidate's application:

- a certificate of the candidate's experience as a judge,
- the final performance evaluation issued by the Council from the last assessment,
- a certificate of any imposed disciplinary measures.
- ~~- assessments of the results in the work issued by the Council,~~
- ~~- data on the participation in vocational and professional education, issued by the Academy for Training of Judges and Public Prosecutors,~~
- ~~- a statement indicating the list to which he applies.~~

Commission for preparation of lists of candidates

Article 13

(1) The Council, from among its members, shall form a three-member Commission for preparation of the candidate lists (hereinafter: Commission).

(2) The Commission shall prepare candidate lists out of the duly submitted candidacies of the candidates that ~~fulfill~~fulfil the requirements referred to in Article 11 and 12 of this Law within eight days and shall publish them, along with the biographies and motivation letters, -on the Council's web-site.

(3) The candidate lists shall be prepared according to electoral units, as follows:

- as a general list for a candidate from the Supreme Court of the Republic of North Macedonia,
- as a general list for a candidate from the appellate region Skopje, and 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 Štip, and
- as a single special list of candidates from among the judges that belong to all communities that are not majority in the Republic of North Macedonia, for the whole territory of the Republic of North Macedonia.

(4) Candidates who are not registered on the candidate lists shall have the right to an appeal to the Council within 48 hours of publication of the lists.

(5) The Council at a session shall decide upon the complaints and it shall determine the candidate lists referred to in paragraph 3 of this Article.

(6) The Council shall submit the determined candidate lists to the Commission on Conducting Elections of Member of the Council from among the judges, within 15 days from the expiry of the announcement.

Commission for Conducting Elections of Members of the Council from among the judges

Article 14

(1) The Council shall establish the Commission for Conducting Elections of Members of the Council from among the judges (hereinafter: Selection Commission).

(2) The Selection Commission consists of a president, two members and their deputies.

(3) The president of the Selection Commission, one member and their deputies are elected by the Association of Judges of the Republic of North Macedonia, and one member and his deputy are elected from among the representatives of the associations and foundations that have been working for more than five years in the field of human rights and rule of law.

(4) Thirty days before the vote for Council members from the ranks of judges, the Council on its web-site publishes a call to associations and foundations referred to in paragraph (3) of this Article to nominate one candidate for a member and their deputy of the Selection Commission.

(5) The deadline for application of candidates for members of the Selection Commission from among associations and foundations is ten days from the day of **the publication of the call**.

(6) Candidate for a member of the Selection Commission may be a person who has completed legal studies with acquired 300 ECTS or VII/1 degree and who has not been convicted with a final judicial decision for a criminal offense to ~~unconditional~~ imprisonment of at least six months.

(7) The Council shall determine the fulfilment of the conditions referred to in paragraphs (3) and (6) of this Article and shall establish a list of candidates for the Selection Committee, out of which two members and their deputies shall be elected by lot.

(8) If upon the call referred to in paragraph (4) of this Article there are no candidates who meet the requirements to be members of the Selection Committee, the Council shall refer to the Bar Association of Macedonia to propose candidates for a member and/or a deputy of the Selection Committee who ~~fulfill~~ fulfil the conditions referred to in paragraph (6) of this Article.

(9) The Selection Committee prepares the election material, establishes electoral boards, adopts instructions and conducts the election of members of the Council from the ranks of judges.

Article 15

A member of the Commission for preparing the candidates list cannot be a member of the Commission for Conducting Elections of Members of the Council from among the judges ~~and vice-versa~~.

Election from appellate regions

Article 16

In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows:

- 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 Štip,
- one member is elected from the Supreme Court of the Republic of North Macedonia,

- two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory and

- one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of North Macedonia by all the judges that are registered in the Judicial Electoral Directory.

Judicial Electoral Directory

Article 18-17

(1) The Judicial Electoral Directory shall be kept by the Judicial Council and it shall contain the following data:

- name and surname of the judge,
- personal identification number,
- court where he exercises the judicial office,
- the date of his first election as a judge,
- nationality,
- number of the official judicial identification card, and
- place for note.

(2) The Judicial Council shall make the Judicial Electoral Directory available for insight in the court and any judge shall have the right to request correction of the data within three days in a written form.

(3) The Judicial Council shall decide upon the request referred to in paragraph (2) of this Article by a decision within three days as of the day of its receipt.

~~(4) An administrative dispute may be initiated in accordance with the provisions from Article 27a of this Law~~ against the decision referred to in paragraph

~~(3)(4)~~ (3) of this Article ~~before the competent court within 24 hours of the receipt of the decision.~~

~~(5) The competent court referred to in paragraph (4) of this Article shall adopt a decision within 48 hours.~~

~~(6)(5)~~ The Judicial Council shall close the Judicial Electoral Directory within 20 days as of the day of announcement of the elections at latest.

Manner of conducting the elections of members of the Council from among the judges

Article 18

(1) The elections of the members of the Council from among the judges shall be conducted in the same day.

(2) The elections shall be conducted at polling places with number and head office in all courts in the Republic of North Macedonia, in accordance with the Law on Courts.

(3) For courts with fewer than three judges, the elections shall be conducted at the seat of the appellate court to which they belong.

(4) The elections at the polling places shall be conducted by an Electoral Board formed on the base of a decision by the Election Commission.

(5) A candidate for a member of the Council cannot be a member of an Electoral Board.

(6) The Electoral Board shall consist of a president and two members from among the judges and/or expert associates from the court and their deputies.

(7) The Election Commission shall be obliged to form the Electoral Board seven days before the voting day.

Electoral material**Article 19**

The electoral material shall consist of:

- ballot boxes and voting booths,
- forms for minutes,
- booklet of ballots papers bound together, according to the excerpt from the Judicial Electoral Directory,
- candidates lists,
- an excerpt from the Judicial Electoral Directory, and

- other material necessary for voting.

Ballot paper**Article 20**

(1) The general ballot paper shall contain:

- title of the ballot paper,
- ~~polling place~~ electoral unit and name of the polling place,
- serial number which is on the part that remains with the ballots, and
- name and surname of the candidates in alphabetical order.

(2) The special ballot paper shall contain:

- title of the ballot paper,
- polling place and name of the polling place,
- serial number which is on the part that remains with the ballots,
- name and surname of the candidates in alphabetical order,
- data on the nationality of the candidates, and
- the court where the candidate is being nominated from.

~~(3)~~ (4) The Election Commission shall prepare the form of the ballot in accordance with this Article.

Delivery of the electoral material**Article 21**

The Election Commission shall hand in the electoral material to the president of the Electoral Board the latest within 24 hours prior to conducting the elections, for which a record shall be made.

Conducting the voting**Article 22**

(1) The voting shall be conducted during a working day.

(2) The voting shall start at 8.00 and shall last until 15.00 without interruptions.

(3) The judges shall vote for one candidate from the general list from their appellate region and the single special list.

(4) The judges of the Supreme Court of the Republic of North Macedonia shall vote for a

candidate from the general list of the Supreme Court of the Republic of North Macedonian and the single special list.

(5) The judges shall identify themselves with the judicial identification card and shall vote secretly.

(6) The polling place shall be closed at 15.00, and the voting of the judges who are in the premises shall be allowed.

(7) The Electoral Board can close the polling place before the expiry of the time referred to in paragraph 1 of this Article, if all of the judges registered in the excerpt of the Judicial Electoral Directory have cast their votes but cannot open the ballot box until 15.00 when all the polling stations are closed.

Minutes on the voting

Article 23

(1) Upon closing the polling place, the Electoral Board shall make minutes on the course and results of the voting until 18.00 at latest and it shall notify the Election Commission thereof.

(2) The following data shall be included in the minutes:

- total number of voters who cast their votes,
- total number of votes won by each candidate,
- number of irregular ballots, and
- note on the course of the voting.

(3) The Electoral Board shall submit the minutes with the results of the voting and the other electoral material to the Election Commission ~~within 24 hours after the closure of the voting~~ immediately after the results are summarized, but no later than 00:00 hours on the same day.

Irregular ballot paper

Article 24

The ballot paper shall be considered irregular if it is not filled in or if a greater number of candidates from the number that is being elected at the election unit has been circled, or in any other unambiguous way one cannot with certainty determine the will of the voter.

Election result

Article 25

(1) The Election Commission shall sum up the results of the polling place and determine the election results in the electoral units within 48 hours from the moment of closing the elections, and it has to ensure, through the web portal of the Council, that the public directly follows the summarizing of the election result, and if direct broadcast, from technical reasons, cannot be provided, it is necessary a recording of it to be provided and the next day at the latest to be uploaded on the web portal.

~~(4)~~(2) Elections shall be considered successful if more than half of the registered voters

for that electoral unit have voted.

~~(2)(3)~~ The candidate that has won the largest number of votes in the electoral units shall be considered an elected member of the Council.

~~(3)(4)~~ If several candidates have won the same number of votes per one electoral list, the elections for these candidates a second round of voting shall be repeated held within seven days from the voting day. In the event of a repeated tie in the number of votes, the member of the Council shall be selected by drawing lots.

~~(4)(5)~~ The Election Commission shall issue a certificate to the elected members of the Council from among the judges.

~~(5)(6)~~ The form and the content of the form of the certificate shall be agreed by the Minister of Justice.

Procedure for protection of the candidate's right to vote

Article 26

(1) Each candidate may within 5 hours after the end of the voting to submit an objection to the Election Commission about the course of voting for member of the Council.

(2) Each candidate can file an objection to the procedure for summing up and determining ~~the~~ the results of the voting within ~~24~~ 45 hours from the announcement of the results of the voting for member of the Council to the Election Commission.

(3) The Election Commission shall be obliged to make a decision within ~~24~~ 12 hours after the receipt of the complaint referred to in paragraphs (1) and (2) of this article.

(4) Against the decision of the Election Commission referred to in paragraph (3) of this Article, within 24 hours from the receipt of the decision one may submit lawsuit ~~for initiation of an administrative dispute before the competent court~~ in accordance with Article 27a of this Law.

~~(5) Regarding the lawsuit referred to in paragraph (4) of this Article, the court decides within 48 hours from the day of its receipt.~~

Procedure for protection of the voter's right of a voter

Article 27

(1) Each voter, who has been violated the right to vote in the procedure during the conduct of the voting, may file an objection to the Election Commission within 5 hours after the end of the voting.

(2) The Election Commission shall be obliged to make a decision within ~~24~~ 12 hours after receiving the objection.

(3) Against the decision of the Election Commission, ~~within 24 hours from the receipt of the decision, a lawsuit may be filed for initiating an administrative dispute~~ may be initiated in front of the competent court in accordance with Article 27a of this Law.-

~~(4) Regarding the lawsuit referred to in paragraph (3) of this Article, the court decides within 48 hours from the day of its receipt.~~

Article 27-a

A lawsuit may be filed with the Administrative Court against the decisions referred to in Articles 11-a, 17, 26, and 27 of this Law within 24 hours from the receipt of the decision.

The Administrative Court shall render a decision on the lawsuit referred to in paragraph 1 of this Article within 48 hours from the submission of the case files.

