

**LAW**  
**ON THE JUDICIAL COUNCIL**  
**OF REPUBLIC OF MACEDONIA<sup>1</sup>**

**I. BASIC PROVISIONS**

**Incorporation**

**Article 1**

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

**Purpose of incorporation**

**Article 2**

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

**Political activity**

**Article 3**

Political organisation and activity in the Council shall be prohibited.

Members of the Council must not perform political activities while exercising the functions of the Council

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

**Council status**

**Article 4**

The Council shall have the capacity of a legal entity.

The Council shall have its principal office in Skopje.

**Seal of the Council**

**Article 5**

---

<sup>1</sup> <http://www.legislationline.org/documents/action/popup/id/8236>

The Council shall have a seal.

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

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

## **II. COMPOSITION AND THE PRESIDENT OF THE COUNCIL**

### **Composition of the Council**

#### **Article 6**

The Council shall consist of 15 members, of which:

- The President of the Supreme Court of the Republic of Macedonia and the Minister of Justice shall be *ex officio* members;
- Eight members of the Council shall be elected by the judges from their ranks. Three of the elected members shall be members of the communities that do not constitute a majority in the Republic of Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed;
- Three members of the Council shall be elected by the Parliament of the Republic of Macedonia with a majority of votes from the total number of representatives, along with the majority of votes of the representatives belonging to the communities that do not constitute a majority in the Republic of Macedonia;
- Two members of the Council shall be nominated by the President of the Republic of Macedonia and elected by the Parliament of the Republic of Macedonia, from whom one shall be a member of the communities that do not constitute a majority in the Republic of Macedonia.

### **The term of office of the Member of the Councils**

#### **Article 7**

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

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

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

### **President of the Council**

## **Article 8**

The work of the Council is managed by President.

The President of the Council shall be elected from the ranks of the members of the Council with the majority of the total number of votes by secret voting.

The term of office of the President of the Council shall be two years without right to re-election.

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

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

### **III. PROCEDURE FOR ELECTION OF MEMBERS OF THE COUNCIL**

#### **Advertisement for Member of the Councils**

## **Article 9**

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

- to announce an advertisement for electing a Member of the Council from the ranks of judges;
- to inform the President of the Parliament of the Republic of Macedonia to announce an advertisement for the election of a Member of the Council that is elected by the Parliament;
- to inform the President of the Republic of Macedonia to nominate a candidate for member of the Council to the Parliament.

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

#### **Duration of the advertisement**

## **Article 10**

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

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

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

### **Conditions for a Member of the Council from the ranks of judges**

#### **Article 11**

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

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

### **Candidacy**

#### **Article 12**

The candidates shall submit their candidacy to the Council in writing.

The candidates shall enclose to their application the following:

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

### **The committee for preparation of the candidate lists**

#### **Article 13**

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

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

The candidate lists are prepared according to electoral units:

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

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

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

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

#### **Article 14**

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

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

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

#### **Article 15**

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

### **Election of appellate regions**

#### **Article 16**

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

- one member is elected from the appellate region Skopje,

- one member is elected from the appellate region Bitola,
- one member is elected from the appellate region Gostivar
- one member is elected from the appellate region Stip,
- one member is elected from the Supreme Court of the Republic of Macedonia.
- three members are elected from the representatives of the communities that do not constitute a majority in the Republic of Macedonia by all the judges that are registered in Judicial Electoral Directory.

## **Judicial Electoral Directory**

### **Article 17**

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

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

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

Each and every judge shall be entitled to insight into the directory and they shall be entitled within three days to request correction of the data in writing.

The Minister of Justice shall decide on the request of paragraph 3 hereof within three days of its receipt.

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

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

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

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

### **Article 18**

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

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

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

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

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

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

### **Election material**

#### **Article 19**

The election material is consisted of:

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

### **Ballots**

#### **Article 20**

The overall ballot contains the following:

- name of the ballot;
- electoral unit and name of polling station;

- serial number;
- name and surname of the candidates by the alphabet.

The special ballot contains:

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

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

### **Delivery of election material**

#### **Article 21**

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

### **Conducting of the voting**

#### **Article 22**

The voting shall be conducted during a working day.

