

LAW ON JUDICIAL COUNCIL AND JUDGES

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I hereby promulgate the Law on Judicial Council and Judges, adopted by the Parliament of Montenegro, at its sitting of the first extraordinary session in 2015, held on 26 February 2015

THE LAW ON JUDICIAL COUNCIL AND JUDGES¹

I. GENERAL PROVISIONS

Subject Matter of the Law

Article 1

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 1)

This Law shall regulate the method of election and termination of the mandate of members and the president of the Judicial Council, the organization and manner of work of the Judicial Council, the procedure for electing judges and lay judges, rights and duties, the method of determining the termination of judicial office, disciplinary responsibility and dismissal of judges and lay judges and other issues on which the Judicial Council decides.

Independence and Autonomy

Article 2

(Official Gazette of Montenegro, (Official Gazette of Montenegro, 011/15 as of 12 March 2015, 028/15 as of 03 June 2015, 042/18 as of 29 June 2018, 060/24 as of 24 June 2024, 092/25 as of 7 August 2025)

Judges shall adjudicate and decide independently and autonomously.

The judicial office shall not be exercised under anyone's influence.

No one shall influence judges in the exercise of judicial office.

Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.

Financial Independence

Article 2a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 2)

A judge shall be entitled to a salary and a pension in line with the dignity of the judicial office and the responsibility of a judge.

The amount of the salary and pension of the judge shall guarantee his independence and financial security.

Members of Judicial Council

Article 3

Members of the Judicial Council shall be persons of high moral and professional qualities.

In performing their duties, members of the Judicial Council shall act independently and impartially.

In the nomination and appointment of members of the Judicial Council, national and gender-balanced representation shall be taken into account.

Public Nature of Operations

Article 4

Unless otherwise provided by this Law, the work of the Judicial Council shall be public.

Rights of Judges

Article 5

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 3)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 092/25 of 7 August 2025, Article 1)

Judges shall have the right to a salary, compensation and other income and rights related to the performance of judicial duties in line with the law governing the remuneration of judges and state prosecutors.

Judges and court presidents shall be entitled to an addition to salary pertaining to their function in the amount of 30% of the average salary.

The addition to salary referred to in paragraph 2 of this Article shall not exclude other additions to the basic salary in line with the law governing the salaries of employees in the public sector.

Judges shall exercise their rights arising from and in connection with employment in line with the general labour regulations.

Judges shall have the right and duty to professional development.

Judges shall have the right to professional association.

Funds for Work

Article 6

Means for work of the Judicial Council shall be provided in the Budget of Montenegro.

The Judicial Council shall dispose of the funds referred to in paragraph 1 of this Article independently.

Seat

Article 7

The seat of the Judicial Council shall be in Podgorica.

Use of Gender Sensitive Language

Article 8

All terms used in this Law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

II. JUDICIAL COUNCIL

1. The Manner of Appointment and Termination of Office of Members of the Judicial Council

Jurisdiction of the Conference of Judges

Article 9

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 4)

Members of the Judicial Council shall be appointed and dismissed from among the judges by the Conference of Judges, by secret ballot.

The Conference of Judges shall consist of all judges and court presidents.

The Conference of Judges shall pass the Judicial Code of Ethics and shall appoint and dismiss the president and the members of the Commission for Monitoring the Implementation of the Judicial Code of Ethics (hereinafter referred to as "the Commission for the Judicial Code of Ethics").

Decision-Making by the Conference of Judges

Article 10

The Conference of Judges shall work and make decisions in sessions.

The President of the Supreme Court of Montenegro shall convene a session of the Conference of Judges and shall manage its work.

A session of the Conference of Judges may be held if at least two-thirds of the members are present, and decisions shall be taken by majority vote of the present members of the Conference of Judges.

Administrative and technical tasks for the work of the Conference of Judges shall be performed by the Judicial Council Secretariat.

The Conference of Judges shall adopt its Rules of Procedure, regulating the manner of work and decision-making in more details.

Commission for Code of Ethics for Judges

Article 11

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 5)

Shall be deleted. (Law Amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 60/2024)

Composition of the Judicial Council from among the Judges

Article 12

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 6)

Members of the Judicial Council from among the judges shall be:

- 1) Three members from among the judges of the Supreme Court of Montenegro (hereinafter referred to as "the Supreme Court"), the Appellate Court of Montenegro (hereinafter referred to as "the Appellate Court"), the Administrative Court of Montenegro (hereinafter referred to as "the Administrative Court"), High Misdemeanour Court of Montenegro (hereinafter referred to as "the High Misdemeanour Court"), Commercial Court of Montenegro (hereinafter referred to as "the Commercial Court") and high courts;
- 2) One member from among the judges of the basic courts and misdemeanour courts.

Member of the Judicial Council from among the judges may not be :

- 1) a spouse or common-law spouse or partner in common law marriages between persons of the same sex or a relative of an MP, member of the Government of Montenegro (hereinafter referred to as: the Government) and the President of Montenegro or a person elected, nominated or appointed by the President of Montenegro, the President of Montenegro, the Parliament of Montenegro (hereinafter referred to as: the Parliament of Montenegro) or the Government, in a direct line regardless of kinship, or in of lateral line to another degree by in-laws to the first degree;
- 2) person who has been a high official of a political party in the past five years (president of the party, member of the presidency, deputy president or deputy member of the presidency, members of executive and main committees, member

of the council of the party and other party official) or a person who was directly elected or served as a member of the Government,

A judge who received a grade of not satisfactory or who was pronounced a disciplinary sanction for severe and the most severe disciplinary offences may not be appointed as a member of the Judicial Council from among the judges.

Election Commission

Article 13

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 7)

The procedure of preparing the list of candidates for the appointment of members of the Judicial Council from among the judges and the procedure of appointment of members of the Judicial Council from among the judges at the Conference of Judges shall be conducted by the Commission for Appointment.

The Commission for Appointment shall have a chairperson and two members.

The President and members of the Election Commission and their deputies shall be elected by the extended session of the Supreme Court, upon the proposal of the session of judges of all courts.

The Election Commission shall be appointed no later than three months before the expiry of the term of office of the Judicial Council, for a term of four years.

Members of the Commission may not be candidates for members of the Judicial Council. Proposal for Appointment of Members of the Judicial Council from among Judges

Article 14

The Proposal of candidates for the appointment of members of the Judicial Council referred to in Article 12, paragraph 1, item 1 of the present Law shall be determined:

- 1) At a special session of judges of the Supreme Court, in which two candidates from that court shall be nominated;
- 2) At special sessions of judges of the Appellate Court, Administrative Court, High Misdemeanour Court, Commercial Court, and High Courts, in which one candidate shall be nominated from these courts, respectively.

A list of eight candidates referred to in paragraph 1 of this Article shall be prepared, in alphabetical order, by the Commission for Appointment, based on the notice of nominated candidates.

In order to determine the proposal of candidates for the appointment of members of the Judicial Council referred to in Article 12, paragraph 1, item 2 of the present Law, the Commission for Appointment shall obtain from each president and judge of Misdemeanour Courts and Basic Courts an initial proposal containing the nomination of two candidates, in a manner that ensures secrecy of the initial proposal.

The Election Commission shall form the list of four candidates with the largest number of initial proposals referred to in paragraph 3 of this Article. The list shall be formed in the alphabetical order.

If, after obtaining the initial proposals referred to in paragraph 3 of this Article, there are more than four candidates with the same number of initial proposals, the Commission for Appointment shall make a list consisting of all the candidates with the highest, i.e. the same number of initial proposals.

The form of the initial proposal referred to in paragraph 3 of this Article shall be determined by the Rules of Procedure of the Judicial Council.

A candidate for member of the Judicial Council shall give their written consent to the nomination.

Appointment of Members of the Judicial Council from among the Judges

Article 15

Lists of candidates for the appointment of members of the Judicial Council prepared in accordance with Article 14 of the Present Law shall be submitted to all courts for posting on the bulletin board of the court, no later than two months prior to the expiry of the term of office of members of the Judicial Council.

The Conference of Judges shall be convened by the President of the Supreme Court, no later than 30 days before the expiry of the term of office of the members of the Judicial Council.

Three candidates from the list referred to in Article 14, paragraph 2 of the present Law shall be appointed as members of the Judicial Council, where only one candidate may be appointed from one court, as well as one candidate from the list referred to in Article 14, paragraph 4, or paragraph 5 of the present Law, who have received the highest number of votes.