An appeal against the decision of the Administrative Court referred to in paragraph 2 of this Article may be lodged with the Higher Administrative Court within 3 days from the receipt of the decision of the Administrative Court.

The Higher Administrative Court shall decide on the appeal referred to in paragraph 3 of this Article within 5 days from the receipt of the appeal.

Session of the Assembly at which members of the Council are being elected

Article 28

(1) The election of the Member of the Council elected by the Assembly on a proposal of the competent working body of the Assembly of Republic of North Macedonia and the election of the Member of the Council on a proposal of the President of the Republic of North Macedonia from among the candidates that have applied to the announcement shall take place at asame session.

(2) The session of the Assembly of the Republic of North Macedonia at which the members referred to in paragraph 1 of this Article are elected shall be urgent and it shall be held within 30 days from the day of the election of members of the Council elected by the judges.

Solemn statement

Article 29

(1) The elected members of the Council and the *ex officio* members shall give a solemn statement in front of the President of the Assembly of the Republic of North Macedonia.

(2) The solemn statement shall read:

"I hereby declare and swear that I shall perform the office of a member of the Judicial Council of the Republic of North Macedonia honestly, conscientiously and responsibly and that I shall abide by the Constitution of the Republic of North Macedonia, the laws and the international agreements ratified in accordance with the Constitution of the Republic of North Macedonia".

(3) The solemn statement shall be signed by the newly elected members.

(4) The newly elected member shall be given a copy of the signed statement.

Constitution of the Council

Article 30

(1) ~~When electing the full composition of the Council, the~~ constitutive session shall be held within 30 days from the election of the majority of the members of the Council.

(2) The constitutive session shall be convened by the president of the previous Judicial Council, and if the constitutive session is not convened within the deadline referred to in paragraph 1 of this Article, the members of the Council shall gather on the thirtieth day of the election at 10.00 and constitute the Council.

(3) The constitutive session shall be chaired by the oldest member of the Council, until president of the Council is elected.

IV. Procedure for Termination of the Term of Office and

Accountability of Members of the Council

Termination of the term of office of a member of the Council

Article 31

(1) The term of office of a member of the Council shall terminate:

1) upon the expiry of the time for which he is elected;

2) upon ~~his request~~ resignation;

3) ~~if he is dismissed from the judicial office in accordance with the law and;~~

3) ~~if he is dismissed as a member of the Judicial Council in accordance with the law;~~

4) ~~if he is sentenced by an effective court judgment for the criminal offence of misuse of official duty and powers in the carrying out of the function or another criminal offence for which he has been sentenced to an unconditional imprisonment of at least six months, making him unfit to perform the duties of a member of the Council.~~

4)5) ~~if he is sentenced by an effective court judgment for the criminal offence of misuse of official duty and powers in the carrying out of the function or another criminal offence for which he has been sentenced to an unconditional imprisonment of at least six months, making him unfit to perform the duties of a member of the Council.~~

5)6) ~~if it is determined that he permanently lost the ability to perform the office, and~~

7) ~~he is elected to another public office or profession.~~

6)8) ~~if he meets the conditions for retirement based on age.~~

(2) In the case referred to in paragraph (1) point 2) of this Article, the term of office shall terminate when the Council, at its following session, acknowledges the resignation, but no later than 30 days from the day of its submission. ~~when the Council, that is the Assembly of the Republic of North Macedonia accepts the resignation at a session.~~

(3) In the case referred to in paragraph (1), line 3) of this Article, the mandate shall terminate with the validity of the decision for dismissal of the judge from the judicial office.

(4) In the case referred to in paragraph (1) point 4) of this Article, the mandate shall terminate with the validity of the decision for dismissal of a member of the Judicial Council.

(4)5) In the case referred to in paragraph (1) point 5) of this Article, the term of office shall terminate as of the day of the effectiveness of the verdict.

~~(5)(6)~~ In the case referred to in paragraph (1) point ~~65~~ of this Article, the term of office shall terminate when the Council establishes at a session the fulfilment of the requirements on the basis of the previously conducted procedure, ~~that is when the Assembly of the Republic of North Macedonia, on a proposal of the Council shall determine and vote fulfilment of a requirement termination of the office of a member of the Council elected in the Assembly.~~

~~(6)(7)~~ In the case referred to in paragraph (1) point ~~76~~ of this Article, the term of office shall terminate upon the election to another office or profession.

Temporary removal from exercising the function of a member of the Council

Article 32

(1) A member of the Council may be removed from exercising the office of a member of the Council if a Bill of indictment is granted in the cases under Article 32 paragraph (1) point 4) of this Law, or if a summary indictment has been submitted for the criminal offense of abuse of official position and authority or another offense committed in the performance of official duties.

(2) The decision on temporary removal from the function member of the Council is adopted by the Council with at least 8 votes from the total number of members with a voting right, and from the voting is exempted a member of the Council against whom the proceeding is initiated.

(2)(3) The decision on temporary removal from the function of member of the Council shall be reviewed by the Council every 3 months.

Exemption of a Council member

Article 33

(1) Member of the Council shall not participate in the work of the Council in procedures in which it is decided upon election of a judge, president of a judge, candidate for a judge or candidate for a president with whom he is:

- 1) in marital or extramarital union,
- 2) relation between relatives in straight line to any degree, and side line to fourth degree,
- 3) relation between relatives with in-laws to second degree,
- 4) relation of adopted child or adopted parent or person with whom he lives in the same family union.

(2) Member of the Council elected from among the judges shall not participate in the work of the Council when a procedure for establishment of his responsibility as a judge or Council member has been initiated.

(3) The member of the Council is obliged to cease his work in the procedures of Council's competence in the moment of acknowledgement of existence of the reasons of paragraph 1 of this Article and to inform the Council about it.

(4) Apart from the cases provided for in paragraph (1) of this Article, if the member of the Council in the course of performing his function finds out about circumstances that may raise

doubt about his impartiality, he is obliged to immediately inform the Council which will adopt the appropriate decision.

~~(5)~~ If the member of the Council does not act in accordance with paragraphs (3) and (4) of this Article, a disciplinary procedure for him may be initiated.

(5)

(6) The Council shall decide on the exemption of a member of the Council by a majority of the total number of members with the right to vote, based on a reasoned request submitted by the interested party or by a member of the Council.

Basis for submitting a request for a disciplinary procedure for a member of the Council

Article 34

(1) A justified request for initiation of a disciplinary accountability procedure for a member of the Council may be submitted to the Judicial Council by at least 120 judges or at least each two members of the Judicial Council with a right to vote, if the member of the Council:

- _____ affects the independence of judges and or exerts pressure on decisions on certain cases;

- _____ is a member of or holds a political function in a political party, or engages in party and political activity,

- _____ neglects and or does not perform his function and duties in the work of the Council;

- _____ if he refuses to file a statement of assets and interests in accordance with the law or if the data contained in the declaration are inaccurate in big extent or

- _____ has violated the rules for exemption in situations in which the member of the Council knew or should have known about the existence of one of the grounds for exemption provided for by law.

(2) For a minor disciplinary violation that has not caused serious and irreparable harm to the rights of others, the Council may impose the following measures on the member of the Council:

- a public reprimand,

- a salary reduction in the amount of 15% to 30% of the monthly salary for a duration of one to six months.

~~(2)~~(3) _____ The member of the Council shall be dismissed from office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:

- _____ with intent or obvious negligence ~~negligence~~ recklessness by the fault of a member of the Council without justified reasons and

- _____ the injury caused severe consequences.

Article 34-a

Body for Deciding in Disciplinary Proceedings Against a Member of the Council

(1) The more serious disciplinary proceedings from Article 34 of this Law shall be handled by the Disciplinary Commission.

(2) The Disciplinary Proceedings Commission shall consist of four judges from the four appellate courts and one judge from the Supreme Court of the Republic of North Macedonia, along with their deputies, appointed for a term of three years.

(3) The Disciplinary Proceedings Commission shall be established by the Council, by drawing lots, from the ranks of the judges of the Supreme Court of the Republic of North Macedonia and the appellate courts.

Procedure for deciding on demand for disciplinary procedure against member of the Council

Article 35

~~(1)~~(4) An application for disciplinary responsibility for a member of the Council together with the evidence shall be submitted in person to the member of the Council for which the request was submitted, through the archive of the Council or by registered mail at the ~~home~~ reported address.

~~(2)~~(5) If the member of the Council is not found at the place of delivery referred to in paragraph

(1) of this Article, a written notification of the place and time for the withdrawal of the request shall be made, and it shall be considered as a proper delivery.

~~(3)~~(6) The member of the Council may respond in writing to the statements in the request or to give a verbal statement on the record within eight days from the day of receiving the request.

~~(4)~~(7) Together with the response to the request, the member of the Council shall submit all the evidence on the basis of which he shall base his response to the request.

~~(5)~~ Within two working days from the expiration of the deadline referred to in paragraph (3) of this Article, the President of the Council or the Vice-President in the case when the request concerns the President of the Council, shall submit the request for disciplinary responsibility to the ~~members of the Council~~ Disciplinary Proceedings Commission, the answer referred to in paragraph (3) and the evidence referred to in paragraph (4) of this Article, if they are submitted, ~~and appoints a session to be discussed on the request for disciplinary responsibility of the member of the Council.~~

~~(8).~~

(9) The Commission shall review the request, the response, and the submitted evidence and shall schedule a hearing within 15 days from the date of submission of the request.

(9) (10) Upon conclusion of the hearing, the Commission shall adopt a decision within no later than 15 days, either to stop the proceedings or to establish responsibility and impose a disciplinary measure, with at least three votes in favour.

(10) The mandate of the member of the Council shall cease on the date on which the decision for dismissal becomes final.

(11) The member of the Judicial Council against whom a disciplinary measure has been imposed shall have the right to file a lawsuit with the Administrative Court within eight days from the day of receipt of the decision.

(11) An appeal against the decision of the Administrative Court may be filed within 8 days

from the receipt of the decision.

(12) The Higher Administrative Court shall decide within 8 days from the receipt of the appeal.

~~(6) The decision for dismissal of a member of the Council shall be adopted by the Council with at least seven votes of the members with the right to vote, whereas at least two members elected by the Assembly of the Republic of North Macedonia must vote for the dismissal.~~

~~(7) When adopting the decision referred to in paragraph (6) of this Article, the members shall not participate in their function, the member whose responsibility is decided and the member who is the submitter of the request for disciplinary responsibility.~~

~~(8) The mandate of a member of the Council shall cease on the day when the decision on dismissal of a member of the Council is taken.~~

- IV. COMPETENCE, ORGANIZATION AND MANNER OF OPERATION OF THE COUNCIL

Article 36

(1) The Council shall have the competence to:

- select and dismiss judges,
- select and dismiss the presidents of the courts,
- determine termination of the judicial office,
- select and dismiss lay judges,
- follow and assess the work of the judges,
- ~~to decide on the disciplinary responsibility of a member of the Council,~~
- decide on the disciplinary liability of a judge, or president of court,
- decide on revoking the immunity of a judge,
- decide upon requests for approving detention for a judge,
- nominate two judges of the Constitutional Court of the Republic of North Macedonia from among the judges,
- examine the annual report of the Supreme Court of the Republic of North Macedonia regarding the determined fundamental principles and fundamental legal opinions upon issues of importance for the purpose of securing unity in the application of the laws,
- decide on the temporary suspension of a judge from the judicial office, and a member of a council from performing the office of a member of a council,
- determine the number of necessary judicial positions per courts,
- review and assess the quarterly and annual reports on the work of the courts and to publish them publicly on its web-site, and,
- act upon complaints by citizens and legal entities for the work of the judges, the presidents of the courts and the courts,
- care for the reputation of the judges and the trust of the citizens in the judiciary,
- submit an annual report on the work,
- adopt the Rules of Procedure and other general acts regulating the work within its competence;
- determine an orientation number of cases which should be decided by a judge monthly, and
- carry out other activities determined by law.