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

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

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

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

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



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

## **Record of the voting**

### **Article 23**

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

The record shall contain the following information:

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

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

## **Invalid ballot**

### **Article 24**

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

## **Election results**

### **Article 25**

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

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

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

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

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

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

### **Article 26**

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

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

#### **Article 27**

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

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

### **Solemn statement**

#### **Article 28**

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

The solemn statement shall cite, as follows:

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

The newly elected members shall sign the solemn statement.

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

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

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

## **Constitution of the Council**

### **Article 29**

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

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

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

## **Termination of the office of a Member of the Council**

### **Article 30**

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

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

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

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

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

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

## **IV. COMPETENCE, ORGANISATION AND OPERATION OF THE COUNCIL**

### **Competence**

#### **Article 31**

The Council shall be competent:

- to elect and dismiss judges;
- to elect and dismiss presidents of courts;
- to establish the termination of the judicial office;
- to elect and dismiss lay judges;
- to monitor and evaluate the work of the judges;
- to decide on the disciplinary accountability of the judges;
- to decide on termination of the judicial office due to permanent inability - to work as a judge;
- to decide on revoking the immunity of a judge;
- to decide upon requests for approving detention for a judge;
- to nominate two judges in the Constitutional Court of the Republic of Macedonia from the ranks of judges;
- to decide on the temporary suspension of a judge from the judicial office;
- to establish the number of necessary judicial positions for the courts;
- to review and assess the quarterly and annual reports on the work of the courts;
- to care for the reputation of the judges and the trust of the citizens in the judiciary;
- to act upon complaints by citizens and legal entities on the work of the judges and the courts;
- to submit a work report;
- to adopt the Rules of Procedure and other general acts regulating the work in its competence; and
- to conduct other business determined by law.

#### **Work on sessions**

## **Article 32**

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

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

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

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

The proposed agenda shall be adopted with the majority of votes of the members present.

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

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

## **Transparency in the work**

### **Article 33**

The sessions of the Council shall be public.

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

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

## **President of the Council**

### **Article 34**

The President of the Council shall:

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

## **Equality of the Member of the Councils**

### **Article 35**

The members of the Councils shall be equal in their rights and responsibilities whilst performing the function member of the Council.

## **Rights, duties and responsibilities of a Member of the Council**

### **Article 36**

A member of the Council shall have the following rights, duties and responsibilities:

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

## **The Rules of Procedure of the Council**

### **Article 37**

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

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

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

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

### **Determining the vacancies for judges in courts of first instance**

#### **Article 38**

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

### **Announcing election of judges**

#### **Article 39**

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

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

### **Election of a judge in a court of first instance**

#### **Article 40**

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

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

### **Election of a judge in a higher court**

#### **Article 41**

The Council shall elect a judge in an Appellate Court, the Administrative Court, and the Supreme Court of the Republic of Macedonia from the rank of candidates who have replied to the vacancy and who meet the conditions and criteria stipulated by the Law on Courts and the this Law..

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

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

- 3) capability in resolving legal issues, taking into account the achieved level of regularity and legitimacy of judicial ruling and verification, foremost, during proceedings with legal means;
- 4) safeguarding the reputation of a judge and court, to be verified by the manner of presiding with cases, communication with sides and other organs, preservation of the independency, impartiality, confidentiality, importance and interrelation towards work and out of it;
- 5) capacity to convey both in writing and verbally, that can be observed from the prepared decisions and professional judicial proceeding;
- 6) undertaking extra work when performing judicial duty by participating in procedures to resolve backlog of cases;
- 7) undertaking extra work when performing judicial duty by means of mentorship, education etc;
- 8) relationship with the colleagues and the court administration;
- 9) capability in conducting tasks with managing nature.

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

### **Decision for election of a judge**

#### **Article 42**

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

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

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

#### **Article 43**

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

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



## **Election of the President of a court**

### **Article 44**

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

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

## **Repeating the advertisement**

### **Article 45**

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

## **Election and dismissal of lay judges**

### **Article 46**

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

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

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

## **Termination of the judicial office**

### **Article 47**

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

1. upon request from the judge;
2. if the judge has permanently lost the ability to exercise the judicial office;
3. if the judge meets the conditions for age retirement;

4. if the judge has been convicted with an effective judgement for a crime and unconditionally sentenced to prison of at least six months;

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

### **Termination of the judicial office at the request of the judge**

#### **Article 48**

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

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

#### **Article 49**

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

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

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

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

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

#### **Article 50**

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

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

#### **Article 51**

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

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

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

#### **Article 52**

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

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

### **Grounds for dismissing a judge**

#### **Article 53**

A judge shall be dismissed from their judicial office:

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

### **Establishing serious disciplinary infringement**

#### **Article 54**

The Council shall dismiss with a decision a judge due to serious disciplinary infringement regulated by law when with a disciplinary procedure establishes that the judge has committed a serious disciplinary infringement rendering them undignified to exercise the judicial office, following the effectiveness of the decision for the disciplinary responsibility of the judge.

