



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

ENCJ contribution for the 2025 European Commission Rule of Law report

Relevant developments in relation to the independence of the judiciary

The ENCJ contribution is composed of three sections. Section one deals with the ENCJ statements and actions in 2024 on Rule of Law issues and information gathered from online and in-person country visits prior to submitting this contribution. Section two presents the results from the ENCJ Report on Independence, Accountability and Quality of the Judiciary. Section three provides an overview of relevant developments in the ENCJ Member countries in relation to judicial independence and is based on information provided by the Members.

At the 2024 General Assembly in Rome two Councils became the ENCJ members: **the Judicial Council of Luxembourg** and the **Supreme Judicial Council of Cyprus**. Institutions of both countries transitioned from an observer to a member status, marking a significant step in their involvement within the activities of the Network and contribution to shaping its way forward. Currently the Network is comprised of 23 members and 17 observers.

In 2024 certain horizontal developments on the level of the Councils for the judiciary were witnessed.

On a very positive note, the ENCJ welcomed the end of the political deadlock, which had previously hindered the renewal of the **General Council of the Judiciary (CGPJ) of Spain** and severely impacted its ability to function effectively as well as had negative consequences for the justice system as a whole. Following an agreement between the two main political parties, the new composition of the CGPJ started its mandate on 25 July 2024 and is in the process of reviewing legislation to bring the appointment of the judicial members of the Council in line with the European standards.

Throughout the year, the ENCJ was notified that the issue of inadequate judicial remuneration in **Slovenia** persisted. Even though the decision of the Constitutional Court provided an intermediary relief, no sustainable solution, regarding adequate remuneration of judges was adopted. A similar situation was witnessed in **Hungary**. The ongoing struggle for adequate judicial remuneration in different EU countries underlines the importance of financial security, as an essential component of judicial independence and the need to address it in a sustainable manner. In addition, towards the end of 2024, the ENCJ became aware of the Quadrilateral Agreement that the Judicial Council of Hungary (OBT), the Ministry of Justice, Kuria, and the Judicial Office (OBH), were about to enter, effectively linking judicial salary increases to wider judicial reforms. The ENCJ expressed its concerns about this the entry into agreement and the agreement itself through formal communication to the OBT President. More information on the situation of the judiciary in Hungary and the challenges it faces was collected during a country visit in the end of January 2025. (*see 1. ENCJ general statements, actions and letters*).

In **Italy** constitutional amendments were presented by the government and are currently under consideration, which, if adopted, would significantly change the current functioning and career paths within the judiciary. Proposed amendments regarding the institutional changes of the Council for the Judiciary in particular raise concerns due to possible removal of disciplinary matters from the autonomous governing bodies. Even more, the proposed shift from an electoral system to the drawing of the members by lottery contradicts the European standards.

In **Slovakia**, the lack of safeguards regarding the dismissal of members of the Council for the Judiciary not elected by judges continues to be a threat to the independence of the Council and, more broadly, to the independence of the judiciary as a whole. Following the parliamentary election in September 2023, nine members of the Slovak Council for the Judiciary, appointed by the Parliament, Government and the President of the Republic were removed, without providing substantive reasons for their removal, effectively constituting a major change in the composition of the operating Council. This practise is contrary to the European Standards¹ and effectively undermines judicial independence as well as the continuity of work.

The mandate of the **Supreme Judicial Council of Bulgaria** has expired, and its composition should therefore be renewed. Even though legislative amendments to the Constitution of the Republic of Bulgaria aimed at reforming the judiciary and the Supreme Judicial Council—specifically, the proposal to split the Council into two separate bodies (the Judicial Council and the Prosecutorial Council) were adopted and enacted, the Constitutional Court declared them unconstitutional. The Council therefore continues to operate in its current composition. The ENCJ regards this situation as a considerable set back on the steps taken to adapt the composition of the Judicial Council, to the European standards on the Councils for the Judiciary.

Granting an observer status in 2023 to **the High Prosecutorial and Judicial Council of Bosnia and Herzegovina, the Superior Council of Magistracy of Moldova, and the High Council of Justice of Ukraine** allowed these institutions to participate in the ENCJ projects in 2024 and to strengthen connections with the ENCJ community. However, it should be noted that the lack of funding remains a challenge for some ENCJ observers, limiting their full participation in all Network activities. This is even more true after the continuation of the operation of USAID are put in question. Therefore, efforts have to be strengthened to support their involvement.

Moreover, in 2024, following its four-year cycle, the ENCJ Project on Independence, Accountability and Quality entered a new phase. As an essential part of the improvement cycle of the judiciary that the ENCJ has initiated, discussions on the threats and challenges faced by particular Councils took place in six small dialogue groups under the Chatham house rules. Plans for further improvement were developed. In 2024 for the first time, the discussions focused not only on the independence and accountability, but also on the quality of the judiciary, effectively stepping up in the efforts to assist judiciaries in this regard.

The work in the dialogue groups focused on key issues such as the judiciary's interaction with other branches of government, media pressure, shortage of judges and staff, the evaluation and disciplinary liability of judges etc. (see 2. *ENCJ Report on Independence, Accountability and Quality of the Judiciary*).

¹ [ENCJ Compendium on the Councils for the Judiciary](#).

1. ENCJ general statements, actions and letters

In 2024, the ENCJ continued its efforts to promote European standards for the establishment and functioning of Councils for the Judiciary and the independence of the judiciary as one of the elements of the Rule of Law, while also providing expertise to judiciaries.

Throughout the year, it came to the attention of the ENCJ that no positive improvements with regard to the insufficient (inadequate) judicial remuneration were observed in **Slovenia**. On 12 June 2024 the General Assembly endorsed the Declaration of the European Association of Judges (EAJ) on the independence of judges in Slovenia².

A comparable situation was reported in **Hungary**, as notified by the Judicial Council (OBT) in January 2024. OBT informed the ENCJ that there have been no significant improvements in judicial remuneration, and the previous salary increases for judges' salary have been adversely affected by high inflation, considerably diminishing their real value. Consequently, the financial situation of judges and judicial staff considerably worsened.

In light of these developments, the ENCJ Executive Board issued a statement³ reaffirming that an independent judiciary in each Member State is crucial for ensuring the fundamental values of Art. 2 TEU, on which the European Union is founded. The Board emphasized that judicial remuneration in line with the importance of judicial functions is a component of judicial independence. Finally, the statement called upon all relevant actors to take the necessary actions to resolve these issues.

In November 2024 the ENCJ became aware of the negotiations of Quadrilateral agreement between the the Judicial Council of Hungary (OBT), the Judicial Office (OBH), Kuria and the Ministry of Justice, which the signatories entered into on 22 November 2024⁴. The ENCJ expressed a critical standing regarding the entry into the agreement, noting that the agreement is drafted in such a broad manner that it is impossible to be sufficiently clear about the precise commitments being entered into by the signatories⁵.

During the country visit in the end of January 2025, the following aspects came to the attention of the ENCJ delegation: lack of proper consultation with the judiciary regarding the legislative changes to implement the agreement, expression of judges regarding judicial independence were met with resistance, concerns were raised by the stakeholders regarding the possible reforms of Service courts and the fact that situation of judicial remuneration remains currently unresolved.

The OBT and the judiciary was not properly consulted on the legislative amendments implementing the agreement that were adopted on 20 December 2024. This was made possible through the circumvention of the regular legislative procedure and is contrary to the European standards⁶.

In the meeting with the Minister of Justice the ENCJ delegation was informed that a reform of the district courts is foreseen. The delegation found it particularly striking the government seems to base

² [Statement of the ENCJ General Assembly of 12 June 2024](#), endorsing the Declaration of the European Association of Judges on the independence of judges in Slovenia.

³ [Statement of the ENCJ Executive Board of 24 July 2024](#), regarding the situation of judicial remuneration in Hungary.

⁴ The Council for the Judiciary of Hungary declared the agreement invalid by its decision of 15 January 2025.

⁵ See, e. g. [Open letter of 19 December 2024](#).

⁶ [ENCJ Compendium on the Councils for the Judiciary](#), [CCJE Opinion no. 10 \(2007\)](#), [CCJE Opinion no. 24 \(2021\)](#), [Lisbon declaration 2018](#), [Warsaw declaration 2016](#).

proposals for this reform through individual consultations with the court presidents rather than the OBT.

Concerns over the possible reforms of the Service Courts were raised by the stakeholders. Service courts play a crucial role in ensuring the independence of the judiciary by deciding disciplinary matters and may be used as a tool to pressure judges as well as to exacerbate the chilling effect, therefore any detrimental changes in the institutional set-up or functioning of the Service courts would be a serious threat.

The entry into the abovementioned Quadrilateral agreement and the agreed scheme of raising judicial salaries prompted Hungarian judges to speak out about the independence of the judiciary and the situation of the rule of law in Hungary, showing remarkable unity and courage. The ENCJ supported judges through a meeting with the representatives of the judicial associations during which it underlined that judges have the right to voice their opinion about the matters on the administration of justice and also that a collective duty on the European judiciary to speak out when the rule of law is in peril exists.

This issue of inadequate judicial remuneration was partially addressed through the adoption of legislative amendments in the end of 20 December 2024. Judges of ordinary courts received a 15% raise as of 1 January 2025 and, while further increases are foreseen in the agreement, they are not embedded in the law to provide a sufficient guarantee. In addition, the legislation does not provide for an automatic indexation and none of the stakeholders the ENCJ has met confirmed indexation to be discussed. It also has to be underlined that through an adoption of a specific salary scheme by tying the salary of judges of Kuria to the salary of the President of Kuria, the judges of Kuria received the highest increase, amounting to roughly 48% raise in salary as of 1 January 2025.

The concern regarding the deadlock in the **Consejo General del Poder Judicial of Spain** persisted until June 2024. This impasse affected CGPJ's ability to fully perform its duties, in particular, to effectively carry out judicial appointments. To demonstrate and offer support to the institution, on 2 April 2024, the ENCJ, in collaboration with the European Association of Judges, issued a joint Statement on the renewal of the Spanish Council for the Judiciary. The statement emphasised the importance of encouraging all parties involved to collaborate in resolving the current situation.

In **Romania**, concerns arose over IT governance reform in the judiciary. The ENCJ Executive Board issued a statement expressing concerns over reform aiming to centralize the hosting and administration of judicial databases under the Ministry of Justice. Through the statement⁷, the Board stressed that Councils for the Judiciary should have a decision-making power both in terms of the management of the databases of the judiciary, as well as on the applications that are used within the judiciary.

The ENCJ Board closely monitored the situation in **Bosnia and Herzegovina** concerning the draft law on the High Judicial and Prosecutorial Council (HJPC). The ENCJ opinion on the adherence of the draft law to the European standards was provided upon request of the HJPC President in June 2024.

The **twentieth ENCJ General Assembly** focused on the broad theme of **Access to Justice**, one of the essential components of the Rule of Law. During the Plenary session on 14 June 2024, the Declaration

⁷ [ENCJ Executive Board statement of 2 April 2024](#), on the renewal of Spanish council for the Judiciary.

of Rome 2024⁸ was adopted, highlighting the importance of ensuring access to justice, with a particular attention to vulnerable groups, the digitalization of justice, and the role of Councils for the Judiciary in these areas.

In addition, the President of the ENCJ, Ms. Madeleine Mathieu, played an active role in representing the organization at various events.

A highlight was the international "Warsaw Human Dimension Conference" on 4 October 2024, where Ms. Mathieu delivered a keynote address during the panel dedicated to the Rule of Law. Event was organized by the OSCE Office for Democratic Institutions and Human Rights (ODHIR) under the Presidency of Malta. At the conference, Ms. Mathieu provided insights on the critical issues of the rule of law and judicial independence. Furthermore, on behalf of the ENCJ Executive Board, the former ENCJ President, Ms. Dalia Vasarienė took part in a roundtable discussion "Judicial Integrity and Professional Ethics: Standards and Practices of Evaluation" organised by USAID for the Ukrainian judiciary in December 2024, where she shared her expertise on judicial integrity, the Code of Conduct for Members of Judicial Council.

2. ENCJ Report on Independence, Accountability and Quality of the Judiciary

The project on Independence, Accountability and Quality of the Judiciary started in 2013 and aims to improve and strengthen the independence and accountability of the judiciary by mapping the strengths and weaknesses of the judicial systems and providing tools to address them. The project consists of an improvement cycle that should be applied by participating Councils for the Judiciary.

To read the report from 2023-2024 [click here](#).

The Report deals with several issues:

In the first three months of 2024, six dialogue groups were convened to discuss the outcomes of the indicators on independence and accountability, and quality as measured in 2022-2023. The format consisted of an in-depth in-person meeting and a concluding online meeting. Common aspects discussed were often (but not always) fraught relations with the other state powers that hamper the functioning and development of the judiciary, the often fragmented governance and management of the judiciary, the relations with the media and the trust in the judiciary that varies among the judiciaries. Where trust is low, (re)gaining trust is essential and this generally requires an orientation on the users of the courts and society at large. A major topic was the shortage of judges and (legal) staff which threatens the performance of the judiciary in many respects. In the dialogue groups, frequent attention was also given to internal mechanisms for the proper functioning of the judiciary, in particular, regarding the evaluation and discipline of judges. These mechanisms were seen as essential for external accountability and the quality of the judiciary, but it was also recognized that the mechanisms currently in place generally cost a lot of resources and do not seem to lead to much in most judiciaries. The issues mentioned are relevant from the perspective of independence and accountability as well as quality.

In 2023/2024 **Minimum standards on political affiliation of judges** were prepared and adopted. Standards provide, among others, that professional judges cannot simultaneously hold an elected office or any political mandate at the local, regional, national, or supranational level, nor can they

⁸ [Declaration of Rome 2024 on Access to justice](#).

work as civil servants while serving as judges. In addition, in expressing political opinions all judges must be measured to ensure that individuals can have confidence in justice and the independence of a judge and the judiciary as a whole. Recusal procedures should be in place when judges have strong political views relevant to a case.

Given the large differences among countries in democratic culture, the minimum standards are relatively concise and, especially if the trust of the judiciary in society is low, it is recommended to consider taking further steps.

The fifth edition of the ENCJ Survey among judges about their independence launched in January 2025 was prepared. Following events in several Member States, a question was added on physical and verbal intimidation and threats of judges.

In relation to Quality:

In 2023/2024, the project group adopted 'Access to justice' as a central, overarching concept for its work on quality. Two subtopics were used as starting points of the discussion for access to justice: the access to justice for disabled and vulnerable people, and access to justice through digitalization.

Interactive exchange sessions on the procedural and physical arrangements for access to justice for vulnerable litigants, and the impact on the use of digital tools for these litigants were carried out. A wide range of good practices of the ENCJ members and observers was presented and catalogued in the report, inspiring and incentivizing the Councils for the Judiciaries to make additional steps in providing access to justice for vulnerable people. The ENCJ positive change award 2024 was given to **Consejo General del Poder Judicial (CGPJ) Spain** for Easy reading system of courts decisions. While it was agreed that digital tools may be of benefit to vulnerable litigants, concerns were also raised. It was noted that people from vulnerable groups might not have access to proper technology, or not have a good enough internet band, or skills to make benefit of the possibilities the digital tools provide.

In September and December 2024, an exchange of information took place on self-representation before the court, the existence of requirements, and challenges encountered; as well as on legal aid in civil cases (in terms of availability, arrangements, and effectiveness).

In relation to the Court Users Survey:

For the ENCJ, it is important to obtain statistically significant data regarding court users' perception of the independence of the judiciary. For this reason, the ENCJ continued promoting the implementation of the Court Users' Survey.

During this project year, work focused on two main areas. The first involved sharing of practice on court user surveys, while the second centered on discussions about integrating quality-related questions into the model court user survey.

In the course of the project year, members of the group had the opportunity to explore the methodology and results of court user surveys conducted in France (carried out in 2023 at the Court of Lyon) and Bosnia and Herzegovina.

Alongside this, the project group reviewed court user surveys developed by CEPEJ and considered the experiences of similar surveys recently undertaken by the ENCJ members and observers. The project group agreed on the necessity to add quality-related questions, as they enable a more thorough and

insightful assessment of the judiciary, whether in general or at the level of specific courts. The ENCJ court user survey was therefore expanded in this regard.

While the ENCJ continues to promote national court user surveys, the need for a pan-European survey remains high in order to get a complete overview of the independence of the judiciary.

3. Councils for the Judiciary - Information from the ENCJ Members

1. Changes in the functioning of the Councils

General remarks

In the reference period a few Councils for the Judiciary reported changes to the Council or its functioning. For those Councils that do report changes to the functioning the information can be found in the country specific section of the report (see below). There also are Councils⁹ that did not report any changes to the Council for the Judiciary or its functioning.

Country specific section

- **Supreme Judicial Council of Bulgaria**

At the end of 2023, amendments to the Constitution of the Republic of Bulgaria were adopted, providing for a reform of the judiciary and the Supreme Judicial Council.

Against these amendments, two requests were filed to declare the provisions unconstitutional. At the end of July 2024, the Constitutional Court of the Republic of Bulgaria ruled that almost all the provisions in the Constitution, including those related to the reform of the Supreme Judicial Council, were repealed.

According to the decision of the Constitutional Court, all provisions declared unconstitutional "shall remain in their wording prior to the entry into force of the Law on the Amendment and Supplement of the Constitution of the Republic of Bulgaria. The legal effects that occurred when these amendments to the said constitutional provisions were in force before the entry into force of this decision shall retain their legal effect".

The decision of the Constitutional Court can be found at: <https://www.constcourt.bg/en/case-650>

- **Conseil Supérieur de la Magistrature France**

There were no major changes to the Council in 2024.

However, one of the two members chosen by the President of the National Assembly had to resign in September 2024 for personal reasons. While the formalities for a new appointment were being completed, his successor took up his duties on 1 January 2025.

Also, the Council has two additional members of staff, bringing its total to 24.

⁹ The Councils of: National Court Administration Denmark; Commission for Administration of Justice (Malta); Superior Council of Magistracy of Romania; State Judicial Council of Croatia;

Among the major projects for 2024/2025, the Council is currently in charge of drafting a new code of conduct (guidelines about deontological rules), in application of the Organic Law of 20 November 2023.