(2) At least once per month, the Council is obligated to hold a session to discuss separately all complaints submitted by the citizens and the legal entities regarding the work of the judges, the presidents of the courts and the courts, as well as over delaying the court procedures, and shall decide on each complaint separately within 60 days as of the day of their receipt by the Council at the latest.

(3) The session of the Council referred to in paragraph 2 of this Article shall be public.

(4) The Council adopts an annual work program and action plan no later than 15 December in the current year for the following year.

Annual work programme

Article 37

The annual work programme of the Council includes:

- measures and activities to promote independence of the judiciary,
- measures and activities to increase the efficiency of the judiciary,
- plan for continuous monitoring of the work of the courts,
- projection of vacancies for judges and upholding the principle of adequate and equitable representation of the members of the communities that are not the majority in the Republic of North Macedonia,
- monitoring of the recommendations and proposed measures from the analyses of quarterly and annual reports on the work of courts,
- other activities within its competence which it finds necessary to be contained in the annual work programme of the Council.

Work at sessions

Article 38

(1) The Council shall review and decide on issues within its competence at a session.

(2) The president of the Council shall convene and chair the sessions.

(3) The president shall be obliged to convene a session on a proposal of at least five members of the Council.

(4) Unless otherwise determined by this Law, a session can be held if the majority of the total number of members having voting rights are attending.

(5) The proposal of the agenda shall be determined by a majority vote of the total number of members having voting right.

(6) The invitation for a session with a proposal of the agenda and the materials shall be submitted to the members of the Council at least seven days prior to the session.

(7) Due to urgent and pressing duties, the session of the Council can be scheduled and held in a shorter period than the period determined in paragraph (6) of this Article.

(8) The Council makes decisions with the majority from the present members with a right to vote, unless it is provided otherwise by this Law.

Transparency in the work

Article 39

(1) The sessions of the Council shall be public.

(2) The public can be excluded only with a decision of the Council due to protection of the reputation and integrity of a judge or a judge candidate. The Council shall decide on the exclusion of the public from the sessions with a two-thirds majority votes of the total number of members of the Council having voting rights.

(3) In case the Council decides on exclusion of the public from the session, the president of the Council shall be obliged to inform the public and explain about the reasons for such exclusion of the public and if a decision is adopted on such session by voting, the voting on the decision shall be public.

(4) If the Council decides on election of a president of a court or election of a judge, the public cannot be excluded in any circumstances.

(5) The Council shall prepare minutes of the voting on the decision referred to in paragraph 4 of this Article and it shall be published publicly on the web-site of the Council.

(6) Records shall be taken, as well as audio recording for the work during the session of the Council. The adopted minutes shall be published on the web-site of the Council.

President of the Council

Article 40

The president of the Council shall:

- represent the Council,
- chair and manage the sessions,
- participate in the work and the decision-making of the Council,
- sign the decisions, proposals and other acts of the Council and shall be responsible about their enforcement,
- be responsible for the enforcement of the Rules of Procedure of the Council and carry out other work determined by law and the Rules of Procedure.

Equality of the members of the Council

Article 41

The members of the Council, with a voting right in exercising the office of a member of the Council are equal in their rights and obligations.

Prohibition of election of Council members

Article 42

A member of the Council during his term of office and one year after the termination of the term of office may not be elected as a judge, a judge in a higher court or a president of a court or judge of the Constitutional Court of the Republic of North Macedonia.

Rights, obligation and responsibilities of a Member of the Council

Article 43

(1) A member of the Council having a voting right shall have the following rights, obligations 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 in competence of work of the Council;
- to participate in the work of the bodies of the Council wherein elected;
- upon a conclusion of the Council to allow insight into the work of a judge and undertake other actions and report thereof to the Council;
- to be held responsible for violation of the Constitution and the law while performing the Council office, and
- to carry out other activities determined by this Law.

(2) The Minister of Justice and the President of the Supreme Court as members of the Council shall have the same rights, obligations and responsibilities as well as the members with the right to vote referred to in paragraph (1) of this Article, except in matters prescribed by this law.

Rules of Procedure of the Council

Article 44

(1) The Council shall adopt Rules of Procedure by **at least eight votes of the** members having voting rights.

(2) The Rules of Procedure shall regulate the procedure and manner of operation of the Council, as well as other issues within the competence of the Council.

(3) The Rules of Procedure shall be published in the "Official Gazette of the Republic of North Macedonia".

V. SELECTION, TERMINATION AND DISMISSAL FROM THE OFFICE OF A JUDGE AND LAY JUDGES

Determining the vacant judicial positions in the basic courts

Article 45

(1) Every four years, the Council shall prepare an analysis and projection of the number of

required judicial posts in the courts of the Republic of North Macedonia, in accordance with development strategy documents and international standards.

(2) Every year, based on analysis, the Council shall with a decision, based on analysis determine the number of vacant judicial positions in the basic all courts in the Republic in Macedonia by passing a decision.

(1) When determining the number of vacant judicial posts in the basic courts of the Republic of North Macedonia, consideration shall be given, taking into consideration

(3) the total number of vacant judicial positions in the basic courts, as well as the projection regarding the need of vacancies which shall be filled upon the completion of the initial training, in cooperation with the Academy for Judges and Public Prosecutors.-

(2)(4) The decision referred to in paragraph (31) of this Article shall be adopted by the Council with at least eight seven votes of the members having voting rights and submitted to the Academy for Judges and Public Prosecutors, until March 31st in the year the decision was adopted, at the latest.

Announcement for selection of a judge

Article 46

(1) The Council shall adopt a decision on publication of an announcement for selection of a judge at least six months before immediately after a judge position becomes vacant or after the need for opening a judge position is established.

(2) The necessary specialization (in the criminal, civil, economic, administrative area or another area within the scope of work of the court) for filling the vacant judicial position, and in accordance with the previously submitted request by the court to the Council by which filling the judicial position is required, shall be stated in the decision on publication of an announcement for selection of a judge.

(3) The announcement shall be published in the "Official Gazette of the Republic of North Macedonia" and in at least two daily newspapers, one of which is published in the language spoken by at least 20% of the citizens that speak an official language other than the Macedonian language.

(3)(4) The procedure for the selection of a judge following a published announcement should, as a rule, be completed within six months.

Selection of a judge in a basic court

Article 47

(1) The Council elects a judge of a basic court from the list of candidates, submitted by the Academy for Judges and Public Prosecutors that applied on the announcement, taking into account the year of completion of the training and the achieved success, as well as the results of the interview conducted by Council.

(2) The Council conducts an interview with the candidates by evaluating their personal and social competences, while ensuring conditions for the interview to be public. and For the interview the applicants can receive at most 10% of the total points.

(3) The Council shall select as judge to be judge a candidate of the three best the highest-

~~ranked ranked candidate according to~~ in a accordance with the criteria referred to in paragraph (1) of this Article.

~~(3)(4)~~ If the Council selects a candidate who is not the highest-ranked, it shall be obliged to specifically explain the reasons for such a selection in its decision.

~~(4)(5)~~ The Council with a by-law determines the manner of ranking in accordance with the criteria referred to in paragraph (1) of this Article and the conducting of the interview of the candidates.

~~(5)(6)~~ The by-law from paragraph (45) of this Article is made by the Council with at least 7 votes from the total number of members with a voting right.

~~(6)(7)~~ A judge of a basic court who has applied for the announcement of a judge for another basic court can be chosen by the Council if on the announcement a candidate from the Academy for Judges and Public Prosecutors did not apply.

Criteria for the election of a judge of a higher court

Article 48

(1) The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria:

1) expert knowledge and specialization in the field and participation in continuous training;

2) positive evaluation of his work

3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions

4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases;

5) undertaking additional work when performing judicial office by means of mentorship, education, and alike;

6) length of judicial service, taking into account also the time spent serving as a member of the Council, a judge of the Constitutional Court, or a judge of an international court.-

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court, as well as from the immediately higher court.-

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council.

(5) The manner of the candidates' ranking is regulated by the Council with a by-law.

(6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge

Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights.

(4)(2) The members of the Council shall vote individually for all candidates on the ranking list.

(2) The candidate that has won most votes, but not fewer than at least eight votes by the Council members having voting rights shall be selected a judge.

(3)

(4) If two or more candidates receive the same number of votes, the candidate with the higher number of points on the ranking list shall be considered elected.

(5) If two or more candidates receive the same number of votes and have the same number of points on the ranking list, voting shall be repeated until one of them receives a higher number of votes.

(3)(6) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection or non-selection of a judge.

(7) The decision adopted by the Council must be reasoned, individualized, and comparable.

(4)(8) The Council shall be obliged to inform every candidate about deliver the decision on selection of a judge to each candidate in writing.

(5)(9) The candidate who is not selected as a judge shall have the right to appeal before the Administrative Court in accordance with Article 51-a of this Law, in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

- Adequate and Equitable representation in the selection of judges and presidents of courts

Article 50

(1) In the selection of judges and presidents of courts, the principle of equitable and fair representation of citizens belonging to all communities in the Republic of North Macedonia shall be applied, without compromising the criteria of expertise and competence.

(1)(2) Respecting the criteria of expertise and competence, When the Council elects a judge and president of a basic court and appellate court located in the area of a unit of local self-government where 20% of the citizens speak an official language other than the Macedonian, it decides in accordance with Article 49 of this Law, to have the majority of votes from the present members belonging to the communities that are not the majority in the Republic of Northern Macedonia.

(2)(3) Respecting the criteria of expertise and competence, When the Council elects a president and judge of the Administrative Court, the Higher Administrative Court

and the Supreme Court of the Republic of Northern Macedonia, decides in accordance with Article 49 of this Law, whereby the majority of votes of the present members belonging to the communities that are not majority in the Republic of Northern Macedonia.

Selection of the president of a court

Article 51

(1) The Council shall select the president of a court from among the candidates who have applied to the announcement for selection of a court president with at least eight votes from the total number of members of the Council having voting rights.

(2) The Council shall select for a president the person who meets the requirements and criteria determined in the Law on Courts after obtaining an opinion from the collegium of judges of the court where the candidate exercises judicial office and from the higher court.

~~(2) for the position of a president.~~

(3) .