If no candidate from the list receives the required majority of votes, the voting shall be repeated for the four candidates from the list referred to in Article 14 paragraph 2 of this Article, i.e. for the two candidates from the list referred to in Article 14 paragraph 4, i.e. paragraph 5 of this Law, who receive the highest number of votes.

If there are several candidates with the same number of votes, based on which they can enter a second round of voting, a list of those candidates shall be prepared and the vote shall be repeated, with the possibility to appoint only one candidate from one court.

Requirements for the Election of the Judicial Council Members from Among Eminent Lawyers

Article 16

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 1)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 8)

A person may be elected as a member of the Judicial Council from the ranks of eminent lawyers if they are at least 40 years of age and have at least 15 years of professional experience as an attorney, notary, professor of legal sciences or in other legal positions and if they enjoy personal and professional integrity, if they have not been convicted of criminal offences that would render judges unworthy of performing prosecutorial duties in line with this Law.

Member of the Judicial Council from the ranks of eminent lawyers may not be a person who:

- 1) is a spouse or common-law spouse or partner in common law marriages between persons of the same sex or a relative of an MP, member of the Government and the President of Montenegro or a person elected, nominated or appointed by the Parliament, the President of Montenegro or the Government, in a direct line regardless of kinship, in a lateral line to another degree by in-laws to the first degree;
- 2) person who has been a high official of a political party in the past five years (president of the party, member of the presidency, deputy president or deputy member of the presidency, members of executive and main committees, member of the council of the party and other party official) or a person who was directly elected or served as a member of the Government,
- 3) has performed judicial or prosecutorial function in the last eight years.

Article 16a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 2)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 9)

The competent working body of the Parliament shall publish a public call for the election of a member of the Prosecutorial Council from the ranks of eminent lawyers in the "Official Gazette of Montenegro" and in at least one of the print media based in Montenegro, at least four months before the expiration of the term of the members of the Judicial Council.

The public call referred to in paragraph 1 of this Article shall also be published by the competent working body of the Parliament on the website of the Parliament.

The time-limit for candidates to file their applications shall be 15 days from the day of publishing the call referred to in paragraph 1 of this Article.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

The proposal referred to in paragraph 5 of this Article shall contain as many candidates as there are members of the Judicial Council from among eminent lawyers.

If the proposal for election referred to in paragraph 5 of this Article contains fewer candidates than the number to be elected, the election procedure shall be repeated for the number of members not proposed.

In the case referred to in paragraph 7 of this Article, the competent working body of the Parliament shall, without delay, publish a new public call, until the election of members of the Judicial Council from among eminent lawyers in full composition.

Article 16b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 2)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 10)

If the Parliament elects less than four members of the Judicial Council from among eminent lawyers, the members of the Judicial Council from among eminent lawyers, who shall be replaced by new members of the Judicial Council from among eminent lawyers, shall be determined by lot.

The method of drawing lots is regulated in more detail by the Rules of Procedure of the Judicial Council.

Election of the President of the Judicial Council

Article 16c

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 11)

The President of the Judicial Council shall be elected at the constitutive session, following the announcement of the composition of the Judicial Council.

If the function of the President of the Judicial Council is terminated prior to the expiration of the term of office of the Judicial Council, a new President shall be elected at the next session.

The Judicial Council may decide that the President shall perform the function on a professional basis.

Continuation of Duty Performance of Judicial Council Members from Among Eminent Lawyers

Article 16č

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 11)

The President and members of the Judicial Council from among eminent lawyers, whose mandate ends due to the expiration of the term for which they were elected, shall continue to perform their duties until the election and announcement of new members of the Judicial Council from among eminent lawyers, and no longer than two years.

The performance of the duties referred to in paragraph 1 of this Article shall not constitute the re-election of the members of the Judicial Council.

Ban on Appointment to Judicial Office

Article 17

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 12)

During the mandate in the Judicial Council, a member of the Judicial Council from among the judges may not be appointed or reassigned to another court or elected as the court president, and a member of the Judicial Council from among eminent lawyers may not be appointed as a judge or court president.

Re-election

Article 18

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 13)

A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

The same person may be elected to the position of the member of the Judicial Council two times at the most.

Cessation of mandate

Article 19

The mandate of a Judicial Council member shall terminate prior to the expiration of the term for which they was appointed if:

- 1) The office on the basis of which they was appointed to the Judicial Council terminates;
- 2) They resign;
- 3) They are convicted to an unconditional prison sentence.

In the case referred to in paragraph 1, item 1 of this Article, the mandate of a member of the Judicial Council shall terminate on the date of termination of the office on the basis of which they were appointed to the Judicial Council.

In the case referred to in paragraph 1, item 2 of this Article, the mandate of a member of the Judicial Council shall terminate when the Judicial Council acknowledges written resignation.

In the case referred to in paragraph 1, item 3 of this Article, the mandate of a member of the Judicial Council shall terminate on the date when the conviction becomes final and enforceable.

The Judicial Council shall acknowledge the termination of the mandate of a member of the Judicial Council and shall inform the authority that appointed them thereof.

Dismissal

Article 20

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 14)

A member of the Judicial Council shall be dismissed if:

- 1) They perform their duties in an unconscientious or unprofessional manner;
- 2) They are convicted of a criminal offence that renders them unworthy for the performance of duties in the Judicial Council;

Unconscientious and unprofessional performance of duties referred to in paragraph 1, item 1 of this Article shall be deemed to mean an action of a member of the Judicial Council that is contrary to the statutory powers, as well as non-fulfilment of statutory duties.

The offense referred to in paragraph 1, item 2 of this Article shall be a criminal offense that is prosecuted ex officio for which a prison sentence is prescribed.

Judicial Council member elected from among the judges shall also be dismissed when imposed a disciplinary sanction for severe and the most severe disciplinary offences.

In the cases referred to in paragraph 1 of this Article, the motion for the dismissal of a member of the Judicial Council shall be filed by the Judicial Council to the authority that appointed them.

The mandate of a member of the Judicial Council shall terminate on the date when the authority that has appointed them dismisses them.

The procedure of dismissal of a member of the Judicial Council shall be governed by the provisions of the present Law governing the procedure for establishing disciplinary liability of judges.

Termination of the Judicial Council President's Function

Article 20a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 15)

The function of the President of the Judicial Council shall be terminated before the expiry of the term of office of the Judicial Council if he or she ceases to be a member of the Judicial Council or upon submission of a resignation.

Term of Office in Case of Termination and Dismissal

Article 21

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 16)

In the case of termination of mandate of a member of the Judicial Council from among the judges before the expiry of the period for which they were appointed, the procedure of nomination of candidates for the vacant position of the member of the Judicial Council shall be conducted in accordance with Articles 14 and 15 of this Law.

In the case of termination of mandate of a member of the Judicial Council appointed by the Parliament, before the expiry of the period for which they were appointed, the Parliament shall appoint a new member of the Judicial Council, in line with Articles 16 and 16a of this Law.

The term of office of a member of the Prosecutorial Council elected in accordance with paras. 1 and 2 of this Article shall terminate on the day of termination of the term of office of the Judicial Council.

Temporary Removal

Article 22

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 17)

A member of the Judicial Council shall be temporarily suspended from duty if:

- 1) they are imposed detention, for the duration of detention;
- 2) They are temporarily suspended from duty or job on the basis of which they were appointed to the Judicial Council;
- 3) An indictment against them is confirmed for a criminal offence that renders them unworthy for the performance of duty in the Judicial Council, until the criminal proceedings are completed through a final and enforceable decision;
- 4) a motion for their dismissal is submitted, pending a decision on dismissal.

A Judicial Council member elected from among judges shall be temporarily removed from duty if the procedure of establishing disciplinary liability for the most severe disciplinary offences is initiated against them. Such temporary removal shall be in force by the time of final conclusion of the disciplinary procedure.

The Judicial Council shall submit a decision on the temporary removal from duty to the member of the Judicial Council who is temporarily removed and to the authority that appointed them.

Absence from Work and Emoluments

Article 23

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 028/15 of 03 June 2015, Article 1)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 18)

Members of the Judicial Council who are employed shall have the right to be absent from work in order to perform duties in the Judicial Council.

During the period of absence referred to in paragraph 1 of this Article, members of the Judicial Council whose salary is provided from the Budget shall exercise salary and other benefits arising from employment with the authority in which they are employed.

Members of the Judicial Council from among the judges may, for the purpose of performing the duties in the Judicial Council, on the basis of a decision of the Judicial Council, work up to 70% of their working time during a year in the Judicial Council. The decision of the Judicial Council shall determine the duties performed by members in the Judicial Council.