- **Supreme Judicial Council for Civil and Criminal Justice & Supreme Judicial Council for Administrative Justice of Greece**

No changes

- **Irish Judicial Council**

Changes in judicial appointments

Of relevance to nomination of members, there is a new statutory regime for the appointment of judges. The Judicial Appointments Commission Act 2023 established a new, independent Judicial Appointments Commission (JAC) to select and recommend persons for all judicial offices in Ireland and for Irish judges in the EU and international courts. The Commission appointed members, identified premises for meetings and interviews and began interim meetings in 2024. It consists of 9 members: 4 serving judges, 4 lay members and the Attorney General. The JAC replaced the Judicial Appointments Advisory Board (JAAB) on 1st January 2025.

This JAC will invite applications for vacancies once advised by the Government that a vacancy arises. The JAC will consider applications, shortlist the candidates it considers most suitable and interview them. The JAC will recommend three names to Government in respect of each vacancy. Only candidates recommended by the Judicial Appointments Commission may be nominated by the government for appointment by the President.

All judicial posts, whether a first appointment or an appointment from another court will be governed by the procedure. Thus, for the first time, nominees will be interviewed, the Commission will pursue a statutory objective that the judiciary should reflect the diversity of the population as a whole, and the JAC is required to consider the applicants' relevant judicial training or continuous professional development.

- **Consiglio Superiore della Magistratura/ High Council for the Judiciary of Italy**

Important developments regarding the Italian High Council for the Judiciary are part of the draft constitutional law No. 1917, presented to the Chamber of Deputies on June 13, 2024 ("*Rules on the jurisdictional system and the establishment of the High Disciplinary Court*"). The draft constitutional law is currently being examined by Parliament.

The draft constitutional law envisages a separation of careers of judges and prosecutors. This reform aims at establishing two separate Councils of Justice: one for judges and one for prosecutors. According to the judicial system, these Councils are responsible for recruitment, appointments, transfers, professional assessments, assignments of judicial functions to magistrates.

The draft reform removes the disciplinary jurisdiction from the powers of the Council of Justice.

A reform of the electoral system of the two High Councils for the Judiciary is also foreseen.

The draft reform provides that:

- the High Council for Judges and the High Council for Prosecutors are chaired by the President of the Republic;

- the first President and the Prosecutor General of the Court of Cassation would be *ex officio* members, respectively;

- One third of the members would be eligible to be drawn by lot, from a list of full university professors in legal subjects and lawyers with at least fifteen years of practice. A list election would be created by the Parliament, in joint session, within six months of taking office and, two-thirds would be eligible to be drawn from judges and prosecutors, according to the number and procedures established by law.

Members appointed by drawing lots remain in office for 4 years and cannot participate in the subsequent drawing procedure.

Regarding the disciplinary liability of judges and public prosecutors, it should be noted that the draft constitutional law, currently being studied by the Parliament, envisages a High Disciplinary Court, which would have disciplinary jurisdiction over professional magistrates, judges, and prosecutors.

The draft foresees that the High Court would be composed of 15 members, who will hold office for 4 years and their appointment is not renewable. The members will be chosen as follows:

d) 3 members are appointed by the President of the Republic from amid full university professors in legal subjects and lawyers with at least twenty years of practice;

e) 3 members drawn by lot from a list of individuals having the same requirements as indicated above, selected by Parliament in joint session, within six months from the opening session;

f) 6 judges and 3 prosecutors, drawn by lot from amid those belonging to the respective categories, with at least twenty years of practice of judicial functions and who perform or have performed judicial functions as magistrates at the Court of Cassation.

It is foreseen that appeals against first-instance judgments delivered by the High Court, also for merits, would only be brought before the High Court itself.

Therefore, the law foresees only one single appeal against the decisions of the High Court, introducing a single level of appeal, both for facts and points of law. Thus, this law will eliminate an appeal to the Court of Cassation, whereas it is presently possible against the decisions of the Disciplinary Division of the High Council for the Judiciary, according to Art. 24 Legislative Decree No. 109 of 2006.

The draft constitutional reform foresees that ordinary legislation determines disciplinary offenses and sanctions, indicates the composition of the panels, and establishes the disciplinary procedure and rules necessary for the functioning of the High Court. Moreover, it ensures that judges or prosecutors be represented in the panel.

- **Consiglio di Presidenza della giustizia amministrativa/Presidential Council of Administrative Justice Italy**

Not at the moment, although the current reform underway for the ordinary judiciary provides that the council will be composed of judges no longer elected by other judges but rather chosen by lot.

This reform - which currently only affects ordinary judges - if extended to special judiciaries (such as the administrative one) would result in a substantial weakening of the guarantees of independence of the council, which would no longer be representative of the judicial judges, but rather composed of judges not motivated to deal with self-governance issues, possibly even completely disinterested or inexperienced. In addition, as is already the case now, lay members appointed by political parties would join them, with the possibility of having a strong political influence on a council no longer composed of representative judges. It is reiterated that at the moment the reform project does not concern administrative judges, but we obviously think with concern about a possible extension of the regulation, which is not currently foreseen.

In addition to this, the members of our council do not enjoy immunity from liability for the opinions given and the votes expressed in the course of council activities, and this represents a problem because it exposes all members to pressures and threats of actions, so they cannot operate in full independence.

- **Tieslietu padome/Judicial Council of Latvia**

Several developments are currently taking place regarding the judiciary and strengthening its independence. The amendments to law "On Judicial Power" are currently in discussion regarding the additional observers of the Council and the transfer of functions from the executive to the judicial power.

The Academy of Justice has started its functioning since 2025. According to the Law on the Academy of Justice, Article 2, "the institutional supervision of the Academy shall be exercised by the Cabinet of Ministers through the Minister of Justice. The functional supervision of the Academy shall be exercised by the Judicial Council".¹⁰

Article 8. Competence of the Judicial Council

The Judicial Council performs the following tasks:

- 1) set strategic learning objectives and directions;
- 2) approve the Academy's operational strategy and oversee its implementation;
- 3) define the principles of curriculum design;
- 4) determine the procedure for the selection of the leaders of training events from among judges and prosecutors;
- 5) approve the curricula and the annual teaching plan;
- 6) hear the annual report of the Academy's activities for the academic year presented by the Academy's Director and, if necessary, make recommendations for improvement;
- 7) provide the Director of the Academy with an opinion on the draft budget of the Academy;
- 8) perform other tasks as provided for in this Law.

In November 2024, the Ministry of Justice (MoJ) announced an open competition for the post of Director of the Academy of Justice. Applicants are evaluated by a panel composed of three representatives of the judiciary nominated by the Judicial Council and three representatives of the executive branch nominated by the Minister of Justice.

¹⁰ Unofficial translation of law is available here:

<https://www.tieslietupadome.lv/en/media/9114/download?attachment>

Conditions and the procedure for the application for the post of Director of the Academy of Justice, as well as the procedure for the selection and evaluation of applicants were adopted by the Judicial Council (19.11.2024.)

At the end of the competition, the Minister of Justice will nominate the candidate, who will have received the support of the Judicial Council, to the Cabinet of Ministers for appointment as the Director of the Academy of Justice. The monthly salary of the Director of the Academy of Justice will be up to EUR 4062 (before tax).

The Judicial Council, with funding from the European Union via the Technical Support Instrument, has initiated the implementation of a project aimed at enhancing the efficiency of the judicial system and the capacity for budget planning to carry out structural reforms. The implementation of the project is carried out by PricewaterhouseCoopers EU Services and the Directorate-General for Structural Reform Support of the European Commission, as a collaboration between the PricewaterhouseCoopers Latvia and strategic partners.

Over a period of 18 months, various activities are planned within the project — the development of a report on the current situation in the Latvian judicial system; the development of recommendations and a roadmap for the institutional reform of the judicial system; the development of a statistical model to assess the workload and budgetary aspects of the judicial system, as well as pilot of the methodologies, training, and a manual on judicial data collection, methodology and resource assessment. The implementation of the project “Improving Judicial Efficiency and Budgeting in Latvia” began on September 6, 2024, and will continue until March 5, 2026.

- **Teisējū Taryba/Judicial Council of Lithuania**

In order to strengthen the independence of the courts, the judicial community implemented two initiatives in 2024, aimed at strengthening the role of the Judicial Council in ensuring the independence of the courts and ensuring closer cooperation between the judicial system and the executive and legislative authorities.

On 18 October 2024, the General Meeting of Judges, which is the highest institution of the self-governance of courts, took place, a new composition of the Judicial Council was elected and the Decision¹¹ on the Right of the Judicial Council to Apply to the Constitutional Court was adopted. Moreover, the General Meeting of Judges adopted the Resolution¹² on Closer Cooperation Between State Authority Institutions in Matters of Activities of Courts.

On 28 October 2024, elections for the leadership of the Judicial Council took place. These members were elected:

- Chairperson of the Judicial Council: Chairperson of the Supreme Court of Lithuania Ms. Danguolė Bublienė,
- Vice-Chairperson of the Judicial Council: Chairperson of the Court of Appeal of Lithuania Mr. Nerijus Meilutis,
- Secretary of the Judicial Council: Chairperson of the District Court of Vilnius City Ms. Viktorija Šelmienė.

On 1 July 2024, in order to solve the issues of ensuring the workload balance in district and regional courts effectively, changes to the allocation of civil cases in district and regional courts came into force regarding the allocation of civil cases to be heard in written proceedings.

¹¹ <https://www.teismai.lt/lt/teismu-savivalda/visuotinis-teiseju-susirinkimas/sprendimai/168/2024-10>

¹² <https://www.teismai.lt/lt/teismu-savivalda/visuotinis-teiseju-susirinkimas/sprendimai/168/2024-10>

It was established that cases, which under the grounds of the Code of Civil Procedure can be heard in the district courts by written procedure and which are not subject to the rules of exclusive jurisdiction, are allocated to district courts or court chambers by using a computer program taking into account their workload and following the rules for the allocation of cases approved by the Judicial Council (Article 62² of the Code of Civil Procedure). In addition, it was established that cases based on appeals (separate appeals) regarding decision or ruling of the district court are allocated among the regional courts by using a computer program, taking into account their workload and following the rules for the allocation of cases approved by the Judicial Council (Article 62³ of the Code of Civil Procedure).

On 1 July 2024, the amendments to the Description¹³ of the Rules for the Allocation of Cases to Judges and the Formation of a Judicial Panel, approved by Resolution No. 13P-123-(7.1.2) of the Judicial Council of 25 September 2015, entered into force.

According to the established legal regulation, from 1 July 2024, the following categories of civil cases are allocated among the judges of all district courts (their chambers): requests to issue court order for payment, claims for the award of sums of money not exceeding 5000 euros, cases considered in the order of documentary proceedings.

On 1 July 2024, amendments to the Case Allocation Module (hereinafter referred to as the Module) of the LITEKO were introduced, implementing the provisions of Articles 62² and 62³ of the Code of Civil Procedure and the Description of the Rules for the Allocation of Cases to Judges and the Formation of a Judicial Panel.

In order to ensure uniformity in the allocation of civil cases allocated to judges of all district courts (their chambers), the Judicial Council, by its Resolution No. 13P-96-(7.1.2.) of 28 August 2024, established provisions on the determination of limits and their size for cases to be allocated in accordance with the procedure established by Article 62² of the Code of Civil Procedure. According to the established legal regulation, the limits on the number of incoming cases are set separately for both groups of cases to be allocated in accordance with the procedure established by Article 62² of the Code of Civil Procedure: Group I (contentious proceedings, small claims) and Group II (court orders and documentary proceedings). The provisions on the determination of the size of the limits have been implemented in LITEKO and are applied when allocating cases.

According to the amendments that have come into force, the Module, when determining the assignment of a case to be allocated in accordance with the procedure established by Articles 62² and 62³ of the Code of Civil Procedure, forms the queue of judges working in all district courts (their chambers) / regional courts who can hear this case, according to the criteria established in the Description of the Rules for the Allocation of Cases to Judges and the Formation of a Judicial Panel. It should be noted that the same rules and principles of case allocation that have been in force when distributing cases until now apply to the allocation of cases to be allocated in accordance with the procedure established by Articles 62² and 62³ of the Code of Civil Procedure. The Module performs calculations during automatic allocation according to the same formula for calculating the judge (reporter) selection coefficient and its components (number of cases received during the reporting period, specializations, vacation / disability periods, busyness in other activities, etc.).

When assessing the results of public trust in courts, the judicial system raises doubts about the clarity of the methodologies applied by the entities conducting the survey and the reliability of the survey data, as the results of research conducted by different entities differ substantially. For example,

¹³ <https://www.e-tar.lt/portal/lt/legalAct/34c996a02fb411efbdaea558de59136c>

according to Vilnius 2024 survey data, only 24.4 percent of the population trusts Lithuanian courts. Meanwhile, Eurobarometer¹⁴ data shows that trust in Lithuanian courts among companies reaches 62 percent. The judicial community is constantly implementing measures to increase public trust in the courts.

In 2024, Lithuanian courts continued the activities established in the Communication Strategy of Lithuanian Courts for 2021-2024 aimed at increasing the public's trust in the Lithuanian courts as an institution that administers justice, developed consistent coordinated external communication in the court system and carried out joint communication measures that strengthen internal communication and organizational culture in the courts.

In 2024, the courts' initiative to increase availability of data on courts to the society was continued: OPEN COURTS were supplemented with 7 new scoreboards and comments¹⁵. The scoreboards include information about court-appointed forensic psychiatry and psychological expertise, collection of stamp duty in the courts, providing courts with computers, court hearings, court mediation, court psychologists and number of electronic cases.

In 2024, the courts prepared and published 650 press releases about cases.

Since 1 January 2024, in order to implement the Disability Reform launched in Lithuania, regarding changes in the daily and public life of persons with disabilities and their relatives, and ensuring the rights and equal opportunities in various areas of life (hereinafter – Disability Reform), measures ensuring the accessibility of court services for persons with disabilities (which are also relevant for elder people) have been taken in the judicial system.

The National Courts Administration, in accordance with the Basic Law on Protection of the Rights of Persons with Disabilities of the Republic of Lithuania¹⁶ and the Recommendations for the Provision of Information to Persons with Disabilities in the Accessible Means of Communication of Their Choice adopted by the 29 November 2023 order No. A1-784 of Minister of Social Security and Labor of the Republic of Lithuania¹⁷, prepared writing and e-mail templates adapted to the needs of the visually impaired and the blind, a template for writing in easy-to-understand language, as well as the principles of providing information to persons with disabilities in the accessible means of communication of their choice for employees, a memo for preparing texts in an easy-to-understand language and instructions for setting up an e-mail. These documents were shared with the judicial community by the Judicial Council on 2 April 2024, also drawing attention to certain aspects of the implementation of the Disability Reform that are relevant in the work of the courts, regarding the employment of persons with disabilities, the provision of information to persons with disabilities, adaptation of websites for persons with disabilities, ensuring an accessible environment for persons with disabilities, among other things, drawing attention to examples of good practice in other institutions so that certain measures could be adapted to serve persons with disabilities in courts as well. In addition, taking into account the relevance of the issue, when the courts expressed a need, in cooperation with the Lithuanian Audio sensory Library, the printing of witness, party and third-party oaths (in civil and criminal cases) in Braille was organized.

In order to properly implement the changes of the Disability Reform in the field of providing information to persons with disabilities, it is planned to review and update the standard of service of persons in courts in the near future, which could include cases and guidelines of service of persons with disabilities, thus ensuring a common standard of service of persons with disabilities throughout

¹⁴ <https://europa.eu/eurobarometer/surveys/detail/3192>

¹⁵ <https://statistika-ntalt.hub.arcgis.com>

¹⁶ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.2319/asr>

¹⁷ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/668427a18ef611eea791d94269904d9b>

the court system. The possibility of updating the visual identity guide of Lithuanian courts by implementing progress measures is also being evaluated, if funds from the State budget are allocated for them.

During the implementation of the Disability Reform, measures were taken to adapt internet pages for persons with disabilities: teismai.lt and court websites installed accessibility menu ("UserWay") plugins, which allow persons with visual impairments to adjust settings for adaptation to persons with disabilities, such as text contrast, size, saturation, as well as possible settings for individuals with dyslexic disorders and more. Moreover, additional plugins have been created on teismai.lt and court websites – links to versions for the disabled, where the Constitution of the Republic of Lithuania is placed in sign language in the plugin, and information about the court, individual rights in criminal proceedings, as well as information for victims, etc. is placed in easy-to-understand language. Currently, the unchanging information in Lithuanian gestures and easily understandable languages about the functions performed by the courts and judicial self-government institutions, services provided, assistance, contacts for public consultations, working hours, website content, structure, important messages and other essential information (expected deadline – early 2025) is being prepared, which will also be placed in the aforementioned plugins.

Additionally, it should be noted that an evaluation of the adaptation of the website teismai.lt and the Lithuanian courts electronic services portal e.teismas.lt (hereinafter – the portal e.teismas.lt) to persons with disabilities was carried out using a publicly available text reading program (for example, the possibility for blind and partially sighted people to perform a public LITEKO search for court decisions or schedules, to connect to the portal e.teismas.lt and submit documents to the court etc.). During the evaluation, it was established that the portal e.teismas.lt is adapted to screen reading programs used by the blind and visually impaired, so visually impaired people have the opportunity to use the portal e.teismas.lt.

The system of video technologies used in courts is also accessible to a large number of persons with disabilities, especially relevant for those with physical disabilities, it is also applicable to persons with visual, hearing or speech disabilities (with the additional mediation of a sign language interpreter). It should be noted that the needs of persons with disabilities are expected to be taken into account in the future when centrally purchasing video technology equipment.

In order to ensure procedural conditions adapted to persons with disabilities in court proceedings, the physical accessibility of court buildings is taken care of according to competence – when preparing projects for renovation (modernization), reconstruction or repair of parts of court buildings, construction technical regulation STR 2.03.01:2019 "Accessibility of buildings" is followed and buildings are observed adaptation requirements for persons with disabilities, including the requirements of the international standard ISO 21542, as well as the possible accessibility of persons with disabilities needs, including necessary solutions. However, it should be noted that there is no unified program for the modernization of court buildings in the country, and the issues related to the needs of the judicial system for the renovation of court buildings (including adaptation to the needs of people with disabilities) are not being adequately solved.

In 2024, the project "Improving Quality, Services and Infrastructure in Lithuanian Courts", included into the Justice and Home Affairs programme, has been completed. The conditions for serving court visitors have been improved: public areas spaces and sanitary facilities have been adapted for persons with mobility disabilities. Moreover, in 16 courts entrance control systems have been updated, public and private spaces have been separated, thus increasing the safety of court visitors and court staff.