~~(3) Every member of the Council having a voting right shall be obliged to orally, at a session of the Council, elaborate his/her decision on selection of a president of a court.~~

~~(4) The Council shall be obliged to inform every candidate about the decision on selection of a president of a court in writing.~~

~~(4) The candidate who is not selected as a president of a court shall have the right to appeal before the Appeal Council of the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law. If two or more candidates receive the same number of votes, the candidate with the higher number of points on the ranking list shall be considered elected.~~

(5) If two or more candidates receive the same number of votes and have the same number of points on the ranking list, the voting shall be repeated until one of them receives a higher number of votes.

(6) Each member of the Council with voting rights shall be obliged to orally explain their vote for the election or non-election of a court president at the Council session.

(7) The decision adopted by the Council must be reasoned, individualized, and comparable.

(8) The Council shall be obliged to notify each candidate in writing about the decision on their election or non-election for president of the court.

(9) A candidate who is not elected as president shall have the right to file a lawsuit before the Administrative Court in accordance with Article 51-a of this Law.

~~(5)(10) _____~~

Right to Appeal **Article 51-a**

(1) A candidate who is not elected as judge or president of a court shall have the right to file a lawsuit before the Administrative Court within 8 days from the day of receipt of the decision of the Judicial Council.

(2) The Administrative Court shall be obliged to render a decision on the lawsuit referred to in paragraph (1) of this Article within 8 days from the day of receipt of the case file.

(3) An appeal against the decision of the Administrative Court referred to in paragraph (2) of this Article may be submitted to the Higher Administrative Court within 8 days from the day of receipt of the decision of the Administrative Court.

(4) The Higher Administrative Court shall be obliged to decide within 8 days from the receipt of the appeal.

(5) In the procedure for selection of a candidate for judicial office and in the procedure for selection of a president of a court, an administrative dispute is allowed only with regard to the legality of the selection procedure and the decision of the Judicial Council on the fulfilment of the legal requirements for appointment to these positions.

(1) The Judicial Council shall be obliged to act upon the decision of the Administrative Court within 30 days from the day of delivery of the decision of the Administrative Court. The decision of the Judicial Council shall be final.

(6)

Re-announcement of a selection

Article 52

If after the procedure conducted for election of a judge or president of a court the Council finds that no candidate has applied or all candidates who have applied were given a negative evaluation, or if none of the candidates who have applied receives the required majority, it shall be decided to re-advertise the election of a judge or president of a court.

Selection and dismissal of lay judges

Article 53

(1) The Council shall select and dismiss lay judges, on a proposal of the president of the competent basic court and appellate court.

(2) The Council shall determine the number of lay judges, on a proposal of the president of the court wherefore the lay judges are being selected.

(3) When the Council selects a lay-judge in a court which is in the region of a local self-government unit where 20% of the citizens speak an official language other than Macedonian language, it shall decide with the majority of the votes of the attending members and there must be majority of votes of the present members that belong to the communities that are not a majority in the Republic of North Macedonia.

Termination of the judicial office

Article 54

The Council shall determine a termination of the office of a judge by a decision, when any of the requirements determined in the Constitution is fulfilled, in a manner determined by this Law, as follows:

- 1) on a request from the judge;
- 2) if he permanently loses the capability to perform the judicial office;
- 3) if he meets the requirements for age retirement;

- 4) if, by an effective verdict, he is sentenced to ~~unconditional~~ imprisonment of at least six months for a crime or has been banned from performing a profession, occupation or duty,
- 5) if he is elected or appointed to another public office or profession, except in cases of abeyance determined by law, as of the day of election or appointment to another public office or profession.

Termination of the judicial office on a request of a judge

Article 55

The Council shall adopt a decision on termination of the judicial office, when he personally requests so, without particularly examining the reasons for the request.

Termination of the judicial office due to permanent loss of the ability for its performance

Article 56

- (1) The Council shall, with a decision determine the termination of the judicial office due to permanent loss of ability to perform the judicial office.
- (2) The court shall determine the permanent loss of the ability to perform the judicial office on the base of documentation accompanied by a finding, assessment, and opinion of the competent health commission.
- (3) The procedure for determination of the 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 office or by the president of the higher court or by Supreme Court of the Republic of North Macedonia at a general session.
- (4) The procedure for initiation and determination of the permanent loss of ability shall be closely regulated by a by-law adopted by the Council.

Termination of judicial office by fulfilling the conditions of age pension

Article 57

- (1) The judicial office shall terminate with fulfilment of age pension requirements in accordance with the law, ~~whereby the judge can extend the mandate in accordance with the regulations on labor relations by submitting a statement to the Judicial Council.~~
- (2) The Council shall determine the termination, or extension of the judicial office in accordance with paragraph 1 of this Article by a decision which shall be noted on the first following session.

Termination of the judicial office due to committed crime or

~~misdemeanor~~misdemeanour Article 58

- (1) The Council shall, by a decision, determine the termination of the judicial office of a judge if the judge is sentenced with a final court decision for a committed crime to ~~unconditional~~ imprisonment of at least six months or has been imposed a ~~misdemeanor~~ sanction ban on

performing a profession, occupation or duty for a crime related to the abuse of judicial office, ~~upon the effectiveness of the verdict that imposes this punishment, i.e. a misdemeanor.~~

(2) The first instance court that has reached the decision referred to in paragraph (1) of this Article shall without delay submit to the Council a copy of the judgement.

Termination of the judicial office due to election or appointment to other public office

Article 59

(1) The Council shall, by a decision, determine the termination of the judicial office, if the judge has been elected or appointed to other public office, except in case when abeyance of the office of a judge is anticipated by law, as of the day of the election or appointment.

(2) The body that elected or appointed the judge to other public office shall be obliged to immediately submit the act on appointment, that is election to the Council.

Grounds for Grounds for Establishing Disciplinary Responsibility of a Judge

Article 60

~~dismissal of a judge Article 60~~

The judge shall be dismissed from the judicial office:

1) for committing serious disciplinary violation prescribed by law, makes him disreputable for performance of the judicial office, and

2) due to unprofessional and in bad faith exercise of the judicial office, determined by law.

Procedure for determination of liability of a judge or a president of a court

Article 61

(1) The procedure for determination of liability of a judge or a president of a court (hereinafter: the procedure), shall be initiated within a period of six months as of the day of discovering the committed violation, but not later than three years as of the day of commission of the violation.

(2) The procedure shall be urgent and confidential, may not last longer than 6 months, and is generally shall be conducted without the presence of the public and by respecting the reputation and dignity of the judge or the president of the court, at the same time taking care to protect the personal data of the judge or the president of the court in accordance with the regulations on personal data protection.

(3) Upon a request of the judge or the president of the court, the Council shall decide the procedure to be public.

The Council may allow individual officials, academic and public servants to attend the hearing held in a closed session.

The President of the Council shall warn those attending the closed session that they are obliged to keep confidential all information they learn during the hearing and shall inform them that the disclosure of such information constitutes a criminal offense.

(4) Upon a request of the judge or the president of the court, a representative from the

Association of Judges may also attend the session.

A request for initiation of a procedure for determination of liability of a judge or a president of a court

Article 62

(3) A request to initiate proceedings for the responsibility of a judge or president of a court may be submitted only after all effective legal remedies have been exhausted, except in cases of manifest intent, wilful omission, or gross negligence. Reasoned request to initiate proceedings for the responsibility of a judge or president of a court may be submitted by a member of the Judicial Council, a court president, the General Session of the Supreme Court, or a person who will demonstrate a legal interest.

(4) The request shall be submitted to the Judicial Council and must include: name and surname of the judge or president of the court, the court in which they perform their function, a description of the violation, the legal classification of the violation with reference to the provisions of the Law on Courts, and proposed evidence to be presented at the hearing.

~~—The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.~~

~~(1) (3)~~ The evidence on which the request is based shall be submitted together with the request.

Commission of Rapporteurs

Article 63

(1) After the request for determination of the responsibility of the judge or president of the court is received, the Council, at its next session, shall establish a Commission of Rapporteurs (hereinafter: the Commission) from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission.

(2) A member of the Council who is the submitter of the request cannot be a member of the Commission referred to in paragraph (1) of this Article.

(3) When the Council determines responsibility of a judge or president of a court belonging to communities that are not a majority in the Republic of North Macedonia in the Commission referred to in paragraph (1) of this Article, one member must be a member of the communities that are not the majority in the Republic of North Macedonia.

(4) The Commission, within 15 days, ~~will shall~~ reject the request for determining responsibility of the judge or president of the court if the request:

—is not timely,

—

–is not complete, or

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~~- is clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy~~manifestly unfounded.

(5) The Commission shall reject the request for establishing the responsibility of a judge or a court president within 15 days if the request is manifestly unfounded, that is, if it refers to facts that have already been reviewed by a higher court in a legal remedy procedure or could have been subject to such review but were not raised through a legal remedy.

~~(5)~~ 6In the cases of paragraph ~~(54)~~ of this Article, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission, which is also submitted to the submitter of the request.

~~(6)~~ (5) The Commission decides with at least two votes, except of the decision for rejection of the demand from paragraph (4) which is adopted with consensus, i.e. three votes.

~~(7)~~(6) If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation within 30 days, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.

~~(8)~~(7) If the Council decides to continue the procedure, it shall notify the judge i.e. the president of the court thereof, and the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the day of receipt of the request.

Gathering data and evidence

Article 64

~~—(1)~~ The Commission shall obtain data and evidence of interest in determining the situation regarding the request.

(1)

(2) ~~(2)~~ If the data and evidence referred to in paragraph (1) of this Article are found with a state body, a body of the local self-government unit or person or legal person entrusted with exercising public authorizations they shall be obliged, without compensation, to submit them to the Council within the deadline specified in the request referred to in paragraph (1) of this Article.

(3) If, based on the collected data and evidence, the Commission establishes that the request is unfounded, it shall prepare a report on the unfoundedness of the request and submit it to the Council for a decision.

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Delivery

Article 65

- (1) The Commission shall submit the request and the evidence personally to the judge or the president of the court against which it has been filed, through the archive of the court in which it performs the judicial office or with a registered shipment at the home address.
- (2) If the judge is not found at the place of delivery referred to in paragraph (1) of this Article, a written notification of the place and time for the withdrawal of the request shall be made, and it shall be considered as a proper delivery.
- (3) The judge or president of the court may respond in writing to the allegations in the request or to give an oral statement within eight days of receiving the request.
- (4) A judge or president of a court against whom a claim has been filed shall have the right to be represented by a legal representative in accordance with the law ~~to a defense counsel~~ who informs her/him and provides him for the hearing.
- (5) Together with the response to the request, the judge or the court president shall provide all the evidence on the base of which he shall base his response to the request.
- (6) The judge or the president of the court in the reply to the request shall be obliged to indicate the address to which the letter will be sent in the course of the procedure in a written procedure with a registered consignment, as well as the electronic address where the written submission will be sent electronically.
- (7) If the judge or the president of the court is not found at the address stated in the reply to the request where the delivery of the letter is to be made, the supplier will leave a written notification for arrival on a certain day and hour in a certain Council premises to receive the letter. If the judge or president of the court does not act upon the notification, it is considered that the delivery was done on the day and hour indicated in the notice.
- (8) Delivery by electronic means shall be performed in accordance with the provisions of the Law on Civil Procedure.