In the case referred to in paragraph 3 of this Article, the workload of judges in the court in which they work may be reduced to an adequate extent.

Members of the Judicial Council shall be entitled to compensation for work in the Judicial Council in the amount of 80% of the average gross salary in Montenegro in the previous year, and the President of the Judicial Council in the amount of 120% of the average gross salary in Montenegro in the previous year.

The President of the Judicial Council shall not be entitled to the compensation referred to in paragraph 5 of this Article if he or she receives a salary as President of the Judicial Council in line with the law governing the salaries of public sector employees.

2. Organization and the Manner of Work

Session of the Judicial Council

Article 24

The Judicial Council shall work and decide in sessions.

A session of the Judicial Council may be held if a majority of the total number of members of the Judicial Council are present.

The President of the Judicial Council

Article 25

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 19)

The President of the Judicial Council shall convene and chair the sessions, and shall be responsible for the efficient and timely work of the Judicial Council.

At the request of at least three members of the Judicial Council, the President of the Judicial Council shall convene a session with the proposed agenda, no later than seven days from the date of the application.

On a proposal of the President of the Judicial Council, the Judicial Council shall designate a member of the Judicial Council from among eminent lawyers who shall replace the President in case of his absence or inability to work and perform other duties stipulated by the Rules of Procedure of the Judicial Council, in order to ensure effectiveness of its work.

Commissions

Article 26

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 028/15 of 03 June 2015, Article 2)

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 20)

In order to effectively perform its duties under its jurisdiction, the Judicial Council may establish commissions.

The President of the Judicial Council may not be a president or a member of the commissions referred to in paragraph 1 of this Article.

Members of commissions and the Commission for Code of Ethics for Judges shall be entitled to compensation for work in the amount determined by the Judicial Council, up to 40% of average gross salary in Montenegro in the previous year, for the months in which the commissions performed their duties.

The manner of work of the commissions referred to in paragraph 1 of this Article shall be governed by the Rules of Procedure of the Judicial Council.

Powers of the Judicial Council

Article 27

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 21)

In addition to the powers established by the Constitution, the Judicial Council shall:

- 1) Decide on disciplinary liability of judges and court presidents;
- 2) Provide for the use, functionality and uniformity of the judicial information system, in the part referring to the courts;
- 3) establishing international cooperation under its competence;
- 4) Keep records of data on judges and court presidents;
- 5) Consider complaints against the work of judges and court presidents;
- 6) Inspect complaints of judges and take positions regarding threats to their independence and autonomy;
- 7) Propose framework criteria on the necessary number of judges and other civil servants and state employees in courts;
- 8) Issue opinions on the incompatibility of performing certain duties with the exercise of judicial office;
- 9) Form the Commission for Appraisal of Judges;
- 10) Appoint the disciplinary prosecutor;
- 11) adopts the Rules of Procedure of the Judicial Council and other acts from its competence;
- 12) Determine the methodology for preparation of reports on work of courts and the annual work distribution in court;
- 13) Issue official identity cards of judges and court presidents and keep records of official identity cards;
- 14) provide opinions on draft legislation within the judiciary, as well as on draft legislation concerning the salaries and the exercise of other rights and obligations of judges;
- 15) carry out other duties as required by the law.

Decision on the Number of Judges

Article 28

The number of judges or lay judges shall be determined on the basis of the framework criteria of work determined in accordance with the law governing the organization of courts.

The number of judges or lay judges for each court shall be determined by the Judicial Council.

The proposal for determining the number of judges referred to in paragraph 2 of this Article shall be made by the court president.

The decision on the number of judges and lay judges shall be published in the Official Gazette of Montenegro.

Rules of Procedure of Judicial Council

Article 29

The Judicial Council shall issue Rules of Procedure governing the issues prescribed by the present Law and other issues of importance for the organization of work of the Judicial Council.

The Rules of Procedure of the Judicial Council shall be published in the Official Gazette of Montenegro.

Column 1 – ordinal number of the case file shall be entered.

Article 30

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 22)

Decisions of the Judicial Council shall be final and unless otherwise provided by the Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

An administrative dispute may be initiated against decisions of the Judicial Council regarding the selection of candidates for the position of a judge, judges and presidents of courts, the termination of judicial office and other rights and obligations of judges, within 15 days from the date of receipt of the decision.

In the administrative dispute referred to in paragraph 3 of this Article, the court shall render a decision within 30 days from the date of submission of the case file.

Annual Report

Article 31

The Judicial Council shall prepare an annual report on work that contains information about the work of the Judicial Council, the description and analysis of the state of play in the judiciary, detailed information for each court relating to the number of cases received and resolved during the year for which the report is made, the problems and deficiencies in their work, as well as measures to be taken to remedy identified deficiencies.

The Judicial Council shall submit draft annual report on work to all courts, for an opinion.

The annual report on work shall be submitted to the Parliament, no later than 31 March of the current year for the previous year.

The annual report on work shall be explained in the Parliament by the President of the Judicial Council.

The annual report on work shall be published on the website of the Judicial Council.

Relation between the Judicial Council and Courts

Article 32

At a request of the Judicial Council, the courts shall submit to it all data and information within the scope of their jurisdiction, within the deadline set by the Judicial Council.

If it does not comply with the request of the Judicial Council referred to in paragraph 1 of this Article, the court shall, without delay, state the reasons why it has not acted on the request.

The court presidents, judges, and court staff shall, in accordance with the requests of the Judicial Council, attend the sessions of the Judicial Council.

Exclusion of Public

Article 32a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 23)

During the voting on decisions of the Judicial Council and its commissions, the disciplinary prosecutor and the disciplinary panel appointed by the Judicial Council, as well as in the procedures for evaluating judges' work and determining their disciplinary responsibility, the public shall be excluded.

Notwithstanding paragraph 1 of this Article, in disciplinary proceedings, the hearing may be public if so requested by the judge whose responsibility is being determined.

The manner of ensuring the transparency of the work of the Judicial Council shall be defined in more detail by the Rules of Procedure of the Judicial Council.

III APPOINTMENT OF JUDGES AND COURT PRESIDENTS

1. Appointment of the President of the Supreme Court

Conditions for Appointment of the President of the Supreme Court

Article 33

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 24)

A person may be appointed as the President of the Supreme Court if they:

- 1) Meets the general conditions for a judge;
- 2) Has work experience of at least:
 - 15 years as a judge or state prosecutor; or
 - 20 years as an attorney, notary, professor of legal sciences or in other legal positions;
- 3) Is characterized by professional impartiality, high professional and moral qualities.

Public Announcements

Article 34

Two months before the expiry of the term of office of the President of the Supreme Court or immediately after the termination of office or dismissal of the President of the Supreme Court, the Judicial Council shall announce the vacancy for the position of President of the Supreme Court in the Official Gazette of Montenegro and one of the print media based in Montenegro.

The procedure of application of candidates for the President of the Supreme Court shall be governed by the provisions of Article 46 of the present Law.

Proposal for Appointment of the President of the Supreme Court

Article 35

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 25)

The Judicial Council shall make a list of candidates who meet the statutory requirements for the President of the Supreme Court.

The list of candidates referred to in paragraph 1 of this Article shall be submitted to the General Session of the Supreme Court for the purpose of conducting interviews with the applicants.

Following the interviews referred to in paragraph 2 of this Article, the General Session of the Supreme Court shall determine the proposal for the appointment of the President of the Supreme Court via secret ballot, by allowing each judge of the Supreme Court to choose three candidates from the list of candidates referred to in paragraph 1 of this Article at the most.

The proposal for the appointment of the President of the Supreme Court referred to in paragraph 3 of this Article shall contain all the candidates that had more than half of the votes of the total number of Supreme Court judges, along with an elaboration.

Should there be no candidates with the necessary majority of votes in the first voting round, the voting shall be repeated between the candidates that had more than one quarter of votes of the total number of Supreme Court judges.

Should none of the candidates acquire the necessary majority in the repeated voting, the General Session of the Supreme Court shall state that candidate proposed for the position of the President of the Supreme Court is not determined and the Judicial Council shall be informed thereof.

The elaboration of the proposal referred to in paragraph 4 of this Article shall contain the number of votes for each candidate individually and in which voting round.

Appointment of the President of the Supreme Court

Article 36

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 26)

The General Session of the Supreme Court shall submit the proposal for the appointment of the President of the Supreme Court referred to in Article 35, paragraph 4 of the present Law to the Judicial Council.

The Judicial Council shall conduct an interview with the proposed candidates.