On 12 April 2024, the amendments of the Description of the Procedure for the Submission of Procedural Documents to the Court and Their Delivery to Persons by Electronic Means of

Communication approved by the Minister of Justice of the Republic of Lithuania came into force¹⁸. The amendments are aimed at promoting the use of electronic means of communication in the jurisdictional activities of courts and the reduction of State budget funds allocated to court postal costs, as well as the efficiency of civil proceedings.

Changes in the legal regulation made it possible to submit procedural documents regarding the examination of a specific case to the court through the National Information System for the delivery of electronic parcels using the postal network (hereinafter – the E. delivery system). Persons who do not have an account on the portal e.teismas.lt, who have expressed their will to receive procedural documents from the court via the E. delivery system and who have got active electronic boxes of the E. delivery system, will be able to receive procedural documents via the E. delivery system. Moreover, provided the possibility to receive certain documents regarding the investigation of the filed case by the e-mail, and in such cases the need for the court to send procedural documents by regular mail will be reduced. It should be noted that the procedural documents initiating the case will continue to be submitted to the court by means of electronic communication only using the portal e.teismas.lt.

The Judicial Council aiming to solve one of the fundamental problems that determine the long duration of the process in the examination of the most important and complex criminal cases for the society, the employment of the participants in the process in other cases, by 29 September 2023 Resolution No. 13P-131-(7.1.2) approved The Description¹⁹ of the Procedure for Recognizing Cases as Expedited and Coordinating Court Hearings in Them. One of the innovations of the legal regulation regarding the recognition of cases as expedited and the coordination of court hearings in them, established in the above-mentioned description, is a more effective mechanism for informing courts about expedited cases. Taking into account the provisions of the new legal regulation, a relevant tool was created for organizing court work and planning court hearings. The list of first and second-level cases recognized to be examined faster is published on the intranet website of the courts. In August 2024, the improvements of the mentioned tool started, which were carried out taking into account the expectations expressed by the courts and in order to ensure that it would become even more convenient and efficient when organizing the work of the courts. According to the improvements made, the list of cases recognized as expedited is presented in a table, which not only publishes all the information relevant to the courts related to expedited cases (both first and second level), but also provides an opportunity to search by sorting cases according to relevant information (the date and time of the hearing, level, case number, judicial panel composition, country, country type and position, event, court (chamber) or coordinator).

- **Raad voor de Rechtspraak/The Netherlands Council for the Judiciary**

The Netherlands Council for the Judiciary has had five members (three judicial members and two non-judicial members). By law, the Council can have three members (two judges, one non-judge), four members (two judges and two non-judges) or five members (three judges and two non-judges). If the Council has three members, it can only take decisions if at least two members are present. If the Council has four or five members, it can only take decisions if at least three members are present. The Council takes decisions by majority vote. If the votes are tied, the Chairman casts the deciding vote. The Chairman of the Council is always a judge. This at all times safeguards the primacy of judges in the Council's decision-making.

Henk Naves has been chairman of the Judicial Council since 2019. His term expired at the end of August. Through a reappointment procedure, his term was extended by 3 years. The reappointment was ratified by Royal Decree.

¹⁸ <https://www.e-tar.lt/portal/lt/legalAct/f450c040f7b811eeb15a8086c0c045d4>

¹⁹ <https://www.e-tar.lt/portal/lt/legalAct/01a6a090627f11eebc77e58877a83c4e>

As mentioned last year, in a letter to the Commission of State on the Rule of Law, the Council for the Judiciary has made a number of recommendations to strengthen the rule of law. One of the recommendations is to safeguard the independence of the judiciary (and thus the balance within the Trias), by changing the appointment procedure to the judiciary to mostly administrative act by Royal Degree.

In 2025 the Ministry of Justice and Security together with the Council for the Judiciary, will further explore the options. Hereby will be taken into consideration a passed motion²⁰ in House of Representatives which concerns reducing the role of the minister in appointments of members of the Council for the Judiciary and the recommendations of the Venice Commission on this issue.

- **OBT /Judicial Council of Hungary**

In 2024, a new Judicial Council was elected.

The Council is composed of 15 judges. The President of the Curia is an ex-officio member and 14 members are elected by the judges themselves. Of the elected members, one is a judge of the Courts of Appeal, 6 are judges of the General Courts and 7 are judges of the District Courts.

The Council is responsible for supervising the activities of the National Court Office and for assisting in the central administration of the courts. The Council's powers are regulated by Act LXI of 2011 on the Organisation and Administration of the Courts.

The members are not appointed but are elected by the judges themselves, with the exception of the President of the Curia.

The Council is independent and its members may not be dismissed or recalled.

The Council acts as a body and its decisions are generally taken in public session. The disadvantage of decision-making by the board is the occasional delay in taking decisions. To compensate for this, it is possible to convene extraordinary meetings or to take decisions online.

- **Conselho Superior da Magistratura/CSM Portugal**

On 15 May 2024, Counsellor Judge João Cura Mariano was elected President of the Supreme Court of Justice (STJ), in an election in which five candidates stood out of a total of 63 Counsellor Judges, all of whom voted. The president of the STJ is inherently the president of the High Judicial Council.

The XVI Legislature of the Assembly of the Portuguese Republic began on 26 March 2024. This date marked the beginning of the 1st Legislative Session of a new parliamentary composition, resulting from the early legislative elections held on 10 March 2024.

With the dissolution decreed on 15 January 2024 by the President of the Republic, the mandate of the Members of the High Judicial Council elected in April 2022 came to an end, namely Mr. José Manuel Mesquita, Mr. André Miranda, Ms. Inês Vieira da Silva Ferreira Leite and Ms. Telma Solange Silva Carvalho, proposed by the Socialist Party, and Mr. Licínio Martins, Mr. António Vieira Cura and Mr. António José Barradas Leitão, nominated by the Social Democratic Party.

On June 19, 2024, the Assembly of the Republic elected, as members of the High Judicial Council, Mr. Alfredo José Leal Castanheira Neves, Mr. António José Barradas Leitão, Ms. Marta Vaz Canavarro Portocarrero de Carvalho, Ms. Gabriela Maria Azevedo Pinheiro, nominated by the Social Democratic

²⁰ <https://zoek.officielebekendmakingen.nl/behandelddossier/kst-29279-845.html>

Party, and Ms. Telma Solange Silva Carvalho (PS), Ms. Inês Vieira da Silva Ferreira Leite (PS) and Mr. José Manuel Mesquita (PS).

- **Superior Council of Magistracy of Romania**

With regard to the relevant or significant developments in relation to the changes concerning the Judicial Council, we would point out that in 2024 there was no element of normative novelty concerning the issues covered by the questionnaire.

- **Sodni Svet/ Judicial Council of Slovenia**

Regarding the **structure / composition of the Council and the way of nomination of the members**, in October 2023 the Parliament adopted the decision to initiate the procedure for amending the Constitution. This procedure seeks to amend several provisions of the Constitution in the sub-chapter on the judiciary, including the composition of the Judicial Council. The draft act on amending the Constitution, which was adopted in November 2023, provides for an increase in the number of members of the Judicial Council to 15 (now there are 11) and proposes abolishing the power of the President of the Republic to nominate five members of the Judicial Council for election to the Parliament. Instead, seven members would be elected by the Parliament from among university professors of law, attorneys, and other distinguished lawyers, and eight members would be elected by the judges from among themselves.

The constitutional review procedure was at a standstill in 2024 and still is. The Judicial Council has been invited to partake in the debate on constitutional amendments and has made it clear that it is strongly opposed to increasing political influence in judicial selections and in the decision-making of the Judicial Council in general. It currently has no information on the procedure's future course. However, media reports suggest that there is no longer sufficient support in Parliament for the abovementioned amendments.

In accordance with the rules and procedure laid down in the Judicial Council Act, **the composition of the Judicial Council changed mid-2024**, as six members' terms of office expired. The judges elected three new members from among themselves, as did the Parliament from the candidates proposed by the President of the Republic. The elections in the Parliament were complicated by the fact that only one new member had been elected by the time the terms of the three members of the Judicial Council expired, so that the rights and duties of the members continued to be exercised by the two existing members for some time after the expiry of their terms. The new composition of the Judicial Council has been consolidated in September 2024.

A new ground for the termination of the mandate of a member of the Judicial Council is proposed by the draft amendment to the Judicial Council Act, namely the appointment of a judge as the president or vice-president of a court, which is aligned with the proposal of the new Courts Act. The Judicial Council has extensive competences regarding the selection, appointment, and dismissal of judges, as well as court presidents and vice-presidents. Consequently, it is the prevailing view that the mere withdrawal of the member of the Judicial Council, who is (also) a president of the court, from discussions and voting in matters where the Judicial Council decides on appointments, promotions, salary classifications, or dismissals of judges does not suffice to ensure impartiality in decision-making. Currently, none of the members of the Council who are judges also hold the position of court president.

The proposed changes to judicial legislation and the Judicial Council Act, as well as the constitutional amendments forming part of the aforementioned constitutional revision process, notably impact the scope of **the Judicial Council's competences**.

The constitutional amendments include the transfer of the power to appoint first-time judges from the Parliament to the President of the Republic, while retaining the power of the Judicial Council to nominate candidates for judicial office. There is a consensus within the legal profession regarding the rationale for this amendment; however, as noted, it is questionable whether sufficient support for any of the amendments exists in Parliament. Meanwhile, **2024 saw a continuation of public consultation on the draft act in proposal to amend the Judicial Council Act and the new Courts Act and Judges Act** (currently named Judicial Service Act).

The process of adopting new legislation has been characterised by a number of open issues, the solutions to which are still evolving. The final versions of the proposals were prepared in early January 2025, however, the formal legislative procedure has not yet commenced. The Judicial Council has been working constructively with the Ministry of Justice throughout the process to develop constitutional and internally consistent provisions.

The latest amendments to the Judicial Council Act of January 2025 focus on the overhaul of disciplinary proceedings, the transparency of the electoral process for members of the Judicial Council who are judges, protection of the right to vote, position of the Secretary General, and on ensuring the impartial decision-making of the Judicial Council.

Disciplinary charges against judges are decided by the Disciplinary Tribunal, which is an independent working body of the Judicial Council. Three of the members of the Judicial Council are also members of the Disciplinary Tribunal. There is a consensus that disciplinary proceedings against judges should be comprehensively reorganised, both in substantive and procedural terms. The substantive part is governed by the Judicial Service Act, which is to be replaced by a new Judges Act, and the changes concern a more appropriate (narrower) definition of disciplinary offences and thus a delimitation from the part of the judicial work that is evaluated every three years by a special body and is the basis for a judge's promotion. The procedural part of the disciplinary proceedings is regulated by the Judicial Council Act. The more important pending issues concern the regulation of disciplinary prosecutors, the suspension of judges during disciplinary proceedings, the legal remedy against a decision of the disciplinary tribunal and the possibility of completing the disciplinary proceedings in the event that the judge ceases to perform the judicial function. The Ministry for Justice has accepted the majority of the Judicial Council's positions. Additionally, proposed new provisions to the Judicial Council Act regulate the expungement of imposed disciplinary sanctions from the disciplinary record. Lastly, the draft amendment to the Judicial Council Act aims at eliminating the unconstitutionality in the current regime (found by the Constitutional Court in 2021), according to which the Judicial Council can act both as the initiator and, through its members, as the arbitrator in disciplinary proceedings. It is proposed that the Judicial Council no longer has the power to initiate disciplinary proceedings against judges, which is in line with the Judicial Council's opinion on the matter.

The latest draft on the new Courts Act and the proposal for an amendment to the Judicial Council Act maintain the proposal to the **transfer of the power to appoint Supreme Court judges**, if they are selected from among candidates already elected to judicial office, from the Parliament to the Judicial Council, and transfer of the power to appoint and dismiss the President and Vice-President of the Supreme Court from the Parliament to the Judicial Council. Also, draft law proposes that Judicial Council be given (new) powers to decide on measures of suspension of the President of the Court, and of suspension from judicial service for the President and Vice-President of the Supreme Court.

The proposed amendment to the Judicial Council Act **broadens the procedures to which the guarantee of impartial decision-making applies** and mandates the withdrawal of Judicial Council members in all procedures concerning rights, obligations, and legal interests, whenever prescribed circumstances arise. The proposal also expands the grounds for withdrawal and introduces a new procedure for the withdrawal of members. In practice, however, no significant changes are anticipated, as the members of the Judicial Council have already exercised due diligence in all proceedings by proposing their withdrawal in circumstances that could give rise to an impression of biased decision-making. Such proposals, the reasons for them, and the decisions of the Judicial Council are always duly recorded in the minutes of the session.

In the process of amending the laws, the need to increase the transparency of the work of the Judicial Council has been stated as one of the reform's objectives by the proponent of the amendments. According to different proposals, this should be achieved in particular through explanations of decisions in selection procedures for judicial posts and more detailed minutes of Judicial Council sessions. The Judicial Council warned against the proposed measures turning into a control by any of the three branches of power over its functioning.

In September 2024, there was even an independent proposal for an amendment to the Judicial Council Act from the ranks of members of the Parliament, which sought to achieve live (video) transmission of Judicial Council meetings, record-keeping of how each member of the Judicial Council voted on each decision (roll-call lists to be published) and more extensive explanations of decisions. The proposed amendment to the act was later withdrawn. Nevertheless, the Judicial Council is concerned about the repetitive criticism in the Parliament that the Judicial Council makes decisions in an unprofessional manner and on the basis of undue influence, and that decisions, especially those concerning the selection of candidates for judicial posts, are not sufficiently reasoned.

The Judicial Council is therefore obliged, especially in the process of amending the judicial legislation, to remind the three branches of power of the Council's constitutional role and of the discretionary power of decision-making in selection procedures for judicial posts, which had been confirmed by the (constitutional) case-law. For instance, the Judicial Council raised several objections to draft provisions of the new Judges Act governing the procedure for the election and appointment of judges, noting a trend towards limiting the Council's discretionary powers by a duty to state the reasons for its decision not to select any of the candidates, or if it decides otherwise than in the opinion of the President of the Court. In the latest proposed legislative amendments, the proposer has taken into account the majority of the comments made by the Judicial Council.

Regarding **general functioning and efficiency of the Council**, the Judicial Council regrets that its proposal to professionalise the positions of the President and Vice-President of the Judicial Council has not been taken up.

- **Judicial Council of the Slovak Republic**

The removal of members of the Judicial Council.

Despite the inability of the Constitutional Court of the Slovak Republic (hereinafter referred to as the "Constitutional Court") to rule on the constitutionality of a constitutional law, beyond this conclusion, the Constitutional Court stated that also in the original text of Article 141a para. 1 of the Constitution expressly provided for the power of judges, the National Council, the President and the Government to remove the members of the Judicial Council appointed by them from office before the expiry of their term of office, whereas the contested provision of the judicial amendment to the Constitution

merely accentuates this fact in the interests of legal certainty by the phrase “at any time before the expiry of their term of office.”

The Constitutional Court considers unfounded the concern based on the assertion that by emphasising the power to dismiss members of the Judicial Council at any time during their term of office, the Constitutional Court introduces an unacceptable interference by the executive and the legislature in the functioning of the independent judiciary. The Constitutional Court observes that the Judicial Council, notwithstanding the fact that its constitutional regulation is located in the seventh title of the Constitution under the heading “Judicial power”, cannot be regarded as a standard organ of the judicial power, since it does not have judicial power.

The Constitutional Court ruled on the dismissal of the members of the Judicial Council on the basis of the complaints of the dismissed members of the Judicial Council as an act that was constitutionally compliant.

The decision of the Constitutional Court of the Slovak Republic shows that:

25: “In the circumstances, therefore, the only certainty that appears (although paradoxical at first sight) to be essential and very important is that a member of the Judicial Council may be dismissed at any time. The consideration of the proclaimed certainty is also consistent with the concept of *de constitutione et de lege lata*, according to which the nominee of a particular (nominating) political entity represents that political body on the Judicial Council. Thus, if the Government or the National Council becomes aware of the need for a different representation on the Judicial Council, the representative may be removed from his position as a member of the Judicial Council and a different person may be appointed in his place in a logical and temporal sequence...”

28: “As regards the objection of violation of the material core of the Constitution by the removal of the applicants, there is no reason not to adhere to the conclusions of the resolution of 12 October 2022, Case No. PL. ÚS 12/2022, where the Constitutional Court stated that no provision of the Constitution relating to the establishment, constitutional status, creation and competence of the Judicial Council can be subsumed under the material core of the Slovak Constitution (paragraph 57 of the aforementioned resolution). The Constitutional Court emphasises that, in paragraph 67 of the referred order, the Constitutional Court extended the validity of this judgment *expressis verbis* also to the last sentence of Article 141a(5) of the Constitution, where the Constitutional Court established the possibility of dismissing members of the Judicial Council at any time before the expiry of their term of office.”

45: “A constitutional complaint may be said to be manifestly unfounded if the contested decision of a state body (in the present case, the contested resolution of the Government and the contested resolution of the National Council) could not have violated the fundamental right or freedom identified by the complainants at all, either because of the lack of a relevant link between the contested decision and the fundamental right or freedom whose violation was contested, or for other reasons (m. The Constitutional Court is of the opinion that, in the light of the conclusions set out in this resolution, there is no causal link between the impugned Government resolution and the lines of argumentation of the applicants and applicant 3 set out in their constitutional complaints, as well as between the impugned resolution of the National Council and the grounds of applicant 4’s constitutional complaint.”

46: “In view of the foregoing, the Constitutional Court, on preliminary examination of the constitutional complaints, has found that the impugned resolution of the Government does not raise the possibility of a violation of the fundamental rights of the complainants and complainant 3 guaranteed by Article 30(1) and (4) of the Constitution, read in conjunction with Article 1(1) and Article 2(2) of the Constitution, and that the impugned resolution of the National Council does not give rise to a violation of the fundamental rights of complainant 4 guaranteed by Article 30(1) and (4) of the Constitution, read in conjunction with Article 1(1) of the Constitution. It follows that the merits of the applicants’ constitutional complaints do not need to be examined after they have been admitted for further proceedings. The Constitutional Court therefore dismissed the submitted constitutional complaints as manifestly unfounded pursuant to Section 56(2)(g) of the Constitutional Court Act.

Criminal liability of judges

In contrast to the previous legal regulation on disagreement with the criminal prosecution of a judge, the legal regulation now also takes into account the procedural situation, which was not covered before. This is the situation where a judge is accused of a specific criminal offence which, in the course of the prosecution, is reclassified as a criminal offence of perverting the law. The previous legislation did not expressly allow for the exercise of the right to object to the prosecution after the act has been recharacterized.