### **Disciplinary procedure**

#### **Article 55**

The initiative for instituting a disciplinary procedure shall be raised by a member of the Council, the President of the court, the President of the higher court or by the general session of the Supreme Court of the Republic of Macedonia within three months from the day when the infringement has been discovered, but not longer than one year from the day when the act was committed.

The disciplinary procedure is urgent and of confidential character. It shall be conducted without presence of the public and by respecting the reputation and dignity of the judge.

The Council shall form from its ranks disciplinary Commission consisted of a five members.

The judge shall be entitled to a written or verbal statement regarding the initiative for instituting a disciplinary procedure within 8 days from the days of receiving the notification for the request.

The judge undergoing disciplinary procedure is entitled to a counsel for the defence.

The Disciplinary Commission, upon receiving the request, shall collect information and submit a report with a proposal for the grounds of the request to the Council that shall decide to institute the procedure or to suspend the procedure.

When the Council shall decide to institute a disciplinary procedure, the decision is submitted to the initiator and the judge, and the case with all the files shall be handed over to the Disciplinary Commission from the paragraph 3 of the article hereof.

The Council shall adopt a Rulebook for the manner of instituting and conducting the procedure.

## **Decisions of the Council**

### **Article 56**

On the grounds of the report as of article 55 and the discussion at the session, the Council may:

- suspend the disciplinary procedure;
- to state the disciplinary measure accordingly to the committed infringement;
- to dismiss a judge due to committed grave disciplinary infringement.

## **Disciplinary measures**

### **Article 57**

Upon the establishment of the disciplinary responsibility of the judge, the Council may pronounce the following disciplinary measures:

- written notice;
- public reprimand;
- a reduction of the judges monthly salary in amount of 15% do 30% in duration of one to six months.

## **Procedure to establish unprofessional and in bad faith exercise of the judicial office**

### **Article 58**

The procedure to establish unprofessional and in bad faith exercise of the judicial office shall be conducted according to Article 55 of this Law by the Commission to establish the unprofessional and in bad faith exercise of the judicial office.

The Council shall form from its ranks a Commission to establish the unprofessional and in bad faith exercise of the judicial office consisted of five members.

Member of the Commission for disciplinary procedure may not be also a member of the Commission from paragraph 2 of the article hereof.

On the grounds of the report as of article 55 paragraph 6 of this law and the discussion at the session, the Council may:

- suspend the procedure;
- dismiss a judge due to unprofessional and in bad faith exercise of the judicial office.

### **Temporary expulsion from exercising judicial office**

#### **Article 59**

The Council may temporarily expulse a judge for exercising judicial office when a procedure for establishing responsibility for a judge has been instituted, in accordance with the Law on courts.

### **Right to appeal**

#### **Article 60**

Judges can appeal to the decision of the Council, to the Council for decisions on appeals of the Judicial Council against the dismissal orders or instituted disciplinary measures established by the Supreme Court of the Republic of Macedonia.

The Council for decisions on appeals shall be composed of nine members from whom: three judges from the Supreme Court of the Republic of Macedonia, four judges from the appellate courts and two judges from the court where the judge against whom the procedure is instituted comes from.

The President of the Supreme Court of the Republic of Macedonia can not be member of the Council from paragraph 1 of the article hereof.

### **Nomination of judges for the Constitutional Court of the Republic of Macedonia**

#### **Article 61**

The Council shall propose to the Parliament of the Republic of Macedonia two candidates for judicial election for the Constitutional Court of the Republic of Macedonia from the ranks of judges, upon previous evaluation of their overall results in the work of and their contribution to the development of the expertise and theory, and of the legal system.

The nomination of paragraph 1 of this Article shall be adopted by the Council with a two-thirds majority and in the manner and procedure stipulated in the Rules of Procedure of the Council.

### **Revoking the immunity of a judge**

#### **Article 62**

The Council shall decide on revoking the immunity of a judge, in cases regulated by law, on the session of the Council with a two-thirds majority of votes.