On the basis of the interview conducted and the proposal referred to in paragraph 1 of this Article, the Judicial Council shall make a decision on the appointment of the President of the Supreme Court.

Upon expiration of the term for which they were appointed and the termination of office of the President of the Supreme Court at their own request, the President of the Supreme Court shall continue to exercise his duties as a judge of the Supreme Court.

Acting Supreme Court President

Article 36a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 27)

Judicial Council shall appoint an acting Supreme Court President in the following cases:

- 1) dismissal from office of the court president referred to in Article 126 of this Law;
- 2) termination of office of the court president due to death or resignation from his office of the Supreme Court President;
- 3) conviction to an unconditional prison sentence;
- 4) dismissal from judicial office.

The acting Supreme Court President shall be appointed from the Supreme Court judges until the Supreme Court President is appointed and not longer than six months.

2. Conditions for Appointment of Judges and Court Presidents

General Requirements

Article 37

A person may be appointed as a judge and court president if they meet the general conditions for employment in a state authority and if they have:

- 1) Completed law faculty – level VII1 of education qualifications;
- 2) Passed the bar exam.

Special Conditions for Judges

Article 38

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 28)

A person may be appointed as a judge of a misdemeanour court if they have worked for four years on legal matters, of which at least two years after passing the bar exam.

A person may be appointed as a judge of a basic court if they, after passing the bar exam, worked for at least two years as an adviser in court or public prosecution office, as an attorney, notary or Professor of Law, or at least four years on other legal affairs.

A person may be appointed as a judge of the Commercial Court if they have worked as a judge for at least three years and if they after passing the bar exam, worked for at least five years as an adviser in court or public prosecution office, or at least five years as an attorney, notary or Professor of Law, or at least six years on other legal matters.

A person may be appointed as a judge of the Administrative Court if they have worked as a judge for at least six years and if they, after passing the bar exam, worked for at least eight years as an adviser in court or public prosecution office, or at least eight years as an attorney, notary or Professor of Law, or at least ten years on other legal matters.

A person may be appointed as a judge of the High Misdemeanour Court if they work as a judge or a misdemeanour judge, or as a public prosecutor, for at least four years.

A person may be appointed as a judge of a high court if they work as a judge or public prosecutor for at least six years.

A person may be appointed as a judge of the Appellate Court if they work as a judge or public prosecutor for at least ten years.

A person may be appointed as a judge of the Supreme Court if they work as a judge or public prosecutor for at least fifteen years.

Notwithstanding paragraph 8 of this Article, a person may be appointed as one of the judges of the Supreme Court if they have worked for 20 as a judge, public prosecutor, attorney, notary, Professor of Law or on other legal matters.

Special Conditions for Court Presidents

Article 39

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 29)

A judge or a public prosecutor may be appointed as a court president if they, in addition to the general conditions referred to in Article 37 of the present Law, has the following total work experience:

- 1) six years of work experience on legal matters, of which a minimum of three years as a judge, prosecutor, or misdemeanour judge – for the President of a Misdemeanour Court;
- 2) Eight years of work experience on legal matters, of which a minimum of four years as a judge or prosecutor – for a President of Basic Court;
- 3) Eight years of work experience on legal matters, of which a minimum of four years as a judge, prosecutor, or misdemeanour judge – for the President of the High Misdemeanour Court;
- 4) Ten years of work experience on legal matters, of which a minimum of five years as a judge or prosecutor – for the President of the Commercial Court;
- 5) Twelve years of work experience on legal matters, of which a minimum of eight years as a judge or prosecutor – for a President of High Court;
- 6) Twelve years of work experience on legal matters, of which a minimum of eight years as a judge or prosecutor – for the President of the Administrative Court;
- 7) Sixteen years of work experience on legal matters, of which a minimum of twelve years as a judge or prosecutor – for the President of the Appellate Court.

A judge or court president or public prosecutor who received a good or excellent grade in the procedure of work appraisal may be appointed as a court president, in accordance with the present Law.

3. Procedure of Appointing a Court President

Programme of Work

Article 40

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 30)

Two months before the expiry of the term of office of a court president or immediately after the termination of office or dismissal of a court president, the Judicial Council shall announce the vacancy for the position of a president of a court in the Official Gazette of Montenegro and in one of the print media based in Montenegro.

In addition to the application to the public vacancy, the candidates for a court president shall submit a work programme, which includes proposed organization of work in the court with indicators for improvement of work for a period of five years.

The content of the work programme referred to in paragraph 2 of this Article shall be determined by the Judicial Council.

Criteria for Appointment of a Court President

Article 41

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 31)

The criteria for appointment of a court president shall be:

- 1) Assessment of the work programme;
- 2) Appraisal of work as a judge, public prosecutor or court president;
- 3) evaluation in the candidate interview.

On the basis of the work programme, a candidate for court president may receive a score of up to 40 points, based on the assessment of the proposed vision of the organization of work in the court.

On the basis of a good grade in the process of work appraisal, a candidate for court president may achieve 30 points, and on the basis of an excellent grade in the process of work appraisal, 40 points.

On the basis of an interview, a candidate for court president may achieve a score of up to 20 points, in accordance with Article 49 of the present Law.

If two candidates have the same score, the candidate with a higher number of points earned in the process of appraisal of their work shall have the advantage.

If the advantage of a candidate cannot be determined in the manner referred to in paragraph 5 of this Article, the candidate with longer years of service in a court or public prosecution office shall have the advantage.

Appointment of a Court President

Article 42

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 32)

The same person may be elected a court president no more than two times.

Upon expiration of the term for which they were appointed, the termination of office of the court president at their own request as well as in the case of the dismissal of the court president, the court president shall remain in that court as a judge.

Appropriate Implementation

Article 43

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 33)

The procedure of public announcement, application of candidates, conducting interviews, determining the list of candidates and making the decision on appointment of the court president shall be appropriately governed by the provisions of the present Law governing the procedure for the appointment of judges.

4. Plan of Vacant Positions for Judges

Contents and Manner of Adoption

Article 44

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 34)

Vacant positions for judges in courts shall be filled in accordance with the Plan of Vacant Positions for Judges at the level of Montenegro (hereinafter: plan of vacancies).

The Plan of Vacancies shall include positions of judges in all the courts that shall be vacant in the next two years.

The Plan of Vacancies shall be made on the basis of assessment of the need for filling the positions of judges through the voluntary transfer of judges, promotion and public notices for the first appointment of judges in Misdemeanour Courts, Basic Courts, the Commercial Court and the Administrative Court, as well as for one position of a judge of the Supreme Court referred to in Article 38, paragraph 9 of the present Law.

In the course of carrying out the assessment referred to in paragraph 3 of this Article, the Judicial Council shall, in particular, take into account the expected vacancies that may be anticipated based on the caseload of courts and the number of incoming cases in the previous three years, the expansion of the competences of courts, the expected termination of judicial office, the decision on the number of judges, as well as the number of vacant judicial positions in the previous three years.

The plan of vacancies shall be adopted by the Judicial Council at latest by the end of the current year for the next two years.

The Plan of Vacancies may be amended if during a year circumstances change in respect of which an assessment was made for filling the vacant positions for judges referred to in paragraph 2 of this Article.

5. Procedure of Appointment of Basic Court Judges

Public Announcement of Vacancies

Article 45

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 35)

Vacant judicial positions in basic courts shall be filled in via vacancy for voluntary reassignment of judges from one into another basic court or court of a higher instance, published by the Judicial Council on its website.

Vacant judicial positions not filled in in line with paragraph 1 of this Article shall be filled in by candidate judges, in line with Article 55 of this Law.

Should the vacant judicial positions not be filled in line with paragraph 2 of this Article, the Judicial Council shall publish a public announcement for the appointment of basic court judges.

The Judicial Council shall publish the public announcement for the appointment of basic court judges at the level of Montenegro in the Official Gazette of Montenegro and one of the print media based in Montenegro.

Offices Application to Public Announcement

Article 46

An application to public announcement shall, along with evidence of meeting the conditions for appointment of judges in the Basic Courts, be submitted to the Judicial Council within 15 days of the public announcement for filling the vacant positions for judges in the Basic Courts, using a form prescribed by the Judicial Council.

The Judicial Council shall dismiss untimely and incomplete applications.

The Prosecutorial Council shall reject untimely and incomplete applications. The applicant may initiate an administrative dispute against the decision on the rejection of an untimely or incomplete application.

Criteria for Appointment of Judges Appointed for the First Time

Article 47

The criteria for appointment of judges appointed for the first time shall be:

- 1) the grade given in written examination referred to in Article 48 of this Law, i.e. the grade given in the judicial examination in line with the law regulating the judicial examination, and
- 2) evaluation in the candidate interview.