Thus, there has been a change in the legislation for the offence of perverting the law under section 326a of the Criminal Code. Moreover, it follows from Article 207a (3) of the Code of Criminal Procedure that the accused judge has the right to request the Judicial Council to oppose his prosecution for this offence within 60 days of the delivery of the order of indictment or the delivery of the notice of recharacterization, whereas in the past he could do so only after the order of indictment has become final. Pursuant to Section 27hi of Act No 185/2002 Coll. on the Judicial Council of the Slovak Republic and on Amendments and Additions to Certain Acts, the Judicial Council decides whether to oppose the prosecution of a judge for the offence of perverting the law pursuant to Section 326a of the Criminal Code, on the basis of a proposal by a judge charged with this offence (paragraph 1), at a closed session (paragraph 2) and within 30 days from the date on which the judge has delivered his/her proposal to the Judicial Council (paragraph 3).

As a reminder, during the previous 8th term of the National Council, the Judicial Council, by Resolution No. 63/2023 of 16 February 2023, pursuant to Section 4(1)(c) of the Judicial Council Act, submitted to the Minister of Justice of the Slovak Republic a motion to delete Section 326a from the Criminal Code and recommended that this legislative change be included in the plan of legislative tasks of the Government of the Slovak Republic for the year 2023.

- **Consejo General del Poder Judicial of Spain**

In 2024, the General Council for the Spanish Judiciary (CGPJ) was finally renewed, a renewal that had been pending for more than four years. The renewal was the result of consensus among the main political forces represented in Parliament, which reached the legally foreseen majority (3/5) to appoint the new members.

The renewal was reached in June 2024, after the government requested the mediation of the European Commission to unblock the pending negotiations. The renewal was accompanied by a legal reform of the Organic Law on the Judiciary and the Statute of the Public Prosecutor's Office (Organic Law 3/2024, of 2 August, reform of Organic Law 6/1985, of 1 July, on the Judiciary and reform of Law 50/1981, of

30 December, regulating the Organic Statute of the Public Prosecutor's Office), aimed at strengthening the measures to guarantee the independence of the appointed members, as well as other complementary measures related to the extension of the minimum seniority to be eligible for a senior judge's position in the Supreme Court (up to 20 years), as well as to strengthen the autonomy of the Public Prosecutor's Office.

The same rule, LO 3/2024, allowed the start of the eighth mandate of the CGPJ in Spain, constituted on 26 July 2024. Likewise, the Organic Law required, in its Single Additional Provision, that the new Council prepare a report that, if appropriate, would serve as a basis for a reform of the system of election of members of judicial origin of the Council, which would guarantee the direct participation of judges. The report was to be adopted by the plenary of the CGPJ with a reinforced majority (3/5) within 6 months. That deadline is 6 February 2025. The task force formed within the VIII CGPJ mandate has developed the necessary tasks to prepare this report: has had the technical support of the lawyers of the CGPJ, has carried out the hearings it has considered appropriate of qualified persons and institutions at the level of the European Union and the Council of Europe, which have expressed their opinion on the appropriate standards that guarantee the participation of the judicial career in the appointment of judicial members, taking into account the competences and particularities of the Spanish model of government of the Judiciary.

That same legal reform has determined the constitution within the Council of a qualification commission, composed of 5 members. The main function of this Commission is to conduct hearings and evaluate applications for the filling of vacancies in the Supreme Court, presidencies of the High Courts of Justice and their chambers, as well as presidencies of the National High Court and its chambers, and presidencies of Provincial Courts. It is also responsible for the evaluation of the candidatures for the senior technical bodies of the CGPJ.

This assessment is based on the curricula vitae submitted and interviews conducted with female and male candidates applying for vacant positions.

The task of the qualification committee is particularly relevant, since the situation of paralysis of the previous Council for more than three years determined that there were more than a hundred positions of discretionary designation pending appointment or renewal.

The legal reform also allowed for the creation of new commissions to facilitate the work of the new Council.

The VIII term of office of the CGPJ began with the appointment of the presidency of that body and of the Supreme Court. At the beginning of September 2024, the necessary consensus was reached to appoint Isabel Perelló Domènech, Senior Judge of the Supreme Court, as President of that body. She is the first woman to hold that position in Spain. The proposal and voting of the different candidatures was carried out without political interference of any kind.

The new mandate of the CGPJ began its activity constituting not only the commissions provided for in the Law (Standing Committee, Qualification Committee, Disciplinary Committee), but also other commissions aimed at organizing the work of the body according to criteria of efficiency and transparency (School and Training Committee, Committee on International Relations, Committee on Economic Affairs, Committee on Modernization of Judicial Activity, Judicial Career Committee, Committee on Studies and Reports), as well as different working groups (the one aimed at preparing

the mandatory report on the system of election of judicial members of the CGPJ, the one aimed at evaluating the impact of Artificial Intelligence tools in the field of Justice).

In the first months of the activity of the new Council, the functioning of the institution has been normalized, the internal positions of responsables for the inspection service and the promoter of disciplinary action have been filled. The mandatory hearings have also been held for the coverage of judicial positions of discretionary designation pending for more than three years.

The consensus of the main parties with parliamentary representation and the impulse of the legal reform have allowed the VIII mandate of the CGPJ to begin its activity with absolute normality, launching the initiatives that guarantee the efficiency of this body.

2. How would you describe the relations of the Council with the other State powers (or specific government body or state organisation) in the reference period? Where there any challenges coming from them to the independence of the judiciary/judges?

- **Supreme Judicial Council of Bulgaria**

In 2024, the relations of the Supreme Judicial Council with the other state authorities and bodies are carried out within the framework of the powers and obligations established by law.

- **State Judicial Council of Republic of Croatia**

In the reference period there were no specific relations with other state powers. In the reference period State Judicial Council proposed to the ministry responsible for judicial affairs amendments to the Courts Act in order to ensure greater efficiency in the work of courts and a greater degree of impartiality and independence in trials, by explicitly prohibiting judges from participating in the work of courts of honor and from participating in disciplinary proceedings at professional chambers and associations. The aforementioned proposal was adopted in the Amendments to the Courts Act (Official Gazette, No. 36/24).

- **Domstolsstyrelsen/ Court Administration of Denmark**

There have been no challenges coming from other state powers in the reference period and the independence of the judiciary continues to be very strong parallel to a good cooperation with the Ministry of Justice where it is deemed relevant.

- **Conseil Supérieur de la Magistrature France**

-1- In France, a continuous dialogue exists with the executive power, based on the Constitution.

The Council's fundamental purpose is enshrined in Article 64 of the Constitution: "The President of the Republic is the guarantor of the independence of the judicial authority. He is assisted by the High Council for the Judiciary". According to the institutional practice, the role of the Council is therefore central to ensuring the independence of the judicial authority.

The French High Council for the Judiciary has sought, in its role, to maintain a high level of vigilance in preserving the independence of the judiciary so that the public's confidence in the justice system is not undermined.

-2- In September, the members of the Council met with the previous Minister of Justice, who had just been appointed following the dissolution of the National Assembly in June and the formation of a new government.

Following the resignation of this government and the appointment of a new one in December, the Council will meet the new Minister of Justice at the end of January.

- 3 – Institutional relations are systematically established between the parliamentary assemblies and the Council as part of the procedure for appointing members and examining the finance Bill.

- Appointment of members: four of the eight external members are appointed by the legislative authority via the presidents of the assemblies. The hearings prior to these appointments are an opportunity for members of parliament to take an interest in the operation and missions of the Council;
- The discussion of the annual finance bill is also the occasion of a meeting between the legislative power and the Council. Each summer, during the examination of the future finance law, the Council answers the parliamentary questionnaire drawn up by the rapporteurs, whose objective is to give a qualitative and quantitative overall picture of its action. The two presidents of the Council are also heard by the Law Commission of the Senate on this subject.

Apart from these two specific points of contact, the texts do not provide for any institutional relationship between the Council and Parliament. However, with a view to fully fulfilling its role as an expert on judicial issues and guarantor of the independence of the judiciary, the Council has sought to systematise meetings with the presidents of the assemblies and law committees.

Therefore, in March 2024, the Council met the Chairman of the National Assembly's Law Committee, and in January 2025, it met the President of the Senate and the Chairman of the Senate's Law Committee.

During these meetings, the Council expressed the wish for more frequent and institutionalised meetings with members of parliament, and even for consultation on draft or proposed legislation relating to the judiciary, while respecting the prerogatives of each party.

-4- The Conseil, in its constitutional role as guarantor of the independence of the judiciary, has reacted publicly through press releases, outside the context of any referral. It reacted twice in 2024:

- On 10 April 2024, following criticism of magistrates from the judicial court of Marseille for their statements to the Senate committee of enquiry into the impact of drug trafficking in France and the measures to be taken to remedy the situation.

The Council pointed out that magistrates, like all persons heard under oath by a parliamentary committee of enquiry, are required to 'tell the whole truth and nothing but the truth' and are therefore under an obligation of sincerity. To criticise them for comments made in this context is likely to undermine both their freedom of expression and the separation of powers.

The Council has decided to express its full support for all judicial actors involved in the fight against drug trafficking, whose effectiveness depends on magistrates carrying out their work in complete serenity, without their authority and credibility being affected²¹.

- On 8 November 2024, following threats against a public prosecutor.

²¹ [Communiqué du 10 avril 2024 | Conseil Supérieur de la Magistrature](#)

The Council wishes to express its deep concern following recent threats against magistrates because of their duties, and to assure them of its full support.

It recalls that the independence of judges in the performance of their judicial duties is an essential condition of the rule of law. This independence means that they can carry out their duties without fear that their decisions or actions will give rise to reprisals or threats against them or those close to them²².

-5- At international level, the simultaneous presidency since 2024 of the two French-speaking (RFCMJ) and European (ENCJ) networks of Councils for the Judiciary provides the French Council with a privileged framework in which to actively promote this defence of the Rule of Law, which involves in particular the promotion of Councils for the Judiciary with all the characteristics of an independent body (missions, method of appointment and dismissal of members, financial autonomy, etc.).

-6- At its monthly general meetings and other organised gatherings, the Council welcomes a wide range of institutional partners and personalities (the judicial services, trade unions, associations, academics, the chairman of the High Authority for Transparency in Public Life, the judge elected on behalf of France to the European Court of Human Rights, the European Public Prosecutor, the French national member of Eurojust, etc).

- **Supreme Judicial Council for Civil and Criminal Justice & Supreme Judicial Council for Administrative Justice of Greece**

Relations of the Council with the other State powers are relatively smooth. No particular challenges.

- **Consiglio Superiore della Magistratura/ High Council for the Judiciary of Italy**

There is full and fruitful institutional cooperation with the other State powers, in particular with the Ministry of Justice and the Ministry of Foreign Affairs and International Cooperation.

- **Consiglio di Presidenza della giustizia amministrativa/Presidential Council of Administrative Justice Italy**

Relations are currently good, although there is no direct communication channel with the other state powers. The relationship with the lay members within the council, who are appointed by parliament (i.e., by political parties), is particularly delicate, as it is always necessary to find a balance that prevents politics from entering the self-governance of judges and prevents the judges from becoming corporately insular.

- **Tieslietu padome/Judicial Council of Latvia**

The relations of the Council with the other State powers during 2024 have been productive. No specific threats regarding the safeguard of the independence of judiciary has been observed.

The State Audit office published the audit "Cilvēkresursu pieejamība un attīstība Latvijas tiesu sistēmā" (Availability and development of human resources in the judicial system of Latvia). Date of publication: 02.10.2024. The report identifies a number of significant problems and challenges that require solutions: First, there may be a shortage of judges in the coming years. More than 28% of the current

²² [Communiqué du 8 novembre 2024 | Conseil Supérieur de la Magistrature](#)

number of judges may retire in the coming years. Therefore, the functions and work organization of judges should be evaluated, as well as the total number of judges in Latvia should be reviewed. Secondly, support functions are essential to the efficiency of a judge's work but the turnover of court staff is unacceptably high. The turnover rate of court employees reaches up to 31% per year. In addition, it is necessary to strengthen the institute of Assistant Judges more effectively to safeguard better support to judges. Thirdly, not all judges care enough about improving their knowledge and skills, even though changes in society and the legal framework are happening rapidly. Every tenth judge attended training less than once a year during the last four years.

The Judicial Council heard the reports of the working groups on the assessment of the territorial reform of courts, the basic principles of specialisation of judges and the specialisation regarding land registry cases in courts.

The Working Group for Court Efficiency concluded that the territorial reform of courts, which started in 2014 and lasted ten years, has been successful and necessary. It has improved the efficiency of the judicial system, increased the speed of case processing and equalised the workload of judges at the level of judicial regions, thus achieving the objectives of the reform.

The Working Group on Specialisation of Judges concluded that specialisation by fields of law is objectively necessary and that the specialisation of judges is an important tool for improving the quality and efficiency of legal proceedings, as it contributes to more effective work of judges. At the same time, the Working Group is critical of the initiative to establish specialised courts in Latvia in the future.

According to the Working Group on Specialisation of Judges, the land registry proceedings are non-contentious proceedings, which is part of the civil procedure. The examination of land registry cases should be retained as a judicial function and as one of the specialisations of the courts in the field of civil law. However, it should be noted that the number of land registry judges may decrease, which is why a reallocation of competences is necessary. The Working Group proposes the creation of a post of court lawyer, which will help to take over some of the work of land registry judges and lighten the workload of judges.

- **Teisėjų Taryba/The Judicial Council of Lithuania**

The situation regarding the transparency of the system of appointments of judges is improving. Greater cooperation between the Office of the President of the Republic and the Judicial Council is visible in order to clarify priorities when appointing candidates to the judicial office in specific courts, assessing the number of vacancies in separate courts and the needs of those courts. The newly elected Judicial Council met with the President of the Republic and the Selection Commission of Candidates to Judicial Office (hereinafter – Selection Commission), discussed the objectivity of the criteria for evaluating candidates to the judicial office, situations when a candidate who is considered to be less suitable by the members of the Selection Commission receives a formally higher score. During the discussions with both the President of the Republic and Selection Commission, it has been concluded that there was a need to review the criteria for evaluating candidates to the judicial office, as well as the procedure for compiling the general order lists of candidates to the judicial office in district and regional courts.

The provisions regarding the Civil Services Reform, as well as civil servants', including non-judicial court staff's, salaries, entered into force from 1 January 2024. In addition, salary changes came into force for other employees (non-civil servants) with the Law on Remuneration of Employees of Budgetary

Institutions and Remuneration of Commission Members for Work. With these changes the new base amount of salary was established, the maximum limits for official salary coefficients and division of institutions into groups were removed. Moreover, after the amendments to the Budget Structure Law came into force from 1 January 2024, it became possible for institutions, including courts, to transfer cost savings to the institution's wage fund and thus apply financial promotion means for personnel. Although such changes provide more financial flexibility, insufficient court funding prevents courts from applying these provisions. Despite the fact that the additional funding for judicial system to increase the salaries of court staff was given in 2024, but it was not enough to increase the salaries significantly. For example, the average salary of assistant to judge is still below the average salary of the public sector. On March 2024, there were vacancies for up to 69 of 779 assistants to judges and up to 58 of 685 hearing clerks, and this problem still remains relevant as there are almost no candidates for these positions as well as court staff leaves for other institutions due to the low salary.

In 2024, the problem of insufficient funding of salaries over the last 3 years has also affected the National Courts Administration – the body insuring the efficiency of the court system, its government and organisation of work as well as the independence of judges and autonomy of courts. Long-term highly qualified employees started to leave the institution, and it is becoming more and more difficult to attract new qualified employees because of the uncompetitive salary.

On 13 December 2024, the Judicial Council met with the President of the Republic. The Chairperson of the Judicial Council presented the current situation in the judicial community, its needs, planned directions of activity, and expectations from constitutional partners. Issues important to the entire judicial system, methods of their resolution, and changes in legal acts were also discussed. During the meeting, the Judicial Council emphasized the need for regular and continuous cooperation with constitutional partners, because only then the needs of the judicial community will be promptly heard and resolved. It is expected that by cooperating with constitutional partners, without violating the principle of judicial independence, it will be possible to resolve issues related to the implementation of the Government's program provisions in the field of effective justice. Only by respecting independent courts and judicial self-government and ensuring financial security and stability can the administration of justice be effectively implemented. As priority issues to be resolved with constitutional partners in the near future, the Judicial Council identified the approval of a court financing model defined by objective criteria, an increase in the salaries of assistants to judges and other court personnel, and the creation of a long-term program focused on investments in the renovation and modernization of court buildings.

The procedure for allocating funds is considered to be defective, therefore, one of the initiatives at the General Meeting of Judges, which is the highest institution of the self-governance of courts, was to initiate the creation of a formal cooperation format, which would help the judicial community to be more heard and would provide an opportunity to participate in the development of the creation of a court financing model based on objective criteria.

The system of selection of judges is operating fairly stably. In 2024, the President of the Republic appointed 28 judges to the positions of district court judges (18 judges were transferred to courts of the same level), 14 judges to the positions of judges of higher-level courts, 3 judges to the positions of court presidents, 8 judges to the positions of deputy presidents and 4 judges to the positions of presidents of a court division. In retrospect, the President of the Republic appointed 50 judges to the relevant positions in 2022, 60 judges in 2023, and 57 judges in 2024. However, the number of vacant judicial positions remains quite high (on 31 December 2024, there were 62 vacancies), and this is determined not only by the organisation of appointment of candidates to the judicial office procedures, but also by other factors, such as an insufficient number of candidates and poor pass rates for the judicial exam. All parties involved in this process agree that there is a need to find ways to solve this problem. The judicial community has doubts about whether the new procedure for compiling lists of candidates to the judicial office in district and regional courts is working as expected, as well as

about the objectivity of the criteria for selecting candidates to the judicial office, which may determine the choices of the President of the Republic of Lithuania (to choose a candidate other than the first one on the list). There is an initiative from all parties involved in this process to review the criteria for evaluating candidates to the judicial office, as well as the procedure for compiling the general order lists of candidates to the judicial office in district and regional courts.