Hearing regarding the request

Article 66

- (1) The Commission shall schedule a hearing within seven days from the day of receiving the response to the request by the judge or the president of the court. The Commission works in full composition and is managed by the President.
- (2) The judge, i.e. the president of the court, shall be invited at the hearing.
- (3) If the judge or the president of the court duly invited does not come to the hearing, and if he does not justify the absence, the hearing will be held.
- (4) At the hearing the evidence proposed by the applicant, the judge or the president of the court, as well as the evidence obtained from the Commission, shall be carried out.
- (5) The judge, that is, the president of the court has the right to make verbal record or in writing

within three days after all the evidence is presented at the hearing.

(6) Minutes shall be prepared for the actions taken at the hearing. The minutes are completed by a person from among the professional service of the Council.

(7) The minutes shall in particular contain data on: the day, hour and venue of the hearing, the president and the members of the Commission and the person who keeps the records, the names of the persons present, the statement of the judge or the president of the court or their legal representative~~his counsel~~ and the evidence are performed. The records shall be signed by the applicant, the judge, or the president of the court, i.e. their legal representative~~counsel~~, the Commission and the person who keeps the records.

(8) If one of the persons referred to in paragraph (7) of this Article does not sign the minutes, it shall be recorded in the minutes.

(9) During the course of the hearing, along with the minutes a sound recording is performed.

(10) The minutes, i.e. the sound recording from paragraph (9), within 48 hours shall be reviewed and joined with to the minutes, together with the transcript of the sound recording.

Report of the Commission

Article 67

(1) The Commission shall, within 15 days from the day of the completion of the hearing, submit a report on the established situation upon the request to the Council with a reasoned opinion.

(2) The report shall contain all the records and acts that the Commission had at its disposal during the procedure, the pronouncement of the judge or the president of the court, as well as the description of the actions undertaken.

(3) All case files must be made available to members of the Council.

Hearing in front of the Council

Article 68

(1) The Council shall hold a session within 15 days upon receiving the Report of the Commission.

~~(1)~~(2) The President of the Commission shall explain the Report at the hearing before the Council.

~~(2)~~(3) The President and members of the Commission shall participate in the discussion and vote on the decision.

~~(3)~~(4) If a member of the Council is the applicant, he shall not be present at the hearing before the Council and shall be exempted from voting on the final decision.

~~(4)~~(5) Deciding upon the report, the Council may temporarily distance the judge or the president of the court from performing the judicial office, in accordance with the Law on Courts.

~~(5)~~(6) If the judge or the president of the court against whom a procedure for determining

responsibility has been initiated, during the procedure has submitted a request for the termination of the judicial office, the Council will determine the termination of the judicial office and will continue the procedure until the final decision is reached which will be an integral part of the judge's file, that is, of the president of the court's file.

Procedure for deciding upon a draft decision on pronouncing a disciplinary measure

Article 69

(1) The Council shall, at a session of the debate after the Report of the Committee and after the conclusion of the hearing, initially decide to stop the procedure if it determines that there is no basis for responsibility, with at least seven votes from the total number of members with a right to vote.

~~(1)(2)~~ (2) In the case referred to in paragraph (1) of this Article, the decision for temporary suspension from the performance of the judicial office shall be rendered out of force.

~~(2)(3)~~ If the Council fails to reach a decision on termination of the procedure, i.e. finds that the judge or the president of the court committed a more severe disciplinary offense or unprofessional and unethical performance of the judicial office, under the conditions determined by law, decides on the dismissal of the judge or the president of the court at least eight votes out of the total number of voting members.

(3)

~~(4)~~ (4) If the Council does not stop the procedure or does not make a decision for dismissal, i.e. it establishes that there is a responsibility of the judge or the president of the court due to a committed disciplinary violation, they shall conduct a vote for pronouncing a disciplinary measure, starting from the difficulty to the easier one with at least seven votes from the total number of voting members.

~~(5)~~ (5) The voting shall be interrupted with a decision to impose a disciplinary measure. ~~(6)~~

~~(3)~~ When adopting the decision on dismissal, the judge or the president of the court temporarily moves away from the performance of the judicial function, that is, the president of a court with a clearly reasoned decision until the final conclusion of the procedure.

(6)

(7) A judge or President of a court who has been temporarily removed from performing judicial duties shall have the right to file a lawsuit before the Administrative Court within 48 hours from the receipt of the decision. The Administrative Court is obliged to rule on the lawsuit within 48 hours from the submission of the case files. (This suspension procedure is the same as that for a member of the Judicial Council.)

Deciding on the Commission's report

Article 70

If during the hearing of the Commission's report with at least ~~seven~~ eight votes from the total number of members of the Council with a voting right it is necessary that the case be finalized, the case files may be returned to the Commission for finalization, at most - once, with instructions and guidelines which is obliged to submit the report on the case with all further implemented actions to the Council within ~~15~~ five days from the date of delivery.

Preparing and Submitting a decision

Article 71

(1) The decision referred to in Article 69 of this Law shall be prepared within 10 days from the day of its adoption and must include an introduction, operative part, reasoning, and legal instruction.

(2) The introduction shall contain the title "Judicial Council of the Republic of North Macedonia," the name of the applicant submitting the request to initiate proceedings for determining responsibility, the name and surname of the judge or court president against whom the request is submitted, the grounds for the procedure, and the date of the session at which the decision was adopted.

(3) The operative part must include the decision on the request to initiate proceedings for determining responsibility. It shall determine whether the judge or court president committed a violation and they shall be imposed an appropriate disciplinary measure or dismissed from performing judicial duties or from the office of court president. The operative part must be concise and specific and may be divided into several items when necessary.

(4) The reasoning must be comprehensible and contain: a brief presentation of the request to initiate proceedings for determining responsibility, the composition and description of the actions of the Commission of Rapporteurs, data on timeliness and admissibility, a description of the decisive facts on which the decision is based, including the presentation of evidence and the reasons why certain facts are considered proven or unproven, the legal provisions and the reasons, based on the established facts, why the decision is made, as well as a description of the mitigating and aggravating circumstances considered by the Judicial Council in determining the disciplinary measure or in adopting the decision on dismissal.

(5) The member of the Judicial Council who voted contrary to the majority has the right to a dissenting opinion, which shall be an integral part of the decision.

(6) The legal instruction shall inform the judge or court president about the regular legal remedy available against the decision. The instruction shall indicate to whom the legal remedy should be submitted, in what form, and within what deadline.

(7) A copy of the decision shall be delivered to the judge or court president, the applicant, and the president of the court where the judge performs their function.

(8) Delivery of the decision referred to in paragraph (6) of this Article shall be carried out in accordance with Article 65 of this Law.

~~(1) decision referred to in Article 69 of this Law shall be prepared within 10 days from the day of its adoption and it shall mandatory contain an introduction, a statement, a rationale and a legal lesson.~~

~~(2) A copy of the decision shall be submitted to the judge, i.e. the president of the court, the applicant and the president of the court where the judge is performing the function, that is, the president of the immediate higher court.~~

~~The delivery of the decision referred to in paragraph (2) of this Article shall be performed in accordance with Article 65 of this Law.~~

(Alternative 1 to Article 72)

Right to appeal

Article 72

(1) The right to appeal the decision of the Council is granted solely to the judge or court president against whom the procedure for determining responsibility has been initiated. The appeal may be submitted to the Special Appeals Council within eight days from the date of receipt of the decision. (Paragraph 2 of Article 35 from the previous version to be inserted here.)

(2) The Special Appeals Council shall decide within 30 days from the receipt of the appeal, assessing the merits of the decision and the legality of the procedure.

(3) In the cases referred to in paragraph (2) of this Article, the Special Appeals Council may confirm or annul the Council's decision in case of procedural violations in the responsibility proceedings against a judge or court president, incorrectly or incompletely established facts upon which the decision is based, or violation of substantive law.

(4) If the Special Appeals Council annuls the decision, the Council shall repeat the procedure, hold a public hearing with mandatory observance of the instructions of the Special Appeals Council, adopt a decision, and publicly announce it on its website.

(5) If the appellant considers that the Council, when adopting the decision under paragraph (4) of this Article, failed to follow the recommendations of the Special Appeals Council, or if the decision is unclear or incomprehensible, they have the right to submit another appeal within eight days to the Special Appeals Council, which shall decide at a public session.

(6) If the Special Appeals Council annuls the Council's decision again, the Council shall schedule a public session at which it shall adopt a final decision, within eight days from the receipt of the decision from the Special Appeals Council.

(7) The President of the Supreme Court of the Republic of North Macedonia and any judge or court president involved in the proceedings before the Council may not serve as members of the Special Appeals Council referred to in paragraph (2) of this Article.

Alternative 2 to Article 72:

(1) A judge or president of a court against whom the decision for dismissal was pronounced may initiate an administrative dispute before the Administrative Court within eight days from the date of receipt of the decision for dismissal. (Article 3, paragraph 6 of the Law on Administrative Disputes – jurisdiction of the administrative judiciary).

(2) The Administrative Court shall render a decision on the claim referred to in paragraph (1) of this Article within eight days from the day the case files are submitted.

(3) An appeal against the decision of the Administrative Court referred to in paragraph (2) of this Article may be submitted to the Higher Administrative Court within eight days from the receipt of the decision of the Administrative Court.

(4) The Higher Administrative Court shall decide within eight days from the receipt of the appeal.

~~(1) — The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of Northern Macedonia (hereinafter: the Appeals Council) against the decision of the Council, is only the judge or the president of the court for whom the procedure for-~~

determining liability, within eight days from the date of receipt of the decision.

(2) — The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of Northern Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.

(3) — The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

(4) — In the cases referred to in paragraph (3) of this Article, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

(5) — If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

(6) — An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).

(7) — The President of the Supreme Court of the Republic of Northern Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.

Re-opening of the procedure on Execution of thea final judgment of the European Court of Human Rights in Strasbourg

Article 73

(1) — When the European Court of Human Rights determines a violation of human rights or freedoms as provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms in proceedings before the Council, the judge, court president, or member of the Judicial Council whose right has been violated in such proceedings may, within 90 days from the receipt of the final decision of the European Court of Human Rights, submit a request to the Council for the execution of the decision of the European Court of Human Rights or for the reopening of the proceedings. When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings.

(1) —

(2) The Council shall, with no delay, inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights.

(3) If the decision of the European Court of Human Rights requires reopening of the proceedings, the Council is obliged, in the repeated proceedings, to adhere to the legal positions expressed in the decision of the European Court of Human Rights. The Council is

~~obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms.~~

(4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation.

(5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed application for reopening of the proceedings in which the members of the Council who are members of the Inter-Ministerial Commission for Execution of the Decisions of the European Court for Human Rights may not be included.

(6) The Commission shall assess whether the filed application is timely, complete and admissible and whether it is possible to remedy the established violations of rights in the repeated proceedings.

(7) If the application is incomplete, untimely or inadmissible, and it is not possible to remedy the established violations of rights in the repeated proceedings, the Commission shall propose to the Council to reject it.