Written Examination

Article 48

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 36)

The Judicial Council shall conduct written testing of persons appointed as judges of Basic Court for the first time, who meet the statutory requirements and whose applications are timely and complete, through a commission consisting of three members of the Judicial Council, of which two from among the judges and one from among eminent lawyers.

The candidate who has been given a grade in judicial examination shall not take the written exam referred to in paragraph 1 of this Article, unless when candidate requires to be examined.

When the written examination is being carried out in line with paragraph 2 of this Article, the grade from the written exam is taken into account as the criteria for the appointment of a judge.

The written test shall be prepared by the commission referred to in paragraph 1 of this Article, and shall include drafting of decisions in criminal and civil matters.

Written test shall be taken under a code.

Assessment of the written test shall be performed by a certain number of points awarded for the decision form, the application of law and the rationale of the decision, in such a manner that the maximum of 80 points may be achieved, of which up to 40 for drafting a decision in the criminal field and up to 40 for drafting a decision in the civil field.

The written test shall be examined by the commission referred to in paragraph 1 of this Article, which shall submit it, along with proposed grade, to all members of the Judicial Council.

The Judicial Council shall determine the grade at the written test.

Implementation of the written testing shall be governed by the Rules of Procedure of the Judicial Council.

Disqualification from the Written Examination

Article 48a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 37)

If a candidate uses unauthorized means during the written examination, including written or technical aids, they shall be removed from the examination, and the Prosecutorial Council shall, upon the proposal of the commission referred to in Article 48 paragraph 1 of this Law, adopt a decision prohibiting that candidate from accessing the written examination for a period of two years from the date of the violation.

In the case referred to in paragraph 1 of this Article, the candidate shall be considered to have failed the written examination, which shall be established by the Prosecutorial Council upon the proposal of the commission referred to in Article 48 paragraph 1 of this Law.

Candidate Interview

Article 49

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 38)

The Judicial Council shall conduct an interview with persons who have achieved a score of more than 55 points in the written test or the bar exam.

The following shall be evaluated during the interview:

- Motivation for work in court;
- Communication skills;
- Ability to make decisions and resolve conflicts;
- Comprehension of the role of a judge in society.

Evaluation based on criteria referred to in paragraph 2 of this Article shall be exercised in such a manner that each member of the Judicial Council shall determine the number of points awarded to each person, where a person may achieve a maximum of 20 points at an interview.

The final grade at an interview shall be the average number of points, which is determined based on the number of points awarded by each member of the Judicial Council.

A person who, based on the interview evaluation, scores less than 15 points at an interview may not be on the ranking list of candidates for judges.

While conducting an interview, the Judicial Council may use the expert assistance of psychologists.

Ranking List of Candidates for Judges

Article 50

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 39)

On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be determined (hereinafter referred to as "the ranking list"), according to the number of points achieved.

If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community.

If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Appointment and Assignment of Candidates for Judges

Article 51

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 40)

The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised vacancies for judges, according to the order from the ranking list, as well as on the assignment of candidates for judges to the initial training at a basic court, according to the temporary or permanent residence of a candidate judge.

Rights of Applicants

Article 52

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 41)

A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test, and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges.

The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law.

Judicial Council shall assign candidates for judges initial training, or appoint judges, once the decision on their assignment becomes final.

Rights and Duties of Candidates for Judges

Article 53

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 42)

During the initial training, a candidate for judge shall commence employment at a basic court, according to the temporary or permanent residence of that candidate, until the decision on the appointment is made.

A candidate for judge shall be entitled to a salary in the amount of 70% of the salary of the judges in Basic Court.

Rights and duties of a candidate for judge arising from work and based on work that are not regulated by the present Law shall be governed by the regulations governing the rights and duties of civil servants.

Initial Training

Article 54

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 43)

Candidates for judge shall be required to complete the initial training consisting of theoretical and practical part and lasting 12 months.

The theoretical part of the initial training shall be conducted by the legal entity for the training of judges, established under a separate law (hereinafter referred to as “the legal entity for the training of judges”), and the practical part of the initial training shall be conducted in a basic court according to the temporary or permanent residence of the candidate judge.

The initial training shall be implemented in accordance with the initial training curriculum.

The practical part of the initial training shall be conducted under the supervision of a mentor designated by the Judicial Council.

The grade of candidates for judge during the initial training shall be awarded by the Judicial Council, based on the reports of the legal person authorized for the training of judges and the mentor on the training conducted.

Grades referred to in paragraph 5 of this Article may be satisfactory or not satisfactory, and shall be reasoned.

Initial training programme and the method of assessing candidates for judge shall be conducted, and the conditions for the selection of mentors shall be prescribed, in accordance with the law governing the training of judges.

Termination of Employment of a Candidate Judge

Article 54a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 44)

The employment of a candidate for judge who receives a not satisfactory grade at the initial training shall be terminated by force of law, once the decision on evaluation becomes final.

Decision on Election

Article 55

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 45)

Judicial Council shall make the decision on the appointment of judges from among candidate judges who were given the grade satisfactory in the initial training.

A candidate for judge shall exercise the right to choose the Basic Court in which they will be appointed according to the order in the ranking list referred to in Article 50 of the present Law.

A candidate for judge who received a “satisfactory” grade during initial training but was not appointed as a judge shall remain at the basic court according to his temporary or permanent residence until the appointment and shall be entitled to the salary referred to in Article 53 paragraph 2 of this Law.

The candidate for judge referred to in paragraph 3 of this Article shall have priority in the selection procedure over candidates who completed initial training after him.

A candidate for judge who refuses appointment or discontinues initial training prior to the decision on appointment shall have his employment terminated by force of law and shall reimburse the costs of the initial training.

The Rights of the Appointed Judge

Article 55a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 46)

Judge who, in line with Article 55 of this Law, is appointed to a court outside their place of temporary or permanent residence, which is located less than 50 km in both directions from the place of their temporary or permanent residence, shall be entitled to reimbursement of transportation costs.

Should the court to which the judge is appointed in line with Article 55 of this Law is located 50 km or more in both directions from the place of their temporary or permanent residence, the judge shall be entitled to an office apartment or housing allowance, transportation costs for visiting family twice a month and during holidays, as well as to reimbursement of costs for living separately from their family, provided that neither the judge nor any member of their household owns, co-owns or jointly owns an apartment or residential property in the jurisdiction of the court to which the judge is appointed.

Household members referred to in paragraph 2 of this Article shall be persons living in a joint household with the judge, namely:

- a spouse or common-law partner, or a partner in common law marriages between persons of same sex;
- children born in or out of wedlock, adopted children and stepchildren;
- other persons whom the judge or their spouse, common-law partner, or same-sex partner is legally obliged to support, provided that such persons reside in the same apartment or family residential property.

The Judicial Council shall decide on the rights referred to in paragraphs 1 and 2 of this Article, and the funds for the exercise of such rights shall be provided from the budget of the court to which the judge has been appointed.

6. Appointment of Misdemeanour Court Judges

Public Announcements

Article 56

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 47)

Vacant judicial positions in misdemeanour courts shall be filled through an internal announcement for voluntary transfer of judges from one misdemeanour court to another, published by the Judicial Council on its website.

The Judicial Council shall issue the public announcement for positions of judges in the Misdemeanour Courts in accordance with the Plan of Vacancies.

The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.

Written Examination

Article 57

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 48)

Written testing of persons whose applications for judges of the Misdemeanour Courts are timely and complete shall encompass drafting a decision within the jurisdiction of the Misdemeanour Courts.

The grading of the written test shall be done by using a number of points for the form of the decision, application of law and the statement of reasons for the decision. The maximum number of points shall be 80.

The procedure of implementation of the written test, interview, and evaluation of the persons referred to in paragraph 1 of this Article shall be appropriately governed by provisions of Articles 48 and 49 of the present Law.

Decision on Appointment of Candidates for Judges

Article 58

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 49)

Based on the evaluation of the written test or the bar exam and the interview, according to the criteria referred to in Article 47 of the present Law, a ranking list of candidates for judges of the Misdemeanour Courts shall be determined.

A candidate for judge of the Misdemeanour Court shall have the same rights and duties as a candidate for judge of the Basic Court.

The procedure of determining the ranking list referred to in paragraph 1 of this Article, adoption of the decision on appointment and the assignment of candidates for judges of the Misdemeanour Court shall be appropriately governed by provisions of Articles 50 and 55 of the present Law.