The reform processes. According to the 29 June 2023 amendments to the Law²³ on Establishment of District Courts of the Republic of Lithuania and the Determination of the Territories of their Activities (hereafter – the Law on Establishment of District Courts), the reform is divided into two stages. At the first stage, as of 1 January 2024, five court chambers (in 5 district courts), which had inefficient court buildings and too low workload have been abolished. The redundant court buildings have been transferred to the state-owned company “Turto bankas” that centrally manages state real property for administrative purposes. After the court chambers were closed, the availability of court services has been ensured for residents. According to the need, the outgoing court hearings are being organized, if needed, the contracts are being made with the local self-government institutions for the provision of premises to ensure certain court functions, etc.

In accordance with the principle of irremovability of judges, the Article 3 of the Law on Establishment of District Courts foresees that any changes to the structure of the court (the abolishment of the court chambers as territorial divisions) do not affect the exercise of the powers of the judges appointed to that court until 31 December 2023.

The judges, appointed until 31 December 2023 to the district courts which structure have been changed, after the entry into force of this law continued to work in the relevant district court, and are considered to be appointed to that district court or those court chambers in the territory of which the court chambers to which they were appointed operated. Therefore, the decrees of the President of the Republic, by which judges are appointed, regarding the place of work of judges must not be drawn up in accordance with the new regulation, and judges are considered to be appointed to the court in the territory of which the appointed judge operated. The personnel of the court chambers have been offered to move to another court chambers in accordance with the procedure established by the legal acts.

On 25 June 2024, in order to implement the second stage of district courts reform by consolidating the chambers of certain district courts and reducing their number (after reform there will be 11 district courts and 27 court chambers instead of the current 12 district courts and 43 court chambers), as well as changing the activity territories of some district courts, Seimas of the Republic of Lithuania adopted the Law on District Court Reorganization and amendments to the Law on Establishment of District Courts, which changed the date of district courts reform from 1 July 2024 to 1 January 2025²⁴. The adopted laws also establish that, unlike what was envisaged before the adoption of the laws, the District Court of Plungė will not be reorganized by dividing the rights and duties of this court to the District Court of Klaipėda and the District Court of Telšiai, but by the method of annexation will be reorganized by transferring the rights and duties of this court to the District Court of Klaipėda. All the rights and duties of the District Court of Plungė, which will end after the reorganization, will be transferred to the District Court of Klaipėda operating after the reorganization in 2025. Since 1 January 2025, the District Court of Klaipėda will consist of two chambers (Chamber of Klaipėda City and Chamber of Plungė). This change was not coordinated with the courts and disrupted the courts' preparations for the implementation of the reform from 1 July 2024, since the postponement of the reform on the eve of it to 1 January 2025 affected the courts' property (e.g. transfer of buildings), financial (building maintenance, salaries), and ICT issues (planned changes to ICT systems had to be urgently canceled).

²³ <https://www.e-tar.lt/portal/lt/legalAct/53b4b4701fb411eeb233e8b04dc9bb3d>

²⁴ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/88e3a4e0346b11efb121d2fe3a0eff27?jfwid=r96skxllw>

Taking into account the workload, operational efficiency and other evaluated criteria of the existing district courts and their chambers, from 1 January 2025 it is planned to enlarge the chambers of district courts, by abandoning part of the chambers, as well as by changing the areas of activity of some district courts. It should be noted that according to the amendments to the Law of Establishment of District Courts, the areas of operation of the district court chambers will be combined, but in most cases the buildings of the former court chambers will remain, court hearings will be held in them, and the availability of court services to the residents will be ensured. This process will be carried out in accordance with the principle that the distance from the central court chambers to the other court chambers of the same court should be about 60 kilometres. Such a distance is emphasized in the international recommendations on the mapping of the judicial system, as ensuring the right to a court in the territorial aspect of accessibility for people. At the same time, an additional possibility has been established if one of the parties to the case demands to use court video conferencing in the premises of the district court or the court chambers where the party would have to come if the case were to be heard live according to the procedure of oral proceedings.

After combining the territories of the district court chambers, maintaining the infrastructure of the former court chambers (court buildings), there may be a need for the judges of the same district court chambers to go to hear cases from one court chambers premises to the other premises in the territory of that district court. So, the Seimas of the Republic of Lithuania adopted the amendments to the Law on Courts²⁵, establishing that if there are several premises of the court or court chambers to which the judge or judges hearing the case are appointed, the travel expenses of the judge are reimbursed in accordance with the procedure established by the Government of the Republic of Lithuania, when the case is heard in the premises of the same court or the same court chambers located in another residential area.

In addition, in order for judges to clearly know in which specific premises their workplace can be located, the Law on Courts was supplemented with the provision that if there are several premises of a court or court chambers, the President of the Republic, when appointing a judge of a district court, indicates the residential areas where the court or court chambers premises are located and where the judge will work.

In order to make court proceedings more efficient, along with the changes to the court map, the amendments to the Code of Civil Procedure of the Republic of Lithuania were made. The amendments and adaptation of the Lithuanian Courts Information System (hereinafter – LITEKO) for such an automated allocation of cases among all district courts allow to automatically distribute the majority of cases heard in district courts according to the written procedure (additionally about 30,000 civil cases, which would make up about 21 percent of all received civil cases number) to all district courts after assessing the workload of the courts.

The amendments also established that if a case heard in district court according to the written procedure is decided to be heard according to oral procedure, such a case shall be heard by using electronic communication technologies.

If at least one party makes a motivated request to directly participate in the court hearing without the use of electronic communication technologies, and the court recognizes this request as reasonable, or the court on its own initiative recognizes that it is necessary to hear the case with the direct participation of the parties in the court hearing, the court hearing takes place in the district court or in the court chambers that have a jurisdiction over the case.

²⁵ <https://www.e-tar.lt/portal/lt/legalAct/d42b0eb01fb411eeb233e8b04dc9bb3d>

After the reform it is expected that people will be guaranteed justice of the same quality and speed both in big cities and regions. The existing infrastructure of the courts will not fundamentally change (except for the above-mentioned 5 district courthouse buildings, which were abandoned during the first stage of district court reform, other changes in the second stage of the reform are related to the consolidation and reallocation of district court chambers territories), while the quality of the administration of justice will improve, as judges will be able to specialize, and the allocation of cases heard according to the written procedure throughout Lithuania will ensure that the cases will be heard more quickly. After optimizing court resources, the saved funds will be used to promote court staff and develop innovations on courts.

The reform processes are being implemented gradually, starting from 2024 and ending in 2026. During the reform 11 judges' vacancies have been abolished. Further reductions will be discussed within the judicial community, taking into account the workload of courts after the implementation of the reform.

The Judicial Council, implementing the measure "2.3 Creation of an optimal model for calculating the workload of judges" which is provided in the priority direction "Improving services and processes, ensuring quality, openness to innovations, and human-oriented services" of the Vision for the Development of Lithuanian Courts for 2023-2033, as well as the measure " 2.10 to determine the optimal workload of a court / judge and to create a strategy for the formation of the judicial corps" which is provided in the strategic directions of the Judicial Council for 2021-2024, approved by the Resolution No. 13P-27-(7.1.2) of the Judicial Council of 26 February 2021, by its Resolution No. 13P-173-(7.1.2.) of 1 December 2023 approved the Methodology²⁶ for determining the optimal workload of a district court (judge) (hereinafter – the Methodology) and recommended the Methodology to be applied from 1 December 2023 in Vilnius City, Klaipėda and Marijampolė District Courts, and in other district courts – from 1 July 2024. It is planned to start applying the Methodology in all district courts in the near future.

The reform of district courts will also affect the activities of regional courts, including their workloads. There is a trend that has persisted for several years regarding unequal workloads among regional courts. The President of the Court of Appeal of Lithuania periodically decides on the possibility of transferring cases from one regional court to another. On one hand, the aim of doing this is to reduce the differences in the workload of judges in certain regional courts, to equalize the indicators of the number of cases being heard, and to ensure a more operative hearing of cases. On the other hand, the aim of doing this is to allow judges working in courts of different regions have the same opportunity to hear diverse and complex cases. These circumstances led to the start of the discussions on the revision of the number of judges in the regional courts, and at the same time to assess whether the decision to reduce the number of judges in the regional courts would keep the work in all regional courts efficient, or whether the administrative costs would be justified. Thus, on 27 October 2023 the Judicial Council adopted the resolution setting up the working group, tasked with drawing up proposals on the possibilities of reforming the network of courts of appeal (Lithuanian Court of Appeal and Regional Courts). The working group has analysed statistical data, collected foreign case law on the network of courts of appeal, and discussed possible criteria for optimizing the network of courts of appeal. The activity of the working group is not finished yet. However, following the reform of district courts, as well as the amendments to the Code of Civil Procedure of the Republic of Lithuania regarding the jurisdiction of cases between district and regional courts, and considering the fact that amendments to the Code of Criminal Procedure of the Republic of Lithuania have been submitted to the Seimas, which (if adopted) will affect both the number of cases transferred to courts and the allocation of cases between district and regional courts, it would be possible to return to the issue of the reorganization of courts of appeal only after assessing the above-mentioned changes.

²⁶ <https://www.e-tar.lt/portal/lt/legalAct/ebb4c530950211eea5a28c81c82193a8>

During 2023, preparations for the reform of district administrative courts took place. The plan for the reorganization of the regional administrative courts was prepared and implemented, according to which the procedures for reorganization of the Regional Administrative Court were carried out by merging it with the Vilnius Regional Administrative Court. After the reorganization, as of 1 January 2024, administrative cases are being heard at first instance by a single court – the Regional Administrative Court, consisting of five court chambers, which operate throughout the territory of the Republic of Lithuania. Based on the provisions of the Law on Reorganization of Administrative Courts, the reorganization has not affected the exercise of the powers of judges appointed until 31 December 2023, due to the reorganization, the workplace of the judges has not changed.

On 31 August 2024, the amendments to the Description²⁷ of the Procedure for Reducing the Workload of Judges, approved by Resolution No. 13P-203-(7.1.2) of the Judicial Council of 13 December 2019, entered into force.

The amendments were adopted taking into account the fact that the Seimas of the Republic of Lithuania on 9 May 2024 adopted Law²⁸ No. XIV-2613 on Amending Articles 44¹, 98, 101 of the Law on Courts of the Republic of Lithuania No. I-480 and Supplementing the Law by Article 44³, which aims to harmonize the provisions of the Law on Courts with the provisions of the Labour Code of the Republic of Lithuania and thus ensure additional social guarantees for judges.

Following changes in the legal regulation of social guarantees for judges, it was necessary to clarify the provisions of the Description of the Procedure for Reducing the Workload of Judges and supplement the Description in cases where a judge's workload is reduced at the judge's request, based on the need to care for (look after) a family member or a person living with the judge, as well as at the request of a pregnant, recently given birth or breastfeeding judge, a judge raising a child under the age of eight, a single judge raising a child under the age of fourteen or a child with a disability under the age of eighteen. By approving the amendments to the Description of the Procedure for Reducing the Workload of Judges, the provisions of Article 44³ of the Law on Courts were implemented, additional social guarantees for judges were ensured, and new grounds and criteria for reducing the workload of judges were established.

Meanwhile the salaries of civil servants working in the courts, such as assistants to judges and hearing clerks remains really very low, and this situation makes it difficult for the courts to find competent personnel. At present, the salaries of experienced and competent civil servants and contract staff working in the judiciary are well below the national average, as the judiciary is not provided with the necessary funding.

Furthermore, there are almost no candidates for these positions as well as competitions do not take place, because there are no candidates who would like to participate in them, or candidates who have registered do not come to the competition or do not collect the minimum number of points. Therefore, courts cannot find competent, and sometimes any staff, while offering the current salary, and such a situation has a direct negative impact on the quality and duration of the proceedings and the service of individuals in the courts. On March 2024, there were 11 percent vacancies of court staff (excluding judges).

In 2024, preparing the State budget for 2025, additional allocations have been allocated to the courts for 2025 in order to increase the official salary coefficients of assistants to judges. Also, additional allocations have been allocated in 2024 for salaries of assistants to judges, hearing clerks and psychologists. However, while having such low salaries, the added additional allocations in two past years are not sufficient and do not solve the problem of long-term salary backlog.

²⁷ <https://www.e-tar.lt/portal/legalAct.html?documentId=52e6bc4066bd11efafbb8694c098bac5>

²⁸ <https://www.e-tar.lt/portal/lt/legalAct/22b9de2012bd11efbcbfb318996800a8>

The problem of insufficient funding of salaries is relevant not only for the courts but also for the National Courts Administration, which salary fund has increased only by about 4 percent annually in the last two years and additional salary's allocations have been allocated only for horizontal decisions in the public sector, such as the increase of the minimum monthly wage, changes of base amount of salary, etc.

In 2024, with the approval of the Government of the Republic of Lithuania, it was decided to renovate the building of the Supreme Court of Lithuania (the work is planned to be completed by 2028, the value of the work is almost 15 million euros). Moreover, in 2024, the renovation project of Klaipėda Regional Court and Regional Administrative Court, Chamber of Klaipėda has been continued (preliminary project value – EUR 10.3 million euros). However, this is not enough to meet the needs of the courts, given the fact that all court buildings are getting old, and funds are not allocated for their fundamental renovation.

It should be noted that the state pension of a judge is an extremely important and significant social guarantee, increasing the attractiveness of the position of a judge. However, in 2024, the Government of the Republic planned to initiate a reform of the state pension of judges before the end of its mandate. This idea is a concern for the judicial community, as it may worsen the situation and further affect (by reducing) the number of those wishing to become judges and encourage the number of those who are leaving the judicial office. According to the initial draft submitted in 2024, in the consideration of which the Judicial Council was included only in the final stage, a threat to the independence of judges is visible.

In May 2024, the Judicial Council applied to the Ministry of Justice of the Republic of Lithuania initiating the amendments to the Law on Courts in order to regulate the activities of courts during mobilization and war.

- **Conseil National de la Justice of Luxembourg**

The Council has regular contact with the Ministry of Justice as well as with other institutions in the country. There were no challenges during the reference period.

- **Commission for the Administration of Justice Malta**

When information is required from the other State powers, such information is requested and same is supplied by the State powers/government body/state organisation concerned. Relations are cordial. No challenges.

- **Raad voor de Rechtspraak/The Netherlands Council for the Judiciary**

The Council for the Judiciary represents the interests of the courts in the political arena and in (national) administration and government, notably the Minister of Security and Justice. The Council is the coordinating administrative body for the judiciary. While the Council for the Judiciary forms part of the judiciary, it does not administer justice itself.

The Council does not fall under the responsibility of the Minister of Justice or any other government body. This special position can be derived from the principle that the Judiciary must be impartial and independent, which applies both to the Council and to the Judiciary as a whole. The special status of the Council is enshrined in the Judicial Organisation Act.

The Netherlands is a high-trust society, which means that actions are often taken based on unwritten constitutional law. The systemically responsible Minister is involved in appointment procedures, but - on the basis of unwritten agreements - the Minister has never intervened in practice. As a rule, the Minister will accept a candidate proposed by the Council. This is a sign of a high-trust society. The Council finds it important to continue strengthening both laws and regulations and this culture of justice. As mentioned, reducing the minister's role in appointments, is one of the recommendations made by the Council; a binding nomination from the judiciary after a procedure in which representatives of the government no longer play a role. This fits better with the separation of powers. Furthermore, the position of the Council may be anchored in the Constitution. In order to fall back on more than just that legal culture.

We welcome the new government's plans where the emphasis is on the importance of the rule of law and its commitment to a just society. On the other hand, in a number of situations, solutions to social problems seem to be sought in limiting access to justice: for example, in limiting appeals in asylum cases or in relation to construction projects. Access to justice is one of the principles of the rule of law and the Council calls on the government to keep legal protection citizens in mind.

Access to justice and legal protection are important focal points in the legislative opinions issued by the Netherlands Council for the Judiciary. The Council has the task to advise the government and the States-General on legislation and policy regarding the administration of justice, upon request or upon its own initiative. The Council's advisory task is laid down in the Judicial Organisation Act. Other major focal points in the Council's legislative opinions are - inter alia - substantive aspects such as the solidity of the legislative proposal and practicability/feasibility for judges as well as the possible impact on the workload of the courts.

A legislative proposal implementing GRECO's recommendations with a view to strengthening the independence and impartiality of the Judiciary was discussed in the House of Representatives in 2024. The Council issued an opinion upon²⁹ its own initiative following a number of proposals for amendments. The legislative proposal is still pending in the House of Representatives.

- **OBT/ Judicial Council of Hungary**

Relations between the Council and other organs of state power were fraught with difficulties during the reference period. The legislative and executive branches have tried to obstruct the Council's right to comment on legislation. The Council was unable to play an adequate role in the process of organisational restructuring that was under way. These problems have not yet affected judicial independence.

- **Conselho Superior da Magistratura/CSM Portugal**

In 2024, the High Judicial Council collaborated closely with the Government and the Assembly of the Republic, issuing opinions on legal diplomas related to the judiciary's organisation and administration of justice. However, key areas requiring attention remain, many of which are similar to those identified in the previous report and depend on governmental action:

- 1- The approval of the revision proposal presented by the High Judicial Council to the Ministry of Justice for the revision of Law No. 36/2007, of 14 August, which approves the regime for the organisation and functioning of the High Judicial Council. Law No. 36/2007 is no longer aligned with reality in view of the changes introduced in the composition,

²⁹ [2024-22-advies-amendementen-bij-het-GRECO-wetsvoorstel.pdf](#)

functioning and competences of the High Judicial Council as a court administrative body. It became imperative to realign the organisation and functioning of the High Judicial Council with Law No. 67/2019, of 27 August, which approved the amendments to the Statute of Judicial Magistrates, with effect from 1 January 2020. Following the dissolution of the Assembly of the Republic by the President of the Republic on 15 January 2024, and the subsequent inauguration of a new government on 2 April 2024, there have been no further developments, despite the contacts made by the High Judicial Council.

- 2- The financing of the courts and of the High Judicial Council is problematic. The budget credits allocated are consistently below requirements, which has a detrimental effect on the activity of the courts and the Council.
- 3- the number of court staff in the courts remains extremely low in relation to the workload. The government's initiatives to address this problem have been insufficient. According to trade union data transmitted in February 2024, the judicial services had [1,800 court clerks missing](#) and [there were districts at risk of collapse](#). The lack of acceptance of appointments is an increasingly recurring problem in the profession, with a union telling the media that the tender launched in 2023 for 200 new judicial employees, which alone would no longer be enough to "fill the departures of 2023", was also marked by the [withdrawal of a considerable number of nominees for the posts](#). The failure to meet the needs led to the authorization of the [recruitment of 108 workers](#) for the career of court clerks, using the recruitment reserve (candidates approved, but not hired from the 2023 competition), and only five previously approved candidates said they were interested in hiring. Union data also pointed out that in 2024, 459 court clerks would retire.