(8) If the Commission finds that the application is timely, complete and admissible the Commission shall forward the case to the Council for further handling, ~~which shall submit the case to the Appeal Council at the Supreme Court of the Republic of North Macedonia for competent handling within three days.~~

(9) The repeated proceedings concerning the established violation shall be conducted in accordance with the provisions of this Law for determining the responsibility of a judge or president of a court pursuant to Article 72 of this Law, and for a member of the Judicial Council pursuant to Article 35 of this Law.

(10) Following the repeated proceedings, the Council shall decide whether the previous decision is annulled, partially annulled, or confirmed.

~~(9) The Appeal Council shall, within 15 days after receiving, act upon the case and repeal its decision and the decision of the Council, guided by the legal positions noted in the final judgment of the European Court for Human Rights finding the violation, and shall remit the case immediately, and three days at the latest, to the Council for reopening of the procedure.~~

~~(10) The reopened procedure regarding the violation found shall be conducted in accordance with the provisions of this Law relating to the establishment of a responsibility of a judge or president of a court in which new evidence may be proposed and examined.~~

~~The unsatisfied party shall have a right to an appeal with the Appeal Council against the decision made in the reopened procedure, within 15 days from the date it received the decision.~~

Right to a fair trial

Article 74

During the procedure in front of the Council, the judge or the president of the court against whom a procedure is conducted shall have the right to a fair trial in accordance with the guarantees determined in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Criteria and procedure for Purpose of monitoring and assessment of the work of the judges and the president of the court

Article 75

(1) The purpose of monitoring and assessment of the work of judges and presidents of courts is to affirm the judiciary as an independent and autonomous authority, to strengthen the personal motivation of judges, to ensure further professional development of judges based on their personal and professional abilities without any influence, and to enhance the independence and impartiality of judges in the exercise of judicial function. Monitoring of the work of the judge and the president of the court is being made through ordinary and extraordinary assessment.

(2) The judge is assessed on the base of the total results of the achieved success in the work through the established qualitative and quantitative criteria, pursuant to provisions of this law. The individual monitoring and assessment of the work of a judge and a president of a court shall be carried out without infringing upon the independence and autonomy of the judge and the president of the court in the performance of their judicial function.

(2) -

Criteria and procedure for monitoring and assessment of the work of judges and court presidents

Aim of monitoring and assessment

Article 76

(1) The monitoring of the work of the judge and the court president shall be carried out through regular and extraordinary evaluations.

(2) The judge shall be assessed based on the overall results of achieved performance through the established qualitative and quantitative criteria in accordance with the provisions of this Law.

(1) ~~The aim of monitoring and assessment of the work of a judge and the president of the court is affirmation of the judiciary as an independent and autonomous power, strengthening personal motivation of judges, securing further professional development of judges on the base of their personal and professional capabilities without any influence, as well as strengthening of the independence and impartiality of judges in execution of their function.~~

(2) ~~Monitoring and assessment of the work of a judge and the president of the court is being made without interference of the independence and autonomy of judges in completion of their work.~~

Ordinary and extraordinary assessment

Article 77

- (1) Ordinary assessment of the judge and the president of the court is conducted once every four years, concluding end of June present year, for the work of the judges and the president of the court for the previous four years.
- (2) Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a higher instance court, election of a president of a court or member of the Council.
- (3) If the judge or president of the court applies for a judge of the other court, of the higher court or president of a court, he will not be assessed in the present year for the year before, in case he was regularly assessed.

Methods of monitoring and assessment

Article 78

- (1) Assessment of the work of the judge is being made on the base of overall results of the judge through qualitative and quantitative assessment of the work of the judges, based on a methodology adopted by the Council, based on an opinion of the Supreme Court at a general session.
- (2) Using the methodology, the Council shall determine the form and the content of the form containing data and information about the work of the judge and the work of the president of the court, in accordance with the criteria determined by this Law, in which data is being provided for the work of the judge and the president of the court on monthly basis.
- (3) Integral part of the form of paragraph (2) of this Article is the instruction on the manner for filling the form, prepared by the Council.

Elements for calculating the grade

Article 79

- (1) The sum of the results obtained from the qualitative and quantitative criteria is considered as the basis for calculation of the judge's performance. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade.
- (2) When calculating the judge's assessment, the effective working time is taken into consideration. The manner of calculating the judge's effective working hours shall be agreed by the Council and shall be published on the Council's web-site.
- (3) For qualitative criteria, a judge can get a maximum of 120 points, and for the quantitative criteria, a judge can get a maximum of 80 points.

Qualitative criteria regarding the judicial work

Article 80

The qualitative criteria for assessing the work of the judge are:

- the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts.
- quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for adopting, publishing and drafting the decisions, the duration of the court procedure; and
- quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.

Determination of the fulfilment of the qualitative criteria

Article 81

- (1) The quality of conducting a court procedure is determined by inspecting five randomly selected cases by an automated computerized court case management system and five cases determined by the judge during the evaluation period by commissions.
- (2) The quality of the prompt handling of court proceedings is evaluated through insight into the data from the automated computerized court case management system.
- (3) The inspection referred to in paragraph (1) of this Article for the evaluation of the work of the candidate for a judge shall be conducted by commissions from five members of judges of all appeal courts, i.e. the directly higher court.
- (4) The commissions referred to in paragraph (3) of this Article for the evaluation of the work of judges shall be established by the Council, by random choice, in a manner regulated by a by-law enacted by the Council.

The work of the commission

Article 82

- (1) Each member of the committee referred to in Article 83 of this Law, shall evaluate the work of the judge in each case, and the final evaluation is obtained as the average value of all individual assessment in each case by each member.
- (2) The Commission submits to the Council a mid-range elaborated grade.
- (3) The assessment grades are from 1 to 10, where 10 is the highest grade.
- (4) The forms and assessment methodology referred to in this Article shall be adopted by the Council on the base of an opinion of the general session of the Supreme Court of the Republic of North Macedonia.

Maximum scores regarding qualitative criteria

Article 83

For the qualitative criteria from Article 80 from this Law, the judge can receive 120 points maximum.

Scoring of Qualitative Criteria

Article 84

(1) The quality of the procedure shall be scored in accordance with the following table:

Average evaluation by the Commission on the quality of the procedure	Points
From 8-10	60
From 5-8	40
From 3-5	25
Under 3	0

(2) The quality in the prompt handling of court cases is scored according to the following table:

	Points
- complied with deadlines in more than 90% to 100% of the cases	35
- complied with deadlines in more than 70% to 90% of the cases	25
- complied with deadlines in more than 50% to 70% of the cases	15
- complied with deadlines in less than 50% of the cases	0

(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:

Percentage of annulled decisions in relation to the total number of resolved cases	Points
Up to 5%	25
From 5% to 10%	20
From 10% to 15%	15
From 15% to 20%	10
More than 20%	0

Orientation number of cases**Article 85**

(1) The Council adopts a methodology with indicators for determining the complexity of the case according to the legal area, the complexity of the matter and the type of courts, according to the degree and the real competence, on the base of a previously obtained positive opinion by the Supreme Court of the Republic of North Macedonia and shall publish it on its web-site page.

(2) Each year, not later than by 31 March, the Council determines, with a decision, the orientation number of cases to be resolved by the judge monthly based on the methodology referred to in paragraph (1) of this Article and the opinion at a session of judges, i.e. the general session of the Supreme Court of the Republic of North Macedonia.

Quantitative criteria**Article 86**

(1) The quantitative criteria for the performance of the judge are:

- the scope of his work, which is valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management.

- the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions.

~~(4)~~(8) If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points.

~~(5)~~(9) The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 points, but the total number of points cannot be more than 60 points, nor less than 20 points.

~~(6)~~(10) The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law.

Valuation according to the number of altered decisions made in relation to the total number of resolved cases**Article 87**

The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:

Percentage of altered decisions in relation to the total number of resolved cases	Points
Up to 5%	20
From 5% to 10%	15

From 10% to 15%	10
From 15% to 20%	7
From 20%to 30%	4
More than 30%	0

Special cases of assessment of the work of the judge

Article 88

- (1) If the judge's work is such that his decisions are not subject to supervision of a higher court i.e., no legal remedies have been declared against them, the judge shall receive a maximum of 105 points according to the criteria of this law and the judge's assessment methodology.

(2) If a former judge of an international court has applied for election of a judge, the candidate shall receive a positive evaluation.

Assessment of the judge's work

Article 89

2) On the base of the obtained score set according to the qualitative and quantitative criteria for evaluating the work of the judges, the Council shall evaluate the judges with the following grades:

- 1) Positive assessment if the judge receives more than 100 points;
- 2) Negative assessment if the judge receives less than 100 points.

Assessment of a president of a court who has undertaken a responsibility to judge cases

Article 90

(1) Monitoring and evaluation of the work of the president of the court who assumed responsibility for adjudicating cases shall be conducted in accordance with the provisions of this Law relating to the criteria and procedures for monitoring and evaluating the work of the judge, with that in terms of evaluating the quantitative criterion the approximate norm is valued at 70%.

(2) The points obtained from the evaluation of the work of the court president as a judge shall be added to the points obtained in his evaluation as president of a court if as president of the court he is evaluated with a positive grade, but the total number of points may not exceed 200 points.

-

Quantitative criteria for evaluating the work of the president of a Court

Article 91

Quantitative criteria for assessment of a president of a court's work as president is data obtained from the automated computerized court management system through a percentage of resolved cases in relation to received cases at the court level.

Qualitative criteria for evaluating the work of the president of the court

Article 92

(1) The qualitative criteria for assessing the work of the president of the court as president of the court are:

- implemented work program with an action plan,
- the application of the Court Rules of Procedures which is assessed by reviewing the reports of regular and extraordinary controls by the higher court, the Council and the Ministry of Justice,
- the functioning of the automated computerized court case management system, which is assessed by reviewing the reports from the regular and extraordinary controls by the higher court, the Council and the Ministry of Justice,
- the quality of the decision taken in the court administration, which is determined through inspection in five randomly selected cases by the automated computer system for managing court cases and five cases determined by the president of the court during the evaluation period, valued over the legal basis, comprehensibility and clarity of the language in the decision, clear argumentation of all facts, circumstances and evidence, and
- public relations and transparency in the work, which are assessed through insight into the court's web-site (court declarations, published decisions, ~~analyzes~~analyses and reports on the work of the court, etc.) and free access to public information.

(2) The data for determining the results referred to in paragraph 1 of this Article shall be provided from the annual report on the work of the court which was examined at a general session by the Supreme Court of the Republic of North Macedonia, the program of work of the president of the court, reports from the regular and extraordinary controls by the higher court, the Council and the Ministry of Justice.

(3) When assessing the work of the president of the court, the circumstances that had an impact on the realization of the program of work are taken into consideration, and to which the President could not act.

(4) The commission referred to in paragraph (1) line 4 of this Article shall be established by the Council and shall be composed of five members of the immediate superior court.

(5) The forms and assessment methodology referred to in this Article shall be adopted by the Council on the base of a general opinion of the Supreme Court of the Republic of North Macedonia.