Initial Training

Article 59

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 50)

Candidates for judges of the Misdemeanour Court shall be required to complete the initial training consisting of theoretical and practical part and lasting for six months.

The programme and implementation of initial training, as well as the evaluation of initial training, shall be appropriately governed by provisions of Article 54 of the present Law.

Decision on Election

Article 60

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 51)

Provisions of Articles 55 and 55a of this Law shall apply to the adoption of the decision on appointment of judges of misdemeanour courts and their rights accordingly.

7. Appointment of Administrative Court and Commercial Court Judges

Public Announcements

Article 61

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 52)

The Judicial Council shall issue the public announcement for positions of judges in the Administrative Court and Commercial Court in accordance with the Plan of Vacancies.

Provisions of Articles 45 paragraph 4 and Articles 46 and 52 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of applied candidates.

Criteria for the Appointment of Administrative Court and Commercial Court Judges

Article 61a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 53)

The criteria for the appointment of judges of the Administrative Court or the Commercial Court are as follows:

- 1) the grade obtained on the written test or the grade from the bar examination for candidates who are not judges, and for candidates who are judges, the performance appraisal of the judge or the grade from the written test if the candidate requests to be tested;
- 2) evaluation in the candidate interview.

The performance appraisal of a judge may be used as criteria for the appointment of judges of the Administrative Court or the Commercial Court only if the appraisal is "excellent" or "good."

In the case of written testing of a candidate who is a judge, upon his or her request in accordance with paragraph 1 item 1 of this Article, only the grade obtained on the written

test shall be used as the criteria for the appointment of a judge of the Administrative Court or the Commercial Court.

Written Examination, Performance Appraisal of Judges and Interviews

Article 62

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 54)

Written testing of persons whose applications for judges of the Administrative Court and Commercial Court are timely and complete shall encompass drafting a decision within the jurisdiction of the Administrative Court and the Commercial Court.

The grading of the written test shall be done by using a number of points for the form of the decision, application of law and the statement of reasons for the decision. The maximum number of points shall be 80.

If the performance appraisal of a judge is used as a criterion for the selection of a judge of the Administrative Court or the Commercial Court, such appraisal shall be scored in the following manner: a rating of “excellent” shall be awarded 80 points, and a rating of “good” shall be awarded 60 points.

The procedure of implementation of the written test, interview and appraisal procedure shall be appropriately governed by provisions of Articles 48, 48a and 49 of the present Law.

Ranking List of Candidates for Judges of the Administrative Court or Commercial Court

Article 63

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 55)

Based on the evaluation of the written test or the bar exam or the performance appraisal of the judge and the interview, according to the criteria referred to in Article 47 of the present Law, a ranking list of candidates for judges of the Administrative Court and Commercial Court shall be determined.

If two candidates in the ranking list have the same score, the advantage is given to the candidate with a higher score in the written test i.e. judicial exam or performance appraisal of a judge, and if the candidates have the same score in written tests i.e. judicial exams or performance appraisal, the advantage is given to the member of a minority nation or other minority community.

If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Decision on Election

Article 63a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 56)

The Judicial Council shall adopt a decision on the appointment of a number of candidates for judges of the Administrative Court or the Commercial Court corresponding to the number of publicly announced vacant judicial positions in the Administrative Court or the Commercial Court, in line with the order on the ranking list.

If among the candidates referred to in paragraph 1 of this Article there is a candidate from among judges, the Judicial Council shall adopt a decision on his or her appointment as judge of the Administrative Court or the Commercial Court immediately upon determining the ranking list.

If among the candidates referred to in paragraph 1 of this Article there is a candidate who is not a judge, the Judicial Council shall adopt a decision on his appointment as a candidate for judge of the Administrative Court or the Commercial Court.

A candidate for judge of the Administrative Court and Commercial Court shall have the same rights and duties as a candidate for judge of the Basic Court referred to in Article 46 paragraph 3 and Article 52 of this Law.

Initial Training

Article 64

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 57)

Candidates for judges of the Administrative Court or Commercial Court, who are not judges, shall be required to complete the initial training consisting of theoretical and practical part and lasting for six months.

The programme and implementation of initial training of candidates referred to in paragraph 1 of this Article, as well as the evaluation during initial training, shall be appropriately governed by Article 54 of the present Law.

A candidate for judge who has received a satisfactory grade at the initial training shall be appointed as the Administrative Court judge or the Commercial Court judge by the Judicial Council.

The employment of a candidate for judge of the Administrative Court or the Commercial Court who receives a not satisfactory grade at the initial training shall be terminated by force of law, on the day the decision on evaluation becomes final.

Decision on Election

Article 65

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 58)

Shall be deleted. (Law Amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 60/2024)

8. Appointment of the Supreme Court Judges

Public Announcements

Article 66

The Judicial Council shall issue the public announcement for the position of a Supreme Court judge referred to in Article 38, paragraph 9 of the present Law in accordance with the Plan of Vacancies.

The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.

Criteria

Article 67

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 59)

Criteria for the appointment of a judge of the Supreme Court referred to in Article 38, paragraph 9 of the present Law shall be professional knowledge and ability to exercise judicial office.

Professional knowledge shall be assessed on the basis of the following sub-criteria:

- 1) professional advancement;
- 2) published scientific and professional papers and other activities in the profession.

Ability to exercise the judicial office shall be assessed on the basis of sub-criteria:

- 1) Work experience;
- 2) The quantity and quality of work;
- 3) Motivation for work in the Supreme Court;
- 4) communication competence;
- 5) Decision making skills;
- 6) Comprehension of the role of a judge in society.

Assessment of Criteria

Article 68

Professional knowledge of candidates for judge of the Supreme Court referred to in Article 38, paragraph 9 of the present Law shall be assessed on the basis of the evidence submitted along with the application of candidates, and the ability to exercise the judicial office shall be evaluated on the basis of opinions and the interview.

Opinion

Article 69

The Judicial Council shall obtain opinions on professional abilities of the applicants to exercise judicial office, as follows:

- From the enlarged session of the Supreme Public Prosecutor's Office, if the applicant exercised prosecutorial office;
- From the enlarged session of the Supreme Court, if the applicant exercised judicial office;

- From the Administrative Board of the Bar Association of Montenegro, if the applicant worked as an attorney-at-law;
- From the professional body of the faculty, where the applicant exercised teaching profession;
- From the competent bodies of other entities with which the applicant exercised legal affairs.

The opinion referred to in paragraph 1 of this Article shall contain the data on work experience, quantity and quality of work of the candidate for judge of the Supreme Court referred to in Article 38, paragraph 9 of the present Law.

Candidate Interview

Article 70

The Judicial Council shall conduct an interview with the candidates for judge of the Supreme Court who meet the statutory requirements, during which the following shall be assessed:

- 1) Motivation for work in the Supreme Court;
- 2) communication competence;
- 3) Decision making skills;
- 4) Comprehension of the role of a judge in society.

Column 1 – ordinal number of the case file shall be entered.

Article 71

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 60)

Based on the evidence submitted along with the application of the candidates, the opinion referred to in Article 69 of the present Law and the interview referred to in Article 70 of the present Law, the Judicial Council shall determine a ranking list.

Determination of the ranking list referred to in paragraph 1 of this Article shall be appropriately governed by the provisions of Article 50 of the present Law.

The Judicial Council shall appoint the judge of the Supreme Court in the order of the ranking list referred to in paragraph 1 of this Article.

9. Promotion of Judges

Requirements for Promotion

Article 72

The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.

A judge or public prosecutor may be promoted to the Supreme Court if they received the excellent grade and if they meet the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.

Public Announcements

Article 73

In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate Court, and the Supreme Court, in accordance with the Plan of Vacancies.

The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.

Criteria for the Judge who is Promoted

Article 74

The criteria for the appointment of the judge who is promoted shall be:

- 1) Work appraisal of the judge or public prosecutor;
- 2) evaluation in the candidate interview.

Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview.

Decision on Election

Article 75

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 61)

The Judicial Council shall conduct an interview with the applicants.

On the basis of the appraisal of performance and the grade given in the interview referred to in Article 74 of this Law, a ranking list shall be composed.

If two candidates in the ranking list have the same score, the advantage is given to the candidate with a higher score given in the appraisal of performance and if the candidates have the same score in the appraisal of performance, the advantage is given to the member of a minority nation or other minority community.

If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.

The Judicial Council shall decide on the appointment of a judge to a higher instance court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article, and the right to select the higher instance court to be appointed to shall be exercised by the judge according to the ranking list.