In September 2024, the Ministry of Justice initiated a new tender process for the recruitment of 570 court clerks, which was concluded in December 2024. The successful candidates are scheduled to commence their duties on 13 January 2025.

- 4- The revision of the Statute of Court Clerks continues to generate concern. In July 2024, negotiations with one of the unions resumed. The other union in the sector did not reach an agreement with the tutelage, and scheduled a strike from June 28, for an indefinite period, on Wednesday and Friday mornings, until the tutelage gives in to its demands. In December 2024, the Ministry of Justice presented a new proposal to revise the career of judicial officers. This proposal suggests the division of the career into two categories, differentiating graduates from non-graduates, with different levels of functional complexity. The proposal was met with criticism by the unions, who considered it unacceptable, due to the lack of a real salary revaluation and the division of the career. The career review was thus postponed to the first half of 2025.
- 5- There are still some issues related to electronic equipment. The issue of obsolescence with computer equipment, as well as the lack of scanners and printers, is a recurring problem in all districts. There is also a lack of videoconferencing equipment, large screens and sound systems that are suitable for the courtrooms.
- 6- The condition of the buildings and equipment did not undergo significant improvements during the last half of 2023 and the year 2024. The situations identified as most serious in

2023 remained largely unresolved, and new situations have emerged that require urgent/priority intervention:

- The lack of access for people with reduced mobility is a widespread problem, generating complaints and making it difficult for citizens with special needs to access justice.
- Water infiltrations, cracks, thermal insulation problems, degraded window frames, obsolete electrical and sanitary installations, lack of accessibility for people with reduced mobility and lack of adequate spaces for various functions (courtrooms, offices, waiting rooms, etc.) are common problems in many districts.
- Many buildings have suffered from lack of maintenance for years, with serious structural problems and the need for major interventions that are postponed.
- Some buildings are in such degraded condition that they compromise the safety and dignity of the services, even partially prohibiting their operation.
- The efficiency and organisation of the service is affected by a constant shortage of space for cases, offices and courtrooms.
- Many buildings don't have heating, ventilation and air conditioning (HVAC) systems, or have faulty systems, compromising thermal comfort and air quality in rooms.
- The absence or inadequacy of security systems and suitable places of detention raises concerns in several district courts.

Despite some initiatives by the political authorities, these have not had the expected impact, especially on the state of the buildings. Although some works have been completed and specific interventions carried out, such as repairing leaks in the roof of the Évora Palace of Justice, adapting the courtroom in the Montemor-o-Novo Palace of Justice for wheelchair access, the rehabilitation of the roof of the Palace of Justice in Paços de Ferreira or waterproofing work at the Sintra courthouse, the overall situation has not improved substantially, with many courthouses requiring immediate intervention, such as the Palaces of Justice in Vila Franca de Xira, Sintra, Portalegre Felgueiras, Penafiel, Rio Maior and Lisbon.

There is therefore still an urgent need for concerted and effective action to remedy the shortcomings in the infrastructure and equipment of the courts in Portugal. Shortcomings in facilities and equipment lead to postponements of proceedings, interruptions of hearings and difficulties in the day-to-day running of services, and inadequate working conditions affect the motivation and well-being of judicial staff. The situation affects the dignity of the services, the safety of workers and users and the efficiency of the administration of justice. The implementation of the Multiannual Plan for Investments in the Area of Justice 2023-2027 and the prioritization of the most urgent situations are crucial to ensure a modern, efficient and accessible judicial system for all citizens.

The High Judicial Council has been expressing other concerns that have worsened over the course of 2024, and which can only be overcome through legislative measures:

- 7- In recent years, at least three presidents of the Portuguese Supreme Court and High Judicial Council have been unable to complete their full five-year terms because they have reached the age limit of 70:
 - Counselor Judge António Joaquim Piçarra, elected in 2018, could not complete his five-year term, having to retire in May 2021.

- Counselor Judge Henrique Araújo, elected in 2021, left the presidency of the STJ in May 2024 having reached the age limit.
- João Cura Mariano, elected in May 2024 at the age of 66, will also not be able to complete his five-year term because of the age limit.

This situation has sparked a debate on the need to review the rules on age limits for senior positions in the judiciary. The vice-president of the High Judicial Council, Councillor Luís Azevedo Mendes, argued in October 2024 for a review of this limit, arguing that it is necessary to reconsider these rules and allow the terms of these positions of trust to extend beyond the age of 70.

- 8- In October 2024, the High Judicial Council, through its Vice-President, warned of the continuing decline in the number of judges, attributed to insufficient recruitment capacity. Although 46 new judges joined in 2024 from the Centre for Judicial Studies (CEJ), around 100 judges left the system due to retirement or other reasons. This downward trend in the number of judges represents a challenge to the efficiency and independence of the judiciary.
- 9- The recent dissolutions of the Portuguese Parliament in 2021 and 2024 give rise to reflections on the potential challenges to the independence of the judiciary, particularly with regard to the composition of the High Judicial Council.
 - These dissolutions led to the premature end of the four-year mandates of the members elected by the Assembly of the Republic, which had a significant impact on institutional stability. The early termination of the mandates could affect the continuity of the work of the High Judicial Council.
 - The composition of the Council, which consists of 17 members, seven of whom are elected by Parliament, seeks to maintain a balance between judges and external members. However, the frequent dissolution of the Parliament has the potential to change this composition, jeopardising the necessary neutrality of the body and creating conditions for a greater perception of politicisation. This context may have implications for the independence of the judiciary, as the frequent renewal of members may lead to greater political influence in the CSM, hinder the implementation of long-term policies and lead to a loss of experience accumulated by members.
 - International organisations, such as the Council of Europe's GRECO (Group of States Against Corruption), have recommended that at least half of the members of the SCM should be judges elected by their peers, which reinforces the need to ensure a balance that favours impartiality. Recurrent dissolution of parliaments may complicate the implementation of these recommendations. In addition, the constant changes in the composition of the SCM may undermine its effectiveness in supervising and managing the judicial system, thus affecting its ability to implement reforms and respond to the challenges facing the judiciary.

While parliamentary dissolutions are legitimate instruments of the democratic process, their impact on the functioning of the SCM invites reflection on the importance of mechanisms to ensure greater stability and continuity. In this way, the independence and effectiveness of the judiciary could be strengthened, to the benefit of society as a whole.

10- In Portugal, the allocation of court cases has been, since 2023, carried out electronically, with the aim of ensuring transparency and fairness in the allocation of cases to judges. However, recent changes to the allocation model [have raised concerns among judicial operators](#), which point to practical and operational challenges arising from the changes implemented.

Ordinance No. 86/2023 introduced significant changes to the procedure for the electronic allocation of cases in the judicial courts. One of the most debated changes is the requirement for the daily presence of certain judicial operators during the act of allocation. Although this measure aims to strengthen the integrity of the process, operators have pointed out that in courts with limited human resources, the application of this rule can overburden professionals and compromise efficiency. In addition, the obligation to make daily allocations, without distinguishing between courts of different size or capacity, has raised specific challenges, especially in courts with a small number of judges. The uniformity of application of these rules, with no provision for adaptation to different situations, is one of the main reasons for the requests for revision.

In this context, judicial actors have called for a careful analysis of the allocation model in order to promote adjustments that reconcile the principles of transparency and equity with the need for efficiency and adaptation to local specificities. A possible revision could contribute to the improvement of the system, ensuring that it responds more effectively to the challenges of the justice system and the needs of its professionals

- **Superior Council of Magistracy of Romania**

As Legislative Activity December Slovak Republic (EN) regards the **relationship of the Council with the other State powers (or specific government body or state organisation) during the reference period and the existence of challenges coming from them to the independence of the judiciary/judges**, we would point out that in 2024 the Superior Council of Magistracy was again actively involved in matters concerning the judicial authority, in accordance with the regulations concerning the judiciary and in direct cooperation the other powers envisaged by the rule of law.

The Council reacted publicly whenever necessary, by issuing press releases and forwarding them to the media for distribution in the public space.

The public positions expressed in 2024 are published on the Council's official website.³⁰

³⁰ [Press release on the position of the prosecutors' section of the SCM in relation to the comments of a mayor of a sector of the municipality of Bucharest](#)

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11133>

[Press release on safeguarding the independence of the judiciary from the allegations of a mayor of a sector of the municipality of Bucharest](#)

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11128>

[Press release on the defence of the independence of public prosecutors attached to the Judecătoria Sectorului 1 Bucureşti \(Court of First Instance, Bucharest Sector\) and the professional reputation of the prosecutor of the case](#)

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11136>

[Press release on the defence of the professional reputation of Mr Prosecutor Marius Voineag, Chief Prosecutor of the National Anti-Corruption Directorate](#)

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11138>

[Press release on the position of the section of judges in relation to comments by a public person against a judge](#)

<https://www.csm1909.ro/PageDetails.aspx?FolderId=11297>

The relations of the Superior Council of Magistracy with the Romanian Parliament resulted mainly in the approval of the legislative proposals under parliamentary debate and in expressing views on a series of legislative proposals.

As regards the relationship of the Superior Council of Magistracy with the President of Romania, this is regulated under Article 134 of the Romanian Constitution, republished, Law No 305/2022 on the Superior Council of Magistracy and Law No 303/2022 on the status of judges and prosecutors. Thus, the decisions of the Sections of the Superior Council of Magistracy on the proposals for appointment and release to/from the positions of judge and prosecutor were submitted to the President of Romania.

As regards the relations of the Superior Council of Magistracy with the executive power, the collaboration with the Ministry of Justice from the perspective of the legislative process is highlighted, in which the Council exercised its powers regarding the approval of the normative acts concerning the activity of the judicial authority, provided for in Article 39(3) of Law No 305/2022 on the Superior Council of Magistracy.

Another important component of these reports is the referrals sent to the Ministry of Justice through the Plenum or its specialised commissions, in the context of the cooperation between these institutions and the need to ensure the proper functioning of the judicial authority. Also, at the request of the Ministry of Justice, the specialised commission of the Superior Council of Magistracy submitted a number of points of view regarding the adoption, amendment or completion of certain normative acts.

Also from the perspective of collaboration with the executive power, the Superior Council of Magistracy also expressed views at the request of other ministries or other public authorities.

Last but not least, the participation of Council representatives in the work of the various inter-institutional working groups set up at the level of the Superior Council of Magistracy, the Ministry of Justice or, where appropriate, at the level of other institutions, on issues relating to the judiciary should be mentioned. Also, representatives of the Superior Council of Magistracy participated in several working meetings organised by the Ministry of Justice.

During the reference period, cooperation problems arose with the Ministry of Justice in the context of the **Ministry of Justice assuming the centralisation and management of the IT infrastructure of the courts.**

In essence, the Ministry of Justice has initiated a process of enrolment of court IT equipment, which is currently hosted and managed at the level of each court, in a centralised system hosted and managed by the Ministry. This transfer started in 2016 (but had not advanced substantially, having only been accelerated in August 2024) and was carried out without a real discussion outlining the consequences of the measure so that the Council could give its informed consent to the Ministry's approach.

In essence, this measure will lead to the takeover of all computers of judges and court clerks, as well as the entire database of the judiciary (including all decisions and documents submitted by the parties, as well as any other case-related data) on a server of the Ministry, managed and available to an entity of the executive power.

[Press release on the upholding of the request for the defence of professional reputation made by the Prosecutor General of the Prosecutor's Office attached to the Înalta Curte de Casație și Justiție \(High Court of Cassation and Justice\) in relation to the allegations of a public person](https://www.csm1909.ro/PageDetails.aspx?FolderId=11304)
<https://www.csm1909.ro/PageDetails.aspx?FolderId=11304>

This has raised concerns about the independence of the judiciary, due to the risk of unauthorised access to case data and sensitive information processed by courts.

Therefore, the Superior Council of Magistracy found that the centralisation of IT infrastructure under the management of an institution outside the judiciary can undermine the principles of separation of powers and independence of the judiciary.

In order to protect the independence of the courts, the SCM decided to temporarily suspend the centralisation process and issued recommendations for reconfiguration of the system in order to maintain the control in the judicial system.

This point of view is not only of the Superior Council of Magistracy,, but was expressed already in 2021 by the Consultative Council of European Judges (CCJE) in Opinion No 24/2021, which was also reiterated when Opinion No 26/2023 was adopted.

Thus, in Opinion No 24/2021, on the evolution of Councils for the Judiciary and their role in independent and impartial judicial systems, the CCJE stressed “the growing importance of information technology for the future of the judiciary and recommended that, where it exists, Councils for the Judiciary should have a role in this area in order to adequately protect the independence of the judiciary and ensure the quality of judges’ work in the future”^[1].

Furthermore, in Opinion No 26/2023, the CCJE emphasised the idea that ‘effective data security and data protection measures require effective and independent monitoring of the technology used by the judicial authority, as is generally the case in society. Such supervision could pose a significant risk to judicial independence if it were carried out by an executive or regulatory body, such as a national data protection supervisory authority, and not by a body of the judiciary’^[2].

The problem encountered by the Council with regard to the centralisation of databases has also come to the attention of the European Network of Councils for the Judiciary (ENCJ). In this respect, the ENCJ Executive Board adopted on 15.11.2024 **a statement on the involvement of the Councils for the Judiciary in judicial IT governance (annexed), in which it essentially stressed that** "within their mandate, the Councils for the Judiciary should have decision-making power both in the management of judicial databases (in terms of access to case data and in terms of their duties with regard to the protection of personal data) and in terms of applications used within the judiciary.

The Consultative Council of European Judges also discussed this issue at its 25th plenary meeting of the Consultative Council of European Judges (CCJE) on 4-6 December 2024.

Therefore, the IT reform processes of the judiciary should be carried out with the agreement of the Councils for the Judiciary, within their mandate and in line with their role as guarantors of the independence of the judiciary.”

In this context, the position of the Superior Council of Magistracy was that the centralization process can be done even on a server purchased by the Ministry of Justice within the projects financed by the NRRP, but the data itself must be hosted in a separate domaine of courts, where the sole data administrator is an entity in the judicial system (similar to the solution agreed in the case of prosecutor's offices), preferably the Superior Council of Magistracy, which has an integrated perspective on the needs of the system.

^[1] Opinion of the CCJE No 24 (2021):

Evolution of judicial councils and their role in independent and impartial judicial systems, paragraph (24)

<https://rm.coe.int/opinion-no-24-2021-of-the-ccje-romanian/1680a5e7ca>

^[2] Opinion of the CCJE No 26 (2023): By putting forward: use of assistance technology in the justice system,

paragraph (57) <https://rm.coe.int/ccje-opinion-no-26-2023-romanian/1680b1329d>

Although this solution can be implemented from a technical point of view, the Ministry of Justice did not approve this variant, arguing that under the NRRP it was established that the centralisation and taking over of the management of all data in the judicial system should be carried out at the level of the Ministry.

Although the Council cannot make its own assessment of this statement, as it does not have at its disposal the relevant data for the approval of the NRRPs by the European Commission, we consider that a financial instrument intended to support Member States, including for strengthening the rule of law, cannot lead, through the implementation of the projects, precisely to its weakening.

We therefore believe that, if such a measure has been approved by the European Commission, it would be appropriate to reconsider it, in order to establish in concrete terms the purpose and effects with regard to the independence of the justice system, which may not have been sufficiently explained.

Consequently, even in this hypothesis mentioned above, there may be mechanisms for re-establishing the facts in the projects, with the support of the European Commission, as has been the case before. We consider that we would find ourselves in a situation where such a rethinking of the competences with regard to the management of the databases of the judiciary is imperatively necessary, given that, otherwise, the premises are created for affecting the independence of the judiciary and infringement of the principle of separation of powers.

Details of the steps taken:

1. In the context in which the Ministry of Justice has started a process of enrollment of all computers in the courts, including the servers containing the databases with decisions and documents submitted by the parties (cases in electronical format), and of the judges' accounts in the just.ro domain, on **22.08.2024**, the Superior Council of Magistracy analyzed and found vulnerabilities generated by the process of enrolling court equipment in a centralized system, administered from outside the judicial authority.
2. This undertake, if completed, will give the Ministry of Justice (part of the executive power) the possibility to access any document in any case, as well as the contents of any computer of any judge or clerk in the judiciary, without a real possibility on the part of the courts or of the Superior Council of Magistracy, to prevent such access or to detect it (after it has occurred). Essentially, although security policies can be instituted, they are under the control of the Ministry of Justice, in its capacity as manager and administrator of the system, so that, theoretically, they can be easily changed by the Ministry without the possibility of opposition or knowledge of these changes. In any case, the audit would also be done by the ministry, so that, if there would be a suspicion of unauthorized access, the Council would have no means to directly audit such a suspicion, but could only ask the ministry, and the ministry would make that verification and provide the answer.
3. Thus, until this unilateral decision to centralize the entire IT infrastructure of the courts at the level of the Ministry of Justice, there was no similar situation that would create the possibility of unrestricted access to information from cases by an institution outside the judiciary. On the contrary, prior to this approach, the information in the ECRIS (electronic file management system) information systems were stored in a decentralized architecture, with separate databases for each court. Also, the equipment within the courts is, in some situations, centrally organized, but the centralization is carried out at the level of the court or higher court, not at the level of the Ministry of Justice.
4. Therefore, until now, IT solutions were not centralized and there was no technical possibility to access the data produced by the courts.