### **Deciding on a request for detention**

#### **Article 63**

The request for approving the detention of a judge, i.e. the notification that a judge has been detained shall be decided on by the Council on its session.

Following the notification of the detention of a judge who has not called upon their immunity, the Council may decide to apply immunity to the judge if they assess that this is necessary for exercising the judicial office.

If the Council does not approve detention, the judge shall be released immediately.

The procedure where the Council decides on revoking the immunity of the judge shall be urgent and it shall be conducted within 3 days from the delivery of the request, i.e. notification for detention.

### **Work report**

#### **Article 64**

The Council shall submit an annual report about its work to the Parliament of the Republic of Macedonia.

The report of paragraph 1 of this Article shall be published.

The report shall contain data on:

- the number of appointed and dismissed judges and lay judges,
- the number of instituted and completed disciplinary procedures,
- the state of the human resources in the judiciary,
- the assessment for the cooperation and the relations of courts with other judicial organs and the organs of the legislative and executive power.
- the assessment of the state of the judiciary for the protection of human rights and basic liberties,

- data upon complaints and suggestions from citizens and institutions regarding the work of the judges and the courts.

The report shall also contain assessments on the work of judges and in the Republic of Macedonia with regards to the quality and efficiency of their work, as well as other issues related to exercising the independence and comity of the judiciary.

The Council shall adopt at its session the report about its work with a two-thirds majority of votes of the total number of members, and it shall submit it to the Parliament of the Republic of Macedonia for review and adoption.

Following the adoption of the work report, the Council shall submit it to all courts in the Republic of Macedonia.

If the Parliament does not adopt the report, it shall serve as grounds for initiating a discussion before the organs that have elected the members of the Judicial council for assessment of their work in the council.

## **VI. ADMINISTRATIVE OFFICE OF THE COUNCIL**

### **Article 65**

The Council shall have an administrative office.

The Administrative Office shall be managed by a Secretary General.

The Council shall adopt the acts for the internal organisation and systematisation of positions.

In employing in the Administrative Office of the Council, the equitable representation of citizens belonging to all the communities in the Republic of Macedonia shall be ensured.

### **Article 66**

The Council shall appoint a Secretary General from the ranks of court management or state advisors, on the basis of vacancy.

The candidates for Secretary General, in addition to the general terms for employment in a court, i.e. the terms stipulated in the Law on Civil Servants, shall also need to have 8 years of work experience and to have passed the bar examination.

## **VII. FUNDING**

### **Article 67**

The funding for the work of the Council shall be provided from the state budget from the allotment to the judicial branch.

### **Article 68**

The salaries of the Member of the Councils, the Secretary General, and of the court clerks shall be regulated by the Law.

## **VIII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 69**

The first election of members of the Judicial Council of the Republic of Macedonia, pursuant to this Law, shall be conducted by the Commission established by the Minister of Justice and the Supreme Court of the Republic of Macedonia composed of five members from the Ministry of Justice and four members from the Supreme Court of the Republic of Macedonia.

During the first election of the members of the Council from the ranks of judges, the candidates for members of the Council from the ranks of judges are not obliged to submit data according to the Article 12 paragraph 2 line 3 of the this Law.

The Ministry of Justice shall be obliged to start the procedure for electing the Judicial Council of the Republic of Macedonia within 30 days from the entry into force of this Law.

The Council shall adopt the Rules of Procedure within 30 days from the day of its constitution.

The acts for the internal organisation and systematisation of the work and tasks of the Council shall be adopted within 30 days from the day of the constitution of the Council.

The other acts envisaged with this Law shall be adopted within three months from the constitution of the Council.

The Rulebook on the form and contents of the certificate shall be adopted by the Minister of Justice within 30 days from the constitutional session of the Council.

### **Article 70**

On the day of the constitution of the Judicial Council of the Republic of Macedonia, the employees of the Republic Judicial Council shall continue their work and assignments in the Council, and with the adoption of the acts for the internal organisation and systematisation, they shall be assigned to the appropriate positions.

### **Article 71**

This Law shall enter into force on the eighth day from the day of publication in the "Official Gazette of the Republic of Macedonia", and shall start to be implemented on 01.09.2006.

### **Article 72**

The Law on the Republic Judicial Council ("Official Gazette of the Republic of Macedonia" 80/92, 50/99 and 43/03) shall cease to be valid on the day of entry into force of this Law.