The procedure of conducting the interview shall be governed by Article 49 of the present Law.

10. Appointment of Lay Judges

Conditions for Lay Judges

Article 76

A person may be appointed as a lay judge if they meet the general requirements for employment in state authorities, have university education, working ability and at least 30 years of age.

Procedure of Appointing Lay Judges

Article 77

The court president shall announce the vacant positions for lay judges in court in one of the print media.

The court president shall conduct interviews with the applicants who meet the conditions referred to in Article 76 of the present Law and shall, on the basis of the interviews conducted, make a list of candidates which shall be submitted to the Judicial Council, with the opinion of the session of judges on each candidate.

The Judicial Council shall appoint lay judges on the basis of the list and opinion referred to in paragraph 2 of this Article.

Publication of Decision on Appointment

Article 78

The Judicial Council shall inform the selected candidate, the other candidates from the list for appointment and the court to which the lay judge is appointed about the appointment of a lay judge.

The decision on the appointment of a lay judge shall be published in the Official Gazette of Montenegro.

11. The Oath and Taking the Office

Oath and Assuming the Judicial Office

Article 79

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 62)

A judge shall assume office on the day of taking the oath.

Judges shall take an oath before the Judicial Council, not later than 15 days from the day the decision on appointment becomes final.

A lay judge shall take an oath before the President of the Judicial Council or a member of the Judicial Council.

Wording of the Oath

Article 80

The text of the oath shall read as follows: "I swear that I will exercise the judicial office honourably, independently, impartially, fairly, equitably and responsibly, under the Constitution and the law."

The oath shall be taken by reciting it and by signing the text of the oath.

If a judge or lay judge do not take oath, i.e. refuse to take an oath, they shall be deemed not appointed.

A judge who was appointed in the process of promotion to a higher court shall not pronounce the text of the oath referred to in paragraph 1 of this Article, but shall symbolically sign the oath.

Official Identity Card

Article 81

Judges and court presidents shall have official identity card.

The official identity card shall be issued on the prescribed form, by the Judicial Council, which shall also keep records of issued official identity cards.

The form and manner of issuing identity cards of judges and court presidents and the method of keeping records of issued official identity cards shall be prescribed by the public administration body in charge of judicial affairs (hereinafter referred to as "the Ministry").

IV. DEPLOYMENT AND TRANSFER OF JUDGES

Deployment to another Court with Consent

Article 82

Judges shall exercise judicial office in the court in which they were appointed.

The Judicial Council may deploy a judge, with their consent, for a time period of up to one year, to another court of the same or lower instance, if the regular performance of duties in the court to which the judge is deployed becomes questionable due to recusal or inability of judges of that court to perform judicial office or due to the existence of a large number of unresolved cases that may not be resolved with the existing number of judges or for other justified reason.

In the cases referred to in paragraph 2 of this Article, the judge shall exercise salary in the court to which they are deployed.

Reimbursement of expenses incurred as a result of deploying a judge to another court shall be borne by the court to which the judge was deployed, in accordance with the regulations governing the reimbursement of expenses to civil servants and state employees.

Procedure for Temporary Deployment to another Court

Article 83

The Judicial Council shall make a decision on temporary deployment of a judge referred to in Article 82 of the present Law at the request of the president of the court to which the judge is deployed.

Before making a decision on temporary deployment of a judge referred to in Article 82 of the present Law, the Judicial Council shall consult with the president of the court who submitted the request, the judge who is temporarily deployed and the president of the court in which the judge performs a judicial office.

The expenses incurred through deployment of the judge in accordance with paragraph 1 of this Article shall be borne by the court to which the judge is temporarily deployed.

Reassignment to Other Authority

Article 84

The Judicial Council may deploy a judge, with their consent, for a period of up to three years, to the Ministry, legal person authorized for the training of judges and the Secretariat of the Judicial Council to participate in the affairs of those authorities relating to the improvement of the work of the courts, especially the introduction of international standards in the work of courts.

The deployment referred to in paragraph 1 of this Article shall be made on the proposal of the head of authority to which the judge is deployed, following the previously obtained

opinion of the president of the court in which the judge performs a judicial office and the consent of the judge.

During the work in the authority to which the judge was deployed, the judge shall not perform a judicial office.

In the case referred to in paragraph 1 of this Article, the judge shall retain their salary, and the expenses incurred due to deployment of the judge shall be borne by the authority to which the judge is deployed.

Transfer to another Court without Consent

Article 85

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 63)

In the event of reorganisation of courts resulting in a reduction of the number of courts, the Judicial Council may reassign a judge to another court of the same jurisdiction and the same level without his consent.

In the case referred to in paragraph 1 of this Article, the judge shall retain the salary earned at the court he worked in prior to the reorganisation.

Permanent Voluntary Reassignment of Judges

Article 86

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 64)

Judicial Council shall advertise vacancies for permanent voluntary reassignment of judges internally on its website.

Judges wishing to be permanently reassigned to another court of the same competence and of the same or lower instance and who have been evaluated as excellent or good in line with this Law, shall have the right to apply to the vacancy for permanent voluntary reassignment.

The Judicial Council shall make a list of candidates who have applied and meet the requirements referred to in paragraph 2 of this Article, particularly taking into account the performance appraisal of the judge in line with this Law, the duration of judicial service, the place of residence and family circumstances of the judge, as well as the needs of the court in which the judge currently performs judicial duties and of the court to which the reassignment is proposed.

Based on the list referred to in paragraph 3 of this Article, the Judicial Council shall make the decision on the permanent voluntary reassignment of a judge to another court.

A candidate may initiate an administrative dispute against the decision referred to in paragraph 4 of this Article.

Should an administrative dispute be initiated against the decision on the permanent voluntary reassignment of a judge, the Judicial Council may effect the reassignment once the decision on permanent voluntary reassignment becomes final and binding.

Rights of the Reassigned Judge

Article 86a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 65)

A judge who, pursuant to Articles 85 and 86 of this Law, is reassigned to a court outside of their place of temporary or permanent residence, which is located less than 50 km in both directions from months place of their temporary or permanent residence, shall be entitled to reimbursement of transportation costs.

Should the court to which the judge is reassigned in line with Articles 85 and 86 of this Law is located 50 km or more in both directions from the place of their temporary or permanent residence, the judge shall be entitled to an office apartment or housing allowance, transportation costs for visiting family twice a month and during holidays, as well as to reimbursement of costs for living separately from their family, provided that neither the judge nor any member of their household owns, co-owns or jointly owns an apartment or residential property in the jurisdiction of the court to which the judge is reassigned.

Household members referred to in paragraph 2 of this Article shall be persons living in a joint household with the judge, namely:

- a spouse or common-law partner, or a partner in common law marriages between persons of same sex;
- children born in or out of wedlock, adopted children and stepchildren;
- other persons whom the judge or their spouse, common-law partner, or same-sex partner is legally obliged to support, provided that such persons reside in the same apartment or family residential property.

The Judicial Council shall decide on the rights referred to in paragraphs 1 and 2 of this Article and the funds for the exercise of such rights shall be provided from the budget of the court to which the judge has been reassigned.

V. Appraisal of Judges

Aim of the Appraisal

Article 87

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 66)

Performance of judges shall be appraised every five years, in accordance with the Appraisal Plan for Judges, for the purpose of assessing their professional competence, the quantity and quality of their work, ethical conduct, and the need for professional development, as well as for the purpose of promotion.

The Appraisal Plan referred to in paragraph 1 of this Article shall be adopted by the Judicial Council.

Exceptionally, performance appraisal shall be conducted before the expiry of the period referred to in paragraph 1 of this Article in the case of a judge who:

- 1) has been appointed for the first time – after three years from the date of assuming office;
- 2) was given the grade “unsatisfactory” – upon the expiry of one year from the date when the decision determining such grade became final.
- 3) applied to the announcement for promotion to a higher court and does not have a grade or if more than two years have passed since the previously awarded grade;
- 4) applied to the announcement for appointment of a judge of the Administrative Court or the Commercial Court, but has not yet been appraised or more than three years have passed since the previous appraisal.

In the case referred to in paragraph 3 item 2 of this Article, the judge shall be appraised based on the period following the last evaluation.

In cases referred to in paragraph 3 items 3 and 4 of this Article, the judge shall be appraised based on the entire three-year period preceding the evaluation.

The performance grades awarded to judges shall be: excellent, good, satisfactory and unsatisfactory.

Commission and Panel for Appraisal of Judges

Article 88

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 67)

The appraisal of judges shall be carried out by the Appraisal Commission, established by the Judicial Council (hereinafter: Appraisal Commission).