5. The enrolment of equipment and users in a centralised system managed from outside the judiciary is a vulnerability in itself, accentuated by the possibility that computers used by court staff can be accessed from outside the judicial system. Such centralization allows, from a technical point of view, the control, manipulation or unauthorized access of the information circulating on the equipment enrolled in the domain just.ro, outside the judicial authority, without an effective supervisory mechanism on the part of this authority. The documents in progress or the information of cases could be accessed or copied, modified without the knowledge of the person responsible for the case and without the reading/modification operation being able to be identified directly, but only with the assistance of the administrator of the information system, located outside the judicial authority.
6. In this context, the Council decided to carry out an analysis on the impact of the implementation of centralized solutions, in the context of the need to respect the principle of separation of state powers and the independence of the judiciary. Until this situation is clarified, it was decided to send a letter to the courts ordering the immediate suspension of the process of enrollment in the just.ro domain of the IT equipment of the courts, as well as of the judges' accounts, and the return to the situation prior to enrollment, where this process has already been started or completed.
7. In this context, on **05.09.2024**, in the exercise of its constitutional duty to ensure respect for the independence of justice, the Section for Judges of the Superior Council of Magistracy adopted Decision no. 1519/2024 (annexed) by which it found that by enrolling computers and servers in the courts in the just.ro domain, managed by the Ministry of Justice, a vulnerability is created that is likely to affect the independence of judiciary. On this occasion, it was taken into account that the technical steps aimed at centralizing the courts' equipment and storing data centrally outside the judicial authority, cannot in any way prevail over the guarantees of independence of the judiciary, a fundamental pillar of the rule of law.
8. In accordance with the commitment to open dialogue, on **17.09.2024**, the Superior Council of Magistracy accepted an invitation from the Ministry of Justice to participate in a meeting in order to discuss the serious constitutionality issues, highlighted by the Council, from the perspective of the intention to centralize the IT infrastructure of the courts at the level of the ministry.
9. During the meeting, the minister showed that a security solution that solves the vulnerabilities has already been implemented, and it is no longer possible for the Ministry of Justice to access the judges' computers. It was agreed during the respective discussions, at the level of principle, that the system envisaged to be developed cannot remain to be managed within the executive power, but must be transferred to the judicial authority, one of the options being able to involve the High Court of Cassation and Justice. At the same time, it was agreed to continue the discussions at technical level, within a working group, as well as to transmit to the ministry the written position of the Council, containing a legislative and technical analysis in which the proposed solutions would be highlighted.
10. As for the mentioned technical working group for identifying the optimal technical solution, the Council accepted the Ministry's invitation to participate in a technical meeting on **24.09.2024**.
11. On this occasion, it was found that the IT architecture proposed by the ministry involves the enrollment of ECRIS servers within the domain administered by the Ministry of Justice, and the latter will retain the privileges that allow it to continue accessing the information produced by the courts, regardless of the creation of an additional account (Enterprise) to be ceded to the High Court of Cassation and Justice.

12. As a consequence, the representatives of the Council found that the technical solution such as the one proposed by the Ministry, which involves enrolling the courts' equipment in a common domain, administered by the Ministry, even in the event of creating an Enterprise account to be taken over by the High Court of Cassation and Justice, is in direct contradiction with the principles established by the Superior Council of Magistracy by the Decision of the Section for Judges no. 1519/2024.

In these coordinates, it was considered appropriate to ask for the transfer to the Superior Council of Magistracy the attributions of the Ministry of Justice in the IT field concerning the courts, given that the digitization process requires specific technical and managerial expertise, which can be better ensured by the Council, which is composed of representatives of the courts, thus being in direct contact with the needs identified by them.

13. Thus, on **26.09.2024**, the Superior Council of Magistracy sent the Ministry of Justice Council's technical proposals in the context of the legislative framework. It was also decided to inform the High Court of Cassation and Justice about the Council's proposals, and the rest of the courts about the conclusions resulting from the activity of the technical working group, as well as to consult them in order to establish the optimal architecture of the courts' IT infrastructure, in compliance with the principle of the independence of the judiciary.
14. In the same context, it should be emphasized that according to Law no. 303/2022, the Superior Council of Magistracy is the authority responsible for personal data.
Through the solution proposed by the ministry, it would be practically impossible for the Council to fulfill the corresponding attributions, given that it would no longer be the physical holder of the data and would no longer have direct access to them, but only intermediated access, through the administrator of the IT system, namely the Ministry of Justice.
15. Another undesirable consequence would be that the Ministry of Justice, in its capacity as administrator of the system, will become the only authority with the power to impose security policies for the system, which implicitly will lead to the possibility of establishing which IT applications can be used by the judiciary. That is in contradiction with ENCJ's Rome Declaration (2024).
16. Finally, one last remark must be made. The same process of improving the IT infrastructure was initiated by the Ministry of Justice with regard to the prosecutors' offices and, in this case, the ministry designed and accepted exactly the architecture that the Superior Council of Magistracy requests, namely a centralized architecture at the level of the Prosecutor General's Office and administered by the Prosecutor General. Basically, in the case of prosecutors, the idea that existing data should be hosted and managed within the system, and not at the level of the executive power, was accepted, while in the case of judges, this is refused without any consistent reason.
17. At present, although the situation has remained deadlocked, the Council has received informal suggestions from political level that it would be good to reach an agreement.

Consistent with the openness to dialogue, the Council noted, however, that these calls envisage a possible agreement in the terms initially proposed by the Ministry, without taking into account the Council's proposals, which cannot be accepted according to the arguments previously exposed.

³¹Both the press release and the Sesija judgment for judges³² are annexed.

As regards possible challenges to judicial independence, it should be noted that in 2024 there was no request/referral to defend the independence of the judicial authority as a whole, and no specific case had been referred to the Council on the existence of an impact on the independence of the judicial system; The Council ruled, through its Sections, only three referrals to defend judges' professional reputation (by admitting one such request and rejecting 2 other applications for defending the reputation of judges) and prosecutors' reputation (by admitting 3 such request and rejecting another 3 to defend the reputation of a prosecutor) and on referrals concerning defending the independence of the judiciary (3 such referrals/requests were admitted and one rejected) and on defending the independence and impartiality of the prosecutors of the Public Ministry (one such referrals were admitted).

- **Sodni Svet/Judicial Council of Slovenia**

In 2024, the Judicial Council has continued its efforts to engage in a constructive and open dialogue with all three branches of power. **The focus has been on the elimination of the unconstitutionality found in the regulation of judges' salaries and the reform of the courts of first instance.** The first of the mentioned reforms concerns judicial independence and the second the efficiency of the courts and the status of judges. The least difficulties were encountered in communication with the Ministry of Justice, which is drafting new judicial legislation at the initiative of the judiciary. With the new composition of the Judicial Council, there has also been a renewal of the commitment to constructive cooperation with the President of the Supreme Court.

The Parliament, however, should have remedied the unconstitutionality found in the regulation governing judicial salaries by the beginning of January 2024 (Constitutional Court's decision U-I-772/21 of 1 June 2023). As this has not happened, in May 2024 the Constitutional Court acting *ex officio*, issued a supplementary decision on the manner of implementation of the above-mentioned decision. **Based on the supplementary decision, higher base salaries were paid to judges for the first time in September 2024.** Judges also received retroactive compensation for the salary differences from January 2024 onward, because that was the date by which the legislator should have implemented the Constitutional Court's decision. However, the Judicial Council agrees with the judiciary that the Government's choice of methodology for calculating the salary increase does not fully implement the Constitutional Court's supplementary decision.

According to the later, basic salary increase should have been determined by adjusting the June 2012 value of the judges' salary grades to the rate of inflation for the period from June 2012 to December 2023, which was 26,2 %. According to the decision, the salaries of judges shall be calculated and paid in the manner thus provided for until the entry into force of the provisions to be adopted for the implementation of the decision U-I-772/21.

Nevertheless, the basic salaries have only actually increased by 12,35 %, much to the disappointment of judges. The Judicial Council suggested that, in cases of disagreement with the Government's calculation, judges have the possibility to initiate individual labor disputes before Labor Courts. Similarly, the Judicial Council referred to the Labour Courts several appeals lodged by judges against

³¹ <https://www.csm1909.ro/PageDetails.aspx?FolderId=11498>

³² http://old.csm1909.ro/csm/linkuri/10_09_2024__117702_ro.pdf

salary decisions issued by the presidents of the courts when judges were promoted (the judges had requested to be placed in a higher salary grade than the one fixed by law).

It should also be noted that the increase in basic salaries only partially remedies the unconstitutionality found, namely the loss of their real value since 2012. The legislator was also due to address the significant disproportions between the salary classes of judges' positions compared to the salary classes of the legislative (and executive) branch functions, that were found to be inconsistent with the principle of separation of powers.

In October 2024, the Common Foundations of the Public Sector Salary System Act was adopted, which is (*inter alia*) intended to fully implement the 2023 Constitutional Court's decision. The Judicial Council was involved in the process of adopting this law, but its comments were not fully accepted. The discrepancy between the salary of the lowest-ranked first-instance judge and the minimum salary of a Member of Parliament remains significant, amounting to six salary grades, which corresponds to slightly over 19 % (of gross salaries), and the special flat-rate allowance received by Members of Parliament, which ranges between 500 EUR and 800 EUR net, was obviously neglected again. The legislator did not take into account the position of the Judicial Council that the salary grades of higher judges should also be increased accordingly, and that the salary grades of Supreme Court judges should at least be aligned with those of ministers. **The Judicial Council considers that the new act does not establish constitutionally compliant comparability of judges' and parliamentarians' salaries.** Furthermore, the Constitutional Court's decision will not be implemented as it should have been from 4 January 2024, but rather only during a transitional period until January 2028, in the form of partial amounts. The act shall enter into force on 1 January 2025.

The Judicial Council, following the adoption of the Act, emphasized that while it understands the disappointment of judges, it pointed out that the laws aiming to comprehensively regulate the status of officials and judges are still undergoing interministerial coordination. It reiterated its assurance that it continuously monitors the activities of the executive and legislative branches and will respond appropriately in cases of non-compliance with Constitutional Court decisions or potential violations of the principle of judicial independence.

During the legislative process for the adoption of new judicial legislation, possibilities to financially evaluate judicial work beyond average benchmarks were also explored. Given the decreasing number of resolved cases in courts and the increasing of the length of trials, the Judicial Council advocated for exploring the possibility of additional remuneration for judges handling cases at other courts (mobile judges), particularly demanding cases, or cases involving threats to the judge's safety. Furthermore, the Council proposed the provision of non-financial support for judges handling especially challenging and complex cases, such as additional paid leave. These proposals were not considered for discussion. The Judicial Council will continue to advocate in the legislative process for a framework on judicial remuneration that addresses all specific aspects of judicial work and preserves the dignity of the profession. This includes salary supplements (primarily due to the incompatibility of the judicial office and for mobility) and the regulation of the pension status of retired judges.

The reform of the now two-tier first-instance courts proposes the abolition of local courts, the primary objective of which is to equalize the workload across the eleven judicial districts, thereby enhancing the efficiency of courts—an important step in the protection of the constitutional rights. The Judicial Council has stated its support for the optimization of the court network through the establishment of districts as the fundamental organizational units and the introduction of a unified first-instance judge. However, it has consistently drawn attention to the past experience of two reforms of the same type, which resulted in delays in adjudication and organisational complications. The Council's focus therefore has been on the practical issues that are likely to arise in the event of

the abolition of local courts and the management of the remaining district courts. **It considers the abolition of local courts to be an excessive intervention in a system that is generally functioning well, and consequently supports the reform, only to a lesser extent.** The Council agrees with transferring judicial administration to judicial districts, abolishing the role of presidents of local courts, and introducing a unified first-instance judge (district judge). With regard to the network of local courts, an analysis would be appropriate to determine whether any of them should be abolished, as some operate with only one or two judges but with a larger number of public servants who could be more effectively reassigned to other courts. According to the Judicial Council, the key tools for greater flexibility of judges and judicial administration include judicial mobility between districts, district-level centralized judicial administration, and district-adapted organization of proceedings at individual local courts. The introduction of a unified (district) judge at the first instance, as proposed by the draft new laws, would allow each judge to adjudicate cases within the jurisdiction of both local and district courts.

The draft of the new Judges Act has seen an intense consultation process also regarding the **regulation of judicial performance evaluations, promotions**, salary allowances, and related matters. These are changes with a potentially wide-ranging impact on the position of judges, on which there have been significant differences of opinion between the judiciary, the Judicial Council and the proposer of the draft act. The latest proposal for a new law largely maintains the current regime of how judges' performance is evaluated and the types of promotions. The Judicial Council's view that automatic promotion of judges would be more appropriate, and that evaluation should only be carried out in cases of perceived negative performance and in cases of candidatures for senior judicial posts, has not been accepted. Meanwhile, the draft of the new Courts Act substantively defines the conditions for the reassignment of a judge to another legal field or subfield or to another internal organizational unit. Procedurally, it remedies the unconstitutionality in the appeals process against the reassignment of a judge, as determined by the Constitutional Court's decision of 24 April 2024.

In the past, there have been opposing views on the necessity and competences of the **Service for the supervision of court administration**, operating within the Ministry of Justice since 2017. The Service supervises court administration, particularly its organisation, compliance with the required quality of work of courts in dealing with court administration matters, it supervises the charging and payment of fees and the implementation of the Rules of Court. In 2024, the Judicial Council once again addressed the overstepping of the Service's competences. On this occasion, it reiterated that the exercise of the statutory powers of the Service must not infringe upon judicial independence and must be limited to court administration measures in accordance with the competencies and restrictions outlined in the Courts Act.

At the end of 2024, **public protests against the judiciary** took place during criminal proceedings against one of Slovenia's most prominent politicians. The politician in question addressed the public with statements that the Judicial Council identified as undermining trust in the functioning of the institutions of the rule of law. To the Council's view, directing the crowd with remarks about a "corrupt judiciary" sets a dangerous precedent, which the highest representatives of state authority should refrain from. Immediate responses in defense of the independent judiciary also came from the Ministry of Justice and the President of the Parliament.

- **Consejo General del Poder Judicial of Spain**

The renewal of the CGPJ in June 2024 has allowed to overcome the tensions of the previous Council, which remained in office for several years beyond the expiration of its legal mandate, with the rest of the powers of the State and other constitutional bodies

The new mandate of the Council began after the consensus of the main parties with parliamentary representation, which allowed the qualified majority for the appointment of the members. Once the political and legislative phase for the appointment and election of the members of the CGPJ has passed, this constitutional body functions with absolute normality in the fulfillment of its constitutional and legal functions without interference from political parties. The functional independence of the CGPJ and its members is therefore indisputable.

The Council's relations with the other powers of the State have been channelled and developed with absolute normality, in accordance with the principles of independence, respect and institutional collaboration. This has been evident in the activities carried out during the first months of the new Council's mandate, especially in the solemn opening of the courts, held at the Supreme Court, where the president of the Supreme Court and the Council had the opportunity to set the fundamental lines of her mandate.

The Council, in the exercise of its functions, guarantees the independence of judges and senior judges in their judicial responsibilities. He has participated with complete normality in the existing joint commissions with other authorities, especially with the Ministry of Justice, in those matters in which there are shared competences or in which the hearing of the Council for the Judiciary is necessary.

The Council continued to report on draft legislation directly affecting the administration of justice. Especially relevant has been the final approval, at the beginning of the eighth mandate of the CGPJ, of the report on the new Criminal Procedure Law, as well as the report on the preliminary draft Organic Law for the Protection of children in Digital Environments.

It is worth noting that the Judicial School and the training of judges and senior judges have become one of the priorities of the Council, with special emphasis on its proper functioning, on the constant monitoring of its work through the Judicial School and Training Commission, and on a standardized communication relationship with the management of the center in Barcelona and those responsible for initial and on-going training.

The same is true of the Council's presence in the various European and international judicial cooperation networks, in which alliances continue to be forged to work on the appropriate instruments for guaranteeing judicial independence, also in relation to the responsibility of its members, adequate training and, ultimately, all those elements that can contribute to the improvement of the public service of justice.

Another noteworthy element is that the so-called territorial vocalías have been taken up, which have as their function a normalized and regular relationship between the CGPJ, the single constitutional body, with the different political and jurisdictional authorities in the 17 Spanish Autonomous Communities. This is allowing to know first-hand the jurisdictional needs in the different territories, also the possible existing dysfunctions, and always within the competence of the Council, promoting, informing or supporting the possible improvements to be made. Relevant has been, for example, the Council's rapid reaction to the emergency situation that arose in Valencia after the devastating passage of the Dana.

3. If there were any challenges concerning the Council for the Judiciary (its functioning/independence etc) identified or recommendations made in the 2023 Rule of Law report, have these been addressed by the other State Powers or by the Council?

- **Supreme Judicial Council of Bulgaria**

The Supreme Judicial Council has already received a request for information from the Ministry of Justice and has presented its input on the actions taken, the progress made and the development of the topics covered by the relevant country chapters of the European Commission Rule of Law Report, as well as on other significant changes that occurred after January 2024.

- **Domstolsstyrelsen/ Court Administration of Denmark**

Complete the review of the legal aid system, taking into account European standards on legal aid.

The Ministry of Justice in Denmark has decided to transfer the task of reviewing the legal aid system to Retsplejerådet (Procedural Law Council under the Ministry). This decision follows the dissolution of the committee that was initially established in 2020 to propose reforms for the legal aid system. The committee has been inactive for some time due to various delays and challenges, including the COVID19 pandemic and subsequent administrative priorities.

Retsplejerådet will now examine the legal aid system, including its interaction with private legal aid insurance schemes. This move aims to better allocate resources and leverage Retsplejerådet's expertise in legal procedural matters. The exact start date is not specified, but the transfer of tasks indicates that the work should commence soon.

Introduce rules on 'revolving doors' for ministers and on lobbying and ensure adequate control of asset declarations submitted by persons entrusted with top executive functions.

The recommendation does not concern the Court Administration authority. However, no new rules regarding lobbying and "revolving doors" for ministers or members of Parliament have been introduced in 2024.

Advance with the process to reform the Access to Public Administrative Documents Act in order to strengthen the right to access documents, in particular by limiting the grounds for rejection of disclosure requests, taking into account the European standards on access to official documents.

Minor changes have been made to the Access to Public Administrative Documents Act in 2024 aimed at enhancing the protection of public employees in matters of access to information. The changes entail two amendments to the Access to Public Administrative Documents Act and one amendment to the Administrative Procedures Act. These amendments are designed to protect public employees from harassment, violence, and threats, particularly because the rules on access to information are sometimes misused to harass public employees.

With regards to the process of reforming the Access to Public Administrative Documents Act in order to strengthen the right to access documents as mentioned in the recommendation, progress has also been made in 2024 with the establishment of an expert committee tasked with proposing amendments to the Act, particularly those governing access to information in the political decisionmaking processes.

The current Access to Public Administrative Documents Act, which came into force on January 1, 2014, aims to ensure transparency within public authorities to support freedom of information and expression, citizen participation in democracy, public oversight of public administration, media dissemination of information, and trust in public administration. However, the Act also includes several exemptions where certain types of cases and documents are excluded from public access. This includes internal working documents, documents exchanged between ministries, and documents prepared for ministerial advice.