Scoring quantitative criteria

Article 93

The percentage of resolved cases at court level in relation to received cases is scored according to the following table:

Percentage of resolved cases in relation to received items	Points
More than 110%	40
From 105% to 110%	35
From 100% do 105%	30
From 90% to 100%	20
Under 90%	0

Scoring of qualitative criteria

Article 94

- (1) The realized program of work of the president of the court shall be scored in accordance with the assessment of the commission for assessment of the percentage of realized activities by years, according to the following table:

Percentage of completed work program	Points
81% -100%	60
51% - 80%	30
Under 50%	0

- (2) Application of the Court Rules of Procedure (Annual Work Schedule, Exemption of Judges, Transfers of Items, etc.) shall be scored in accordance with the following table:

Application of the Court Rules of Procedure	Points
There are no inconsistencies in the reports of the regular and extraordinary controls by the higher court, the Judicial Council and the Ministry of Justice	40
There are established inconsistencies in the reports of the regular and extraordinary controls by the higher court, the Judicial Council and the Ministry of Justice, and they are exceeded in accordance with the recommendations and deadlines of the reports	20

- (3) The functioning of the automated computerized court case management system shall be scored in accordance with the following table:

Functioning of the automated computerized court case management system	Points
Consistent legal functioning of the automated computerized court case management system	20
Inconsistencies in the legal functioning of the automated computer system for managing court cases by a competent authority have been established, and they have been overcome in accordance with the recommendations and deadlines in the reports	10

(4) The quality of the decision taken in the court administration (the legal basis, the comprehensibility and the clarity of the language in the decision, the clear argumentation of all the facts, circumstances, and evidence) are assessed according to the following table:

Average assessment by the Commission on the quality of the decision taken in the court administration	Points
From 8-10	20
From 5-8	15
From 3-5	10
Under 3	0

(5) The criterion of public relations and transparency in the work is scored according to the following table:

Average evaluation by the Commission on the quality of published information	Points
From 8-10	20
From 5-8	15
From 3-5	10
Under 3	0

(6) The president of the court for the achieved quality of work as president of the court is assessed with a maximum of 160 points.

Evaluation of the president of the court

Article 95

The Council evaluates the president of the court as president of the court with the following grades:

- positive evaluation, over 100 points
- negative assessment, below 100 points

Decision for evaluation

Article 96

(1) The Council shall make a reasoned decision on the assessment of the work of the judge and the president of the court.

(2) The decision referred to in paragraph (1) of this Article shall be submitted to the judge or the president of the court for which the assessment procedure was conducted within eight days from the day of its adoption.

(3) The judge or the president of the court have the right to object to the assessment they received within a period of eight days from the day of receiving the decision from paragraph (1) of this article.

(4) The Council shall, within seven days, discuss the complaint and issue a decision rejecting or accepting the opposition or decision for reassessment.

(5) Against the decision referred to in paragraph (4) of this Article, the judge i.e. the president of the court shall have right to appeal within 8 days from the day of receiving of the decision to the Appeal Council in a way and procedure regulated by this law.

Reassessment

Article 97

(1) The Council shall be obliged, within 30 days from the day of adoption of the decision referred to in Article 98, paragraph (4) or paragraph (5), to reassess the work of the judge and the president of the court.

(2) The re-evaluation of the work of the judge and the president of the court shall be carried out based on a report by a Commission composed of three members of the Council, in which the persons who were members in the Commission who proposed the judge's assessment at the first assessment cannot be members.

(3) Against the decision taken in the re-evaluation made by the Council, the judge and the president of the court shall have no right of appeal or objection.

Proposition of judges of the Constitutional Court of the Republic of Macedonia

Article 98

(1) The Council, upon a published call, shall propose to the Assembly of the Republic of North Macedonia two candidates for selection as judges of the Supreme Court of the Republic of North Macedonia from among the judges with at least 2015 years of experience as a judge, upon a previously determined 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.

(2) The proposal referred to in paragraph 1 of this Article shall be adopted by the Council with **at least eight votes** of members having voting rights, and in a manner and procedure determined by the Rules of Procedure of the Council.

Decision to ~~withdraw the immunity of a judge and to decide upon a request for detention~~ of a judge

Article 99

(1) The Council, at a session with at least seven votes from the total number of Council members entitled to vote, shall grant consent to a request for approval of detention of a judge and shall revoke their immunity, unless the judge is caught in the act of committing a criminal offense punishable by a prison sentence of at least five years. shall decide to revoke the immunity of a judge in cases determined by law, at a session of the Council by a majority vote of the total number of members with a right to vote.

(2) ~~The Council at the session decides upon the request for approval of the detention of a judge, i.e. after the notification that the judge has been detained.~~

~~(3) The procedure in which the Council grants consent to a request for the approval of detention of a judge decides to revoke the judge's immunity is urgent and it is conducted within 24 hours from the receipt of the request, i.e. the notification for detention.~~

~~(2)~~

(3) If a judge is subject to a detention measure after being caught in the act of committing a criminal offense punishable by a prison sentence of at least five years, the court shall notify the Council thereof within 24 hours.

Report on operation

Article 100

(1) The Council shall submit an annual report for its operation to the Assembly of the Republic of North Macedonia by 30 April in the current year for the previous year at the latest.

(2) The report referred to in paragraph 1 of this Article shall be published on the web-site of the Council.

(3) The report shall contain data on:

- the number of appointed and dismissed presidents of courts, judges and lay judges,
- the number of initiated and completed procedures for establishing responsibility,
- the situation regarding the personnel in the judiciary,
- material and financial condition in the courts,
- condition of the courts pursuant to the annual reports of their work,
- information about the work on the objections and proposals of the citizens and institutions for the work of the judges and the courts.

(4) The report shall also contain assessments on the work of judges and in the Republic of North Macedonia regarding the quality and efficiency of their work, as well as other issues about the achievement of the independence and autonomy of the judiciary.

(5) The report also contains data on the extent of implementation of the Annual Work Programme of the Council by items.

~~(5)~~(6) The Council shall submit its report on operation to the Associations of Judges for review and comments.

~~(6)~~(7) The Council shall adopt the report on its operation by at least eight votes of members having voting rights and shall submit it to the Assembly of the Republic of North Macedonia for review and adoption consideration. Representatives of civil society organizations and associations of judges shall be invited to participate in the hearing on the report in the Assembly of the Republic of North Macedonia.

~~(7) After the adoption of the work report, the Council shall submit it to all courts in the Republic of North Macedonia.~~

~~(8) If the Assembly does not adopt the report, it shall be a base for initiation of a discussion before the bodies that have elected the members of the Judicial council for assessment of their work in the Council.~~

VI. EXPERT SERVICE OF THE COUNCIL

VI. Expert service

Article 101

- ~~(1) The Council shall have an expert service which carries out administrative, expert technical, organizational, information, research and financial affairs for purposes of the Council.~~
- ~~(2) The expert service shall be managed by a secretary general.~~
- ~~(3) The Council shall adopt regulations on the internal organization and systematization of the working positions.~~
- ~~(4) Adequate and equitable representation of the citizens that belong to all communities in the Republic of North Macedonia shall be ensured during the employment within the expert service of the Council.~~
- ~~(5) The secretary general shall be present during the sessions of the Council without the right to vote and is able to propose items on the daily agenda.~~
- (1) The Council shall have an Expert Service that performs administrative, professional-technical, organizational, informational, research, and financial tasks for the needs of the Council.
- (2) The Expert Service of the Council shall consist of the Secretary General, Council servants, and individuals employed in the Expert Service who perform auxiliary-technical tasks.
- (3) The Expert Service shall be managed by the Secretary General.
- (4) In the employment process within the Expert Service of the Council, fair and equitable representation of citizens belonging to all communities in the Republic of North Macedonia shall be ensured, without compromising the criteria of expertise and competence.
- (5) The Secretary General shall attend Council sessions without the right to vote and may propose items for the agenda related to the work of the Expert Service.
- (6) The act on internal organization and the act on systematization of Work Positions within the Service shall be adopted by the Council.
- (7) The act on internal organization shall regulate:
 - the type and number of organizational units,
 - the scope of work, obligations of the organizational units, and their interrelations, and
 - the management of organizational units.
- (8) A graphical representation (organigram) of the organization of the Council's Expert Service shall be an integral part of the act on internal organization.
- (9) The act on systematization of Work Positions within the Council's Expert Service shall determine the number of Work Positions and the number of employees, in accordance with the need for the efficient execution of the Council's responsibilities.
- (10) The acts referred to in paragraph (6) of this Article shall be submitted by the President of the Council to the Ministry of Information Society and Administration for informational purposes and shall be published on the Council's website.

Status of employees in administration the Expert Service

of the Council Article 102

- (1) The Secretary General and the Council servants shall have the status of administrative servants. The provisions of the Law on Public Sector Employees, the Law on Administrative

Servants, and labour relations regulations shall apply to the Secretary General and the Council servants, unless otherwise regulated by this Law.

- (2) In addition to the general conditions for establishing employment in a court i.e. the conditions stipulated by the Law on Administrative Servants, candidates for the position of Secretary General must also have six years of work experience following the passing of the bar exam.
- (3) Persons employed in the Council's Expert Service who perform auxiliary-technical tasks shall not have the status of administrative servants, and the provisions of the Law on Public Sector Employees and labour relations regulations shall apply to them.

Classification of Work Positions of Council Servants **Article 102-a**

- (3) The work positions of the Council servants are classified into four categories in accordance with the criteria established in the Law on Administrative Servants:
- Category A – Secretary General,
 - Category B – Head Council Servants,
 - Category C – Expert Council Servants,
 - Category D – Assistant-Professional Council Servants.
- (4) Within each category under paragraph (1) of this Article, several levels of work positions are determined for the Council servants.

Levels of Work Positions of Council Servants by Category **Article 102-b**

- (5) The following levels and titles are established within each category for the Council servants:
1. Category A:
 - A1 Secretary General.
 2. Category B:
 - B1 State Adviser, Head Council Servant, first level, code SUS 01 01 B01000,
 - B2 Head of Department, Head Council Servant, second level, code SUS 01 01 B02000,
 - B3 Assistant Head of Department, Head Council Servant, third level, code SUS 01 01 B03000,
 - B4 Head of Unit, Head Council Servant, fourth level, code SUS 01 01 B04000.
 3. Category C:
 - C1 Advisor, Expert Council Servant, first level, code SUS 01 01 C01000,
 - C2 Senior Associate, Expert Council Servant, second level, code SUS 01 01 C02000,
 - C3 Associate, Expert Council Servant, third level, code SUS 01 01 C03000,
 - C4 Junior Associate, Expert Council Servant, fourth level, code SUS 01 01 C04000.
 - Category D:
 - D1 Independent Officer, Assistant-Professional Council Servant, first level, code SUS 01 01 D01000,
 - D2 Senior Officer, Assistant-Professional Council Servant, second level, code SUS 01 01 D02000,
 - D3 Officer, Assistant-Professional Council Servant, third level, code SUS 01 01 D03000,
 - D4 Junior Officer, Assistant-Professional Council Servant, fourth level, code SUS 01 01 D04000.
- (6) The codes of the Council Servants from paragraph (1) of this Article shall be incorporated into the Catalogue of Work Positions in the Public Sector maintained by the Ministry of Administration.