Several experts and politicians have criticized the Act for obscuring transparency in the political decision-making processes, and the Parliamentary Ombudsman has concluded that public access to information has been significantly restricted by the Act. Particularly, three sections of the Act have been subject to strong criticism for limiting the right to access information:

Section 22: This section blocks public access to the calendars of ministers and civil servants.

Section 24 (The Ministerial Service Rule): This section allows a document to be exempt from public access if it is deemed that the document was exchanged at a time when it was relevant to the civil service's advice to a minister.

Section 27, no. 2 (The Parliamentary Politician Rule): This section permits documents exchanged between authorities, ministries, and members of parliament to be exempt from public access.

Evaluations conducted in 2017 have highlighted the necessity for revising the regulations to enhance openness. As a result, an expert committee has been established in 2024 with the aim of proposing amendments to the Act that will increase public access to information regarding political decisionmaking processes, including professional assessments in the Administration.

The committee's mandate specifically includes addressing the rules in Section 24 and 27, no. 2, of the Access to Public Administrative Documents Act, but other sections that would help reach the purpose of increased public access may also be included, such as the principle of greater transparency in Section 14. In its proposal, the committee must also keep the protection of internal political decision-making processes and internal government discussions in mind.

The committee will also consider processing times for access to information requests and the possibility of introducing fees for processing such requests.

Finally, the Danish Court Administration notes that no changes have been made to the Administration of Justice Act which is the act that regulates public access to court documents.

- **Conseil Supérieur de la Magistrature France**

The Council has no direct competence in the implementation of public policies, including in the field of justice.

Thus, of the recommendations resulting from the Rule of Law report, the last two do not fall within its competence at all (rules on interest representation activities, media organisation) and on the first one (digitisation of procedures), the Council remains very vigilant on these issues.

Human resources are one of the positive points highlighted by the 2024 Rule of Law report, but the Council remains very vigilant on this issue. This point is at the centre of its actions and thoughts. Thus, in this area, the Council maintains close contact with the Minister of Justice and makes maximum use of its prerogatives in issuing its assent (or non-assent) or favourable (or unfavourable) opinions, in the appointment of magistrates.

Moreover, it hopes that the additional staff announced will actually be recruited but will ensure that their quality is maintained and that they are assigned in accordance with the needs of the courts.

- **Supreme Judicial Council for Civil and Criminal Justice & Supreme Judicial Council for Administrative Justice Greece**

Digitalization of justice is progressing in both civil/criminal and administrative jurisdiction, albeit slowly. Press judges have been appointed in most courts. Main recommendation about the involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit has not been addressed in 2023, as the appointment procedure is stipulated in the Constitution. Discussions about amendment of the Constitution in that regard.

- **Tieslietu padome/Judicial Council of Latvia**

2024 Rule of Law report contains following conclusions:

On this basis, and considering other developments that took place in the period of reference, it is recommended to Latvia to: • Take measures to ensure adequate safeguards against undue political influence in the existing appointment procedure for Supreme Court judges, taking into account European standards on judicial appointments.

The Judicial Council and Ministry of Justice are working on the amendments to the law “On Judicial Power” partially concerning the issues mentioned by the 2024 Rule of Law report.

- **Teisėjų Taryba/The Judicial Council of Lithuania**

Outlined under the previous topics.

- **Raad voor de Rechtspraak/The Netherlands Council for the Judiciary**

Two recommendations were made in the 2023 Rule of Law report that touch on to the responsibilities of the Netherlands Council for the Judiciary:

(1) Continue efforts to address shortages in human resources and challenging working conditions in the justice system.

Work pressure is a complex issue because perceived work pressure has several causes and is partly person dependent. As formulated in the Implementation Agenda 2023-2025, ‘[...] work pressure remains primarily an aspect of working conditions to be dealt with on the workplace by employees themselves and their supervisors’. With a project aimed at tackling work pressure (project verlagen werkdruk), we want to give managers and employees the tools to better deal with work pressure. From this project, we will invest further in creating awareness concerning workload in 2025.

On 23 April 2024, a report exploring the workload of the judiciary and public prosecution service was published by J. Winter, an independent expert. The report contains 32 recommendations that include improving the labour market position, the organisation of work, caring for overburdened colleagues and the deployment of support staff and deputies. The report contains valuable recommendations to reduce workload in the judiciary. Some of these recommendations are already ongoing actions. However, a number see to an (institutional) renewal or change.

As a result of the report, an implementation plan (Implementatieplan Werkdruk verdient blijvende aandacht) was drawn up. This brought together current and new initiatives to tackle workload within the judiciary. It concerns several categories recommendations from the report. The first category concerns matters relating to working conditions. The other categories range from organising work more efficiently and making optimal use of manpower within the organisation to cooperation between courts. For example, two recommendations concern wider deployment of experienced legal

advisors and legal support; this should reduce the workload of judges. There are also recommendations that are translated into more active pre-trial directing by judges. The judiciary expects that pre-trial directing before the hearings, across all jurisdictions and in a wide range of cases, can lead to fewer hearings and quicker clarity for litigants. At the moment, successful pre-trial direction often results in the case being withdrawn for hearing. The current funding model of the judiciary does not provide for an adequate contribution for active direction, which currently prevents further implementation.

Reducing workload is also included as a specific focus of ongoing innovation projects. With the employee satisfaction survey in 2025, it will be assessed whether the measures taken have led to an initial reduction in perceived workload.

(2) Ensure an adequate follow-up to the recommendations of the State Commission on the Rule of Law, strengthening the legal protection of citizens.

The State Commission on the functioning of the Rule of Law presented its final report (the broken promise of rule of law) on 10 June 2024 with ten proposals aimed at strengthening the legal protection of citizens. One of its many valuable recommendations is to set up - in a nutshell - a structural dialogue between the state powers. The judiciary is an advocate of a structural dialogue between the legislative, executive and judiciary powers and is therefore very pleased that this recommendation has been given a place in the coalition agreement of the new government. Such a dialogue should focus on the functioning of the democratic rule of law, for instance on unjust or restrictive legislation.

- **Országos Bírói Tanács / Judicial Council of Hungary**

The 2024 Rule of Law Report noted that the Council's powers had expanded significantly in mid-2023. The challenge for 2024 was to ensure that the Council could make proper use of these significantly expanded powers. The challenge at present is still to ensure that the Council can exercise these powers properly.

- **Conselho Superior da Magistratura/CSM Portugal**

As mentioned in the answers to the previous questions, the challenges identified with regard to the functioning of the High Judicial Council and the independence of the judiciary and judges have not yet been satisfactorily addressed by the other branches of the State, although some initiatives to overcome some of these obstacles in the judiciary have been mentioned.

Within the limits of its competences and powers, the Council has endeavoured to address some of these challenges. Here are some examples:

I. The High Judicial Council has included in its agenda "issues related to the digital environment affecting the processing of cases, judges' hardware, computer programs, network infrastructures, training and personalised technical support". Since 2023, it has been designing and developing innovative solutions with RRP funding of around two million euros. To support these initiatives, the Council has set up the Support Group for the Electronic Processing of Cases (GATEP) to promote the development of IT tools for use in the courts and to support the use of these tools by judges.

Throughout 2024, GATEP's activities will focus on four key areas: assisting the courts in solving the problems posed by the electronic processing of cases, training judges, developing new technological solutions to the day-to-day problems of the judiciary and international cooperation.

- In terms of support to the courts, GATEP focused on identifying and solving problems related to electronic processing, particularly in the higher courts. Changes were made to CITIUS to allow the Courts of Appeal to access the entire first instance proceedings, including audio support, and to download court orders in Word format, thus saving time and increasing convenience.

- Training sessions were held in the Courts of Appeal, focusing on the technological tools necessary for the electronic processing of appeals. Training in document management and artificial intelligence was also promoted.

- In the development of new technological solutions, GATEP worked with universities to plan future tools and delivered three small applications: a deadline and interest counter and an image scanning service. GATEP is also working on new tools such as online training, discussion forums, digitisation and conversion of criminal records, automated indexing and case-law search systems.

For the courts of first instance, GATEP has also created the ALTEC structure to provide support in highly complex cases, assisting judges in tasks that are not judicial in nature, but require a great deal of physical and mental effort, thus allowing for the optimisation of the management and presentation of procedural information. An important tool used by ALTEC is the SEGIP (Procedural Information Management System), which aims to improve the management and presentation of procedural information. This includes documentation management, test organisation and other administrative tasks, allowing judges to concentrate on their core business.

II. On 30 October 2002, the CSM approved the creation of an Occupational Health Office (GSO) with the aim of promoting the health and safety of judges, in response to the growing concern at European and national level for the mental and physical well-being of professionals. This initiative is in line with the right to decent and safe working conditions enshrined in national legislation and in the European Pillar of Social Rights, which advocates the protection of health and the adaptation of the working environment to the needs of workers.

In a first phase, this office will be composed of an organisational psychologist who will coordinate with an external occupational medicine company and the management bodies of the courts in order to identify and mitigate occupational and psychosocial risks. The GSO's main tasks will be to analyse and improve working conditions, prevent occupational diseases and accidents, and develop stress management and burnout prevention training. The GSO aims to contribute to the promotion of a healthier working environment, with direct benefits for the quality of life of judges and the effectiveness of the courts.

- **Superior Council of Magistracy of Romania**

As regards **the challenges of the judiciary (its functioning/independence, etc.) or the approach followed by the Council in the 2024 Rule of Law Report, we note that** in the 2024 EC Rule of Law Report – Chapter on the rule of law in Romania, one of the recommendations referred to **completing the process initiated in view of taking into account the recommendations of the Venice Commission on the Justice Laws**, including through consultations and assessments to further improve justice laws on a future occasion

In this regard, the representatives of the Superior Council of Magistracy participated in the discussions in the working group set up at Ministry of Justice level on the recommendations made by the Venice Commission to:

1. Establishing a competitive selection procedure for deputy managers in courts/prosecution offices;
2. increase in the term of office (non-renewable) for high-ranking prosecutors (DNA Chief Prosecutor, Chief Prosecutor DIICOT, Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice and their deputies, as well as for the prosecutors heads of sections of the prosecutor's office attached to the High Court of Cassation and Justice, DNA and DIICOT);
3. limitation of the possibility for the Prosecutor General of the Public Prosecutor's Office attached to the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice) to invalidate the measures ordered in any case.

As regards the **first recommendation**, the Superior Council of Magistracy considered that the legal rules in force were appropriate and that there was no need to amend it in order to introduce the mandatory nature of the interview in the appointment procedure to the office of vice-president and president of section of the first instance courts, tribunals, specialised tribunals and courts of appeal and in the corresponding functions of the public prosecutors' offices attached to those courts.

In that regard, it was taken into account that by law the interview when appointing to these positions is not provided as a mandatory stage of the procedure, but is left to the discretion of the relevant section of the Superior Council of Magistracy

As is known, the notification of the proposal for appointment to the relevant section of the Superior Council of Magistracy is preceded by a laborious procedure, regulated in detail by law.

Thus, each application must be accompanied, inter alia, by a project on the performance of duties specific to the management function, which provides edifying information on the candidate's managerial vision and its compatibility with the managerial conception of the head of the court or prosecutor's office.

On the basis of the applications submitted, the president of the court or the head of prosecutors' offices shall consult the judges and prosecutors, after which they shall seek the opinion of the managing college of the court or the prosecutor's office. In order to ensure the effectiveness of that opinion, the law requires its reasoning, on the basis of factors relevant to the performance of the managerial function, relating to the professional competence of the candidate and the perception of it by judges/prosecutors.

If several applications have been submitted, the president of the court/head of the prosecutor's office, on the basis of his own assessments and the issues raised by the consultation of judges/prosecutors and the opinion of the management college, carries out an initial assessment in that procedure, after which he selects one of the applications and makes a proposal for appointment in office.

The proposal must be motivated both in terms of mentioning the grounds on which a particular judge/prosecutor was selected and in terms of the arguments on which the other applications were rejected.

All these elements are also reassessed by the relevant section of the Superior Council of Magistracy. In this way, the section benefits from a set of relevant information, from different sources, with the ability to build the candidate's managerial profile. At the same time, both the project on the performance of managerial duties and the analysis carried out by the President of the Court/the Head of Prosecutor's office provide the section with an edifying perspective on the compatibility of managerial visions.

Moreover, if deemed necessary, the section has the possibility to invite the candidate for an interview, so as to ensure the fullness of the information necessary for the appointment.

In these circumstances, the current regulation offers all the guarantees for an effective selection procedure in which the decisive role belongs to the section of the Superior Council of Magistracy that has the task of appointment to the leading position.

Naturally, the section does not make a formal appointment, but proceeds to a concrete analysis on all the aspects provided by the law, an analysis that can end with both the admission and the rejection of an application.

In that context, the fact that the interview is not mandatory has not raised any difficulties in practice, since that legislation allows the interview to be conducted in all situations where it appears appropriate.

Moreover, although the law does not require an interview, interviews are constantly held in the practice of the sections of the Superior Council of Magistracy for appointment to the positions of Vice-President and Deputy First Prosecutor or Deputy Prosecutor General at the Prosecutor's Office attached to the Court of Appeal.

As regards other leading positions which are not filled by competition, the optional nature of the interview does not represent a new legislation, but a traditional solution, regulated by Law No 303/2022.

As regards the **second recommendation**, the Superior Council of Magistracy considered that the current legislative framework, which provides for the term of office of management of 3 years, with the possibility of renewing once for another term of 3 years, is appropriate.

The reason *of the regulation* must be put in relation to the obvious usefulness of an assessment of the managerial performance of the candidate after a reasonable period of exercising the management function, and the three-year period of the first mandate responds effectively to such a goal. **At the same time**, a candidate who has proven real managerial skills has the opportunity to fulfil its management objectives for a total duration of 6 years higher than that of 5 years proposed by the group of experts.

The current regulation provides the premises for conducting an assessment of the candidate's managerial performance after exercising a 3-year mandate in the management position. Only if the holder of this first mandate exercised an efficient and quality management, the law in force allows its

reinvestment, for a further term of office of 3 years, thus ensuring the possibility of achieving the objectives of the management function for a total period of 6 years.

On the other hand, the legislation in force also responds to the need for a unitary approach to the duration of the mandates of the leadership functions of the judicial system.

The Council therefore considered that the legislation in force was appropriate and that, as a subsidiary variant, another solution could be to set a management term of 4 years, with the possibility of renewal only once for another term of office of 4 years, which should cover the duration of all the terms of office of management in the judicial system.

As regards the **third recommendation**, the Council considered that it was not appropriate to remove the possibility for the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice to overturn any measure ordered by the prosecutor for illegality or lack of foundation, in any case.

As is well known, the activity of the Public Prosecutor's Office is subject to the constitutional principle of hierarchical control, expressly set out in Article 132 (1) of the Romanian Constitution, republished.

One of the ways in which this principle is reflected in the infra-constitutional legislation is precisely the possibility for the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation to refute the measures and solutions adopted by prosecutors, for illegality or lack of foundation (Article 68(3) of Law No 304/2022 on judicial organisation).

That legal provision is intended to ensure an additional guarantee of compliance with the principle of legality in the activity of the Public Prosecutor's Office, which is also enshrined in Article 132 (1) of the Romanian Constitution, republished.

The legislation in force therefore transposes constitutional principles – legality and hierarchical control – which are the definitions of the activity of the Public Prosecutor's Office.

Furthermore, the exercise of this power by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice has not raised any problem in practice, so that the proposal to remove it could not be justified by any deficiency or dysfunction identified in the application of the current regulation.

The usefulness of such an additional control exercised by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice is even more evident in the case of offences in which there is no injured party (e.g. bribery, traffic of influence, etc.) to appeal against any illegal or unfounded solution adopted by the prosecutor.

At the same time, there is no doubt that the image of the Public Prosecutor's Office can be affected in the event of media coverage of a solution adopted by the prosecutor which is open to criticism from the point of view of legality or merits. In such a situation, the principal exponent of the activity of the public prosecutor's office must have the possibility of intervening in order to restore legality, so that

the constitutional role of the public prosecutor's office, for the performance of which it is directly responsible, is not affected.

On the other hand, the possibility for the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice to refute any measure adopted by prosecutors on the lack of foundation of illegality is not such as to affect their independence. The exercise of this power does not interfere in any way with the activity of the prosecutor, who is free to adopt the measures he considers legal and sound, in conditions of full independence. The Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice may intervene only after the prosecutor has ordered the measure, exercising a review of legality and merits that has exactly the same valences as any other control exercised under the law against the judicial acts adopted by the prosecutor or by the court. In that context, the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice acts in his capacity as a judicial body and in the exercise of a function provided for by law, and there is therefore no question of involving any entity outside the judicial system in the act of justice.

At the same time, the Council considered that the solution that the Prosecutor General could intervene only in special cases, expressly provided for, could not be accepted either, since preference criteria could not be established in application of the principle of legality. On the contrary, the application of that principle must be sought in all the solutions adopted by the public prosecutor, whether they concern the closure of cases or any other measure.

- **Sodni Svet/Judicial Council of Slovenia**

Concerning the Judicial Council of the Republic of Slovenia there were no recommendations made in the 2024 Rule of Law report.

- **Consejo General del Poder Judicial Spain**

The CGPJ, in compliance with the legal mandate, has begun work to prepare the report on the evaluation of the appropriate standards to guarantee the participation of judges and senior judges in the appointment of members of the Council of the Judiciary. These works have been coordinated by a group of 4 members, specially mandated to carry out the studies and hearings that they have considered relevant. The report should be finalised by 6 February 2025 for submission to the plenary of the Council, which should approve it by a qualified majority of 3/5 of its members before submitting it to Parliament.

The Council has complied with the recommendations and proposal of the Rule of Law Report issued by the European Commission in 2024, received and initiated the procedures to complete the new survey sent by the European Commission in December 2024, which is in the process of being prepared and will be sent to the European Commission by the deadline (24 January 2025).

Established the new Council, appointed president and started the normal activity of the institution, has proceeded to the appointment of vacant positions related to the promoter of disciplinary action (which has been assigned the competences on the investigation of files of responsibility of judges and senior judges) and the head of inspection.

All the regulated committees have been set up, as well as new committees that aim to organise the Council's activity in accordance with criteria of efficiency and transparency.

The new Council works with absolute normality and with full autonomy, assuming the challenges of the government of the Judiciary, guaranteeing the independence of judges and senior judges in their jurisdictional activities, their own competences in the field of selection and training, those related to the disciplinary responsibility of members of the judicial career, the preparation of studies and reports on the various legal reforms underway, as well as collaboration with other branches of the State.