Methods of Filling Work Positions**Article 102-c**

(1) Recruitment in the Expert Service of the Council shall be executed through procedures for:

- Employment, via publication of public job announcement,
- Promotion, via publication of internal job announcement and
- Mobility, via transfer or taking over.

(2) The recruitment procedures from paragraph (1) of this Article shall be implemented in a transparent, fair, and competitive manner, respecting the principle of appropriate and equitable representation.

(3) Recruitment via internal announcement is a priority in the recruitment of the Expert Service of the Council.

(4) The recruitment procedures from paragraph (1) of this Article shall be applied upon a received approval for allocations from the Judicial Budget Council, within the available resources in the Council's Budget and the Annual Employment Plan.

Application of Other Laws in Employment Procedures**Article 102-d**

(1) The procedures for employment and promotion of Council Servants shall be implemented pursuant to the Law on Administrative Servants.

(2) The procedures for mobility of Council Servants shall be conducted in accordance with the Law on Public Sector Employees.

(3) The recruitment procedures for the auxiliary-technical staff shall be implemented pursuant to the Law on Public Sector Employees and the regulations on labour relations.

(4) The recruitment procedures via making a fixed term contract on any basis shall be applied upon a received approval for allocations from the Judicial Budget Council, within the available resources in the Council's Budget.

Procedure for Adoption of the Annual Employment Plan**Article 102-e**

(1) The President of the Council shall prepare a Draft Annual Employment Plan for the upcoming year and submit it, along with the Draft Budget Request, to the Judicial Budget Council for approval.

(2) The Judicial Budget Council shall adopt a Decision on Allocations, i.e. provide remarks to the Annual Employment Plan within 15 days from the day of receiving the Draft Annual Plan.

(3) The President of the Council shall act upon the remarks, i.e. harmonize the Draft Annual Plan.

(4) Upon receiving the approval, i.e. upon the harmonization of the Plan, the President of the Council shall adopt the Plan immediately, or by 1 September the latest.

(5) The President of the Council shall submit the Annual Plan and the Approval to the Ministry of Finance, the Ministry on Information Society and Administration and to the Agency on Administration, for notification purposes

(6) If the Judicial Budget Council does not act upon the request for approval of the Draft – Plan within 15 days, it shall be considered that approval is granted.

Report on Implementation of the Employment Plan**Article 102-f**

The Council shall submit to the Ministry on Information Society and Administration and the Ministry of Finance a report on the execution of the Plan from Article 102-e of this Law, for

notification purposes, biannually, no later than 15 July for the period January – June of the current year, i.e. 15 January for the period July – December of the previous year.

Salary and Value of points in Salary Calculation
Article 102-g

(1) The basic component of the salary of the Council Servants shall be comprised as follows:

- the minimum salary,
- salary component for degree of education,
- salary component for job level,
- salary component for years of service.

(2) The minimum salary is the amount published by the Minister of Labor and Social Policy in the "Official Gazette of the Republic of North Macedonia" in accordance with the law.

(3) The salary component for degree of education, which is the statutory minimum for the respective job level, shall be valued as follows:

<u>LEVEL OF QUALIFICATION/EDUCATION</u>	<u>POINTS</u>
<u>Level of qualifications VI A, 240 credits according to ECTS or completed VII/1 degree</u>	<u>56</u>
<u>Level of qualifications VI B or 180 credits according to ECTS</u>	<u>31</u>
<u>Level of qualifications VA, 60 to 120 credits according to ECTS or a Higher Education</u>	<u>11</u>
<u>Level of qualifications IV, 240 credits according to ECVET or MCSGE or four years secondary school education</u>	<u>1</u>

All levels of Category C, regardless of the degree of education, shall be valued with 56 points.

(4) The salary component for the level at which the administrative servant is assigned shall be calculated as follows:

<u>LEVEL</u>	<u>POINTS</u>
<u>A2 – Secretary General</u>	<u>750</u>
<u>B1 – Head Council Servant, First Level</u>	<u>664</u>
<u>B2 – Head Council Servant, Second Level</u>	<u>630</u>
<u>B3 – Head Council Servant, Third Level</u>	<u>485</u>
<u>B4 – Head Council Servant, Fourth Level</u>	<u>386</u>
<u>C1 – Expert Council Servant, First Level</u>	<u>300</u>
<u>C2 – Expert Council Servant, Second Level</u>	<u>223</u>
<u>C3 – Expert Council Servant, Third Level</u>	<u>198</u>
<u>C4 – Expert Council Servant, Fourth Level</u>	<u>175</u>
<u>D1 – Assistant-Professional Council Servant, First Level</u>	<u>145</u>
<u>D2 – Assistant-Professional Council Servant, Second Level</u>	<u>130</u>
<u>D3 – Assistant-Professional Council Servant, Third Level</u>	<u>120</u>
<u>D4 – Assistant-Professional Council Servant, Fourth Level</u>	<u>110</u>

(5) The salary component for years of service as Council servant shall be valued in the amount of 0.5% of the sum of the minimum salary, the salary component for degree of education, and the salary component for job level for each completed year of career, but not more than 20%.

Article 102-h

(1) The value of the point for calculation of salaries of the Council Servants shall be determined each year by a Decision from the Judicial Budget Council upon the proposal of the Council, which shall be adopted within 15 days from the day of adoption of the National Budget, and in the framework of the planned budget allocations for the Judicial Council and on the basis of the total number of Council Servants set on particular levels in the current year.

~~(1) — (2) The value of the point for calculating the salaries of the Council's officers under Article 102-e of this Law may not be lower than 0.3% of the minimum salary, starting from the salary for the month of September 2024. The Secretary general and employees in the administration of the Council have status of administrative servants.~~

~~(2) — The secretary general is elected by the Council with at least seven votes from the members with right to vote.~~

~~(3) — The candidates for secretary general, beside general conditions for employment determined in the Law on administrative servants, should have at least eight years working experience after passing bar exam.~~

~~(4) — On the issues on the status of the employees from paragraph (1) of this article, the provisions of the Law on administrative servants, general regulation on labor and this law are applied.~~

Article 102-h

Employees in the Expert Service of the Judicial Council of the Republic of North Macedonia are entitled to a salary supplement for:

- Particularity of tasks and assignments in the amount of 20% of the employee's base salary
 - Confidentiality in the amount of 15% of the employee's base salary.
- The salary supplements from paragraph (1) of this Article are not mutually exclusive.

Centre for ICT Unit

Article 103

(1) In the Council a Centre for information and communication technology, analytics and statistics ~~(in the further text: Center for ICT)~~ is set up, that is responsible for the database for electronic files of judges, candidate lists for the election of judges and presidents of courts, evaluation of judges and court presidents and database for financial and material operations of individual users of the court budget.

(2) The ~~Centre for ICT Unit~~ is responsible for storing a replicated database about the Court Information System which is placed in the Supreme Court of the Republic of North Macedonia and it is used in accordance with the provisions of this Law.

(3) The ~~Centre for ICT Unit~~ coordinates the activities of other information ~~centers~~ centres in the judiciary to improve the software and hardware solutions in the judiciary.

VII. FUNDS FOR OPERATION

Article 104

The funds for operation of the Council shall be provided from the Budget of the Republic of North Macedonia, from the part marked as Judicial Authority, as a separate programme. Upon the proposal of the Council, the program shall be approved by the Judicial Budget Council.

Article 105

The salary ~~ies~~ of the Members of the Council, ~~the Secretary General and the court employees~~ shall be determined by the Law.

VIII. TRANSITIONAL AND FINAL PROVISIONS

TRANSITIONAL AND FINAL PROVISIONS

Deadline for Adoption of Secondary Legislation

Article 111

The by-laws necessary for the implementation of this Law shall be adopted no later than six months from the date of entry into force of this Law.

Mandate of the Judicial Council

Article 112

The members of the Judicial Council elected pursuant to the Law on the Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" No. 102/2019) shall continue to perform their duties until the expiration of their mandate.

Selection Procedures

Article 113

Ongoing procedures for selection of judges to higher courts, court presidents, or members of the Judicial Council initiated by the day of entry into force of this Law shall be concluded in accordance with the provisions of the Law on the Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" No. 102/2019).

Dismissal Procedures

Article 114

Ongoing dismissal procedures for judges or court presidents initiated by the day of entry into force of this Law shall be concluded in accordance with the provisions of the Law on the Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" No. 102/2019).

Ongoing Disciplinary Proceedings

Article 115

Ongoing disciplinary proceedings against a judge, court president, or member of the Judicial Council initiated by the day of entry into force of this Law shall be concluded in accordance with the provisions of the Law on the Judicial Council of the Republic of North Macedonia ("Official

Gazette of the Republic of North Macedonia" No. 102/2019).

Article 116

The President of the Council shall adopt the new act referred to in Article 101, paragraph 6 of this Law within three months from the date of entry into force of this Law and shall begin to apply on 1 September 2024.

The provisions of this Law shall begin to apply on 1 September 2024.

The decision on the value of the point for calculating the salaries of Council Servants for 2024 shall be adopted by the Judicial Budget Council within ten days from the commencement of the application of this Law.

Article 117

The time spent in the current job position until the date of application of the acts referred to in Article 5, paragraph 1 of this Law, pursuant to the Law on Administrative Servants, shall be counted towards the total period required for promotion procedures.

Article 118

The career points acquired by a Council servant up to the date of entry into force of this Law shall be added to the salary component for degree as determined under Article 102-g, paragraph (3) of this Law.

Entry into Force

Article 119

This Law shall enter into force on the eighth day following its publication in the "Official Gazette of the Republic of North Macedonia."

Article 106

~~— The Council is obliged to adopt the by-laws prescribed in this law within three months of the day of entrance into force of this law.~~

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Article 107

~~(1) The procedures for election of a judge of a higher instance court or president of a court or member of the Council, that have been initiated up to the entrance into force of this law, will finish pursuant to the provisions of the Law on Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no.60/06, 150/10, 100/11, 20/15, 61/15, 197/17 and 83/18).~~

~~— (2) The procedures for dismissal of a judge or president of a court that have been initiated up to the entrance into force of this law, will finish pursuant to the provisions of the Law on Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no.60/06, 150/10, 100/11, 20/15, 61/15, 197/17 and 83/18).~~

~~— (3) The procedures for establishment of responsibility of a judge or president of a court, that have been initiated up to the entrance into force of this law, will finish pursuant to the provisions of the Law on Judicial Council of the Republic of North Macedonia ("Official Gazette of the Republic of North Macedonia" no.60/06, 150/10, 100/11, 20/15, 61/15, 197/17 and 83/18).~~

~~— (4) The automatic computer system for management of court cases in the courts will be adjusted pursuant to provisions of this law within 18 months of the day of entrance into force of this law.~~

~~(5) Until the adjustment of the automatic computer system for management of court cases with the provisions of this law, the present automatic computer system for management of court cases shall be applied in the courts.~~

~~Article 108~~

~~As of the day this Law enters into force the Law on Republic Judicial Council ("Official Gazette of the Republic of North Macedonia" no.60/06, 150/10, 100/11, 20/15, 61/15, 197/17 and 83/18) shall cease to be valid.~~

~~Article 109~~

~~This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of North Macedonia".~~