The Appraisal Commission shall be composed of the President of the Supreme Court and four members of the Judicial Council, three of which from among the judges and one from among eminent lawyers.

The Appraisal Commission shall adopt the decision on the appraisal of work of judges at the proposal of the panel of judges for the appraisal of work of judges, composed of the president of the court in which the judge is appraised and four judges of courts of higher level.

Panel referred to in paragraph 3 of this Article shall be established by the Judicial Council.

The Judicial Council may adopt a decision on recusal of a member of the Appraisal Commission or the Panel referred to in paragraph 3 of this Article.

The manner of work of the Appraisal Commission and the Panel referred to in paragraph 3 of this Article as well as the cases and manner of recusal of the members of the Appraisal Commission and the Panel referred to in paragraph 3 of this Article shall be governed by the Rules of Procedure of the Judicial Council.

Criteria for Performance Appraisal of Judges

Article 89

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 68)

The criteria for performance appraisal of judges shall be:

- 1) performance effectiveness;
- 2) general competences and professional activities.

Performance Effectiveness

Article 90

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 69)

Performance effectiveness of judges shall be appraised on the basis of the following sub-criteria:

- 1) quantity of work;
- 2) quality of work;
- 3) quality of reasoning in decisions;
- 4) preparation for hearings, ability to plan and effectively conduct procedural actions, and hearing management skills.

The quantity of work shall be appraised based on the number of resolved cases.

On the basis of the quantity of work, a judge shall receive the grade “unsatisfactory” if the results of his or her work are under 70% of the number of resolved cases prescribed by the framework criteria for determining the required number of judges, unless the judge provides justified reasons (temporary incapacity for work, failure to receive timely responses from competent authorities upon the judge’s request, etc.).

The quality of work shall be appraised based on the ratio of overturned decisions of the appraised judge to the total number of decisions rendered during the appraisal period, as well as the number of reviewed decisions by the immediately higher court, and the number of hearings reopened or proceedings resumed by the second-instance court.

The appraisal of the quality of work shall be further regulated by the rules referred to in Article 101 of this Law.

The quality of reasoning in decisions shall be appraised based on the clarity, conciseness and completeness of the stated grounds.

Preparation for hearings and the ability to plan and effectively conduct procedural actions shall be appraised based on clearly defined actions to be undertaken at the preparatory hearing and the evidence to be presented, including their concentration, the judge’s ability to organise and effectively perform procedural and other actions in line with the principles of efficiency and effectiveness and the skills of hearing management shall be appraised based on the judge’s ability to conduct the hearing in a clear and comprehensive manner, while respecting the procedural roles of the parties involved.

General Competences and Professional Activities

Article 91

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 70)

General competences and professional activities of judges shall be appraised based on the following sub-criteria:

- 1) communication skills,
- 2) ability to adjust to changed circumstances,
- 3) participation in various professional activities,

Communication skills shall be appraised on the basis of respect shown for the parties, colleagues, and the court staff, in the exercise of judicial office.

Capability to adapt to changing circumstances shall be appraised based on the ability of the judge to adapt to structural and organizational changes in the court in which the judge exercises the judicial office, changes in laws and procedural rules, as well as new technologies and rules of work.

Participation in various professional activities shall be appraised on the basis of participation of the judge in trainings and other professional activities.

Sources of Performance Evaluation

Article 92

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 71)

Appraisal of work of judges under the criteria referred to in Article 89 of the present Law shall be made by inspecting:

- 1) five randomly selected cases that were closed with final judgments,
- 2) five cases completed by a final and enforceable decision, selected by the judge himself;
- 3) five randomly selected cases completed by a final and enforceable decision in which decisions were abolished;
- 4) a statistical report on the judge's work, containing data on the judge's performance, records from the judicial register and information on violations of the Judicial Code of Ethics and the judge's disciplinary responsibility;
- 5) information on the judge's trainings and other professional activities; and
- 6) judge's report.

Rules for Selection of Cases

Article 93

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 72)

The cases referred to in Article 92, paragraph 1, items 1, 2 and 3 of the present Law shall be selected from among finally completed cases in the period for which the appraisal

is made, in which the judge acted as a single judge, rapporteur judge or the panel president, where, in addition to the cases in which the judge acted in the court in which they exercise judicial office, the cases in which the judge acted in the courts to which they were deployed shall be taken into account, in accordance with the law.

The selection of cases referred to in paragraph 1 of this Article shall be made after the start of the appraisal of a judge, with the mandatory presence of the judge.

The type, manner and procedure for random selection of cases, as referred to in paragraph 1 of this Article, shall be stipulated in more detail by the rules referred to in Article 101 of this Law.

Reports by Judges

Article 94

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 73)

The judge whose work is appraised shall prepare, on a prescribed form, a report containing a description of their judicial actions against the criteria and sub-criteria prescribed by the present Law, the appraisal of own work, stating the cases that they chose for appraisal.

The judge shall submit the report referred to in paragraph 1 of this Article to the President of the Court in which they exercise judicial office, within eight days from the commencement of appraisal.

The president of the court where the judge exercises a judicial office shall also submit the report referred to in paragraph 1 of this Article and the documentation necessary for the appraisal of judges referred to in Article 92 of the present Law to the panel referred to in Article 88 paragraph 3 of this Law, within five days of receipt of the report of a judge.

Report and Proposal of the Panel of Judges for Appraisal

Article 95

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 74)

The panel referred to in Article 88 paragraph 3 of this Law shall prepare a report on the appraisal of the judges under the criteria and sub-criteria prescribed by the present Law, within 30 days of submission of documents referred to in Article 92 of the present Law.

On the basis of the report referred to in paragraph 1 of this Article and the report of the judge referred to in Article 94 of the present Law, the panel referred to in Article 88 paragraph 3 of this Law shall prepare a proposal for a grade to be awarded to a judge who is appraised and shall submit it to the Appraisal Commission.

Opinion on the Proposal of the Grade

Article 96

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 75)

The Appraisal Commission shall submit the proposal for a grade referred to in Article 95 of the present Law to the judge whose work is being appraised, who shall have the right to declare on the proposal within five days of the submission of the proposal for a grade.

The Evaluation Commission may request additional data and explanations from the panel referred to in Article 88 paragraph 3 of this Law.

The Appraisal Commission may invite the judge for an interview before determining the final grade, for the purpose of clarification of certain issues.

Establishing the Grades for Judges

Article 97

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 76)

A judge shall be graded “excellent” if his or her performance has been appraised as excellent in all sub-criteria, or specifically in the sub-criteria of quantity of work, quality of work, quality of reasoning in decisions, preparation for hearings, ability to plan and effectively conduct procedural actions, hearing management skills and communication skills, and as at least “good” in all other sub-criteria.

A judge shall be graded “good” if his or her performance in the sub-criteria of quantity of work, quality of work, quality of reasoning in decisions, preparation for hearings, ability to plan and effectively conduct procedural actions, hearing management skills, and communication skills has been graded at least “good,” and in all other sub-criteria at least “satisfactory.”

A judge shall be graded “satisfactory” if his or her performance in the sub-criteria of quantity of work, quality of work, quality of reasoning in decisions, preparation for hearings, ability to plan and effectively conduct procedural actions, and hearing management skills has been graded at least “satisfactory.”

A judge shall be graded “unsatisfactory” if his or her performance in any of the following sub-criteria—quantity of work, quality of work, quality of reasoning in decisions, preparation for hearings, ability to plan and effectively conduct procedural actions, or hearing management skills—has been graded “unsatisfactory,” or if he has received a grade other than “unsatisfactory” in those four sub-criteria, but has received an “unsatisfactory” grade in at least two of the following sub-criteria: communication skills, adapting to changing circumstances and participation in various professional activities.

Assessment

Article 98

Decision of the Evaluation Commission shall be final and administrative dispute may be initiated against it.

A final and enforceable decision on grade of a judge shall be entered into records of judges.

Consequences of the Grade

Article 99

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 77)

A judge who is appraised with a satisfactory and not satisfactory grade shall be referred to the mandatory programme of continuous training, in accordance with the law governing the training of judges.

A judge who is appraised with an excellent or good grade may be promoted to a higher court.

The provisions of the law governing the protection of personal data shall be applied to the protection of data on the procedure and results of appraisal of judges.

Appraisal of Court Presidents

Article 100

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 78)

President of court shall be appraised both as a judge and as the president of court.

Provisions of this Law relating to the appraisal of judges shall apply to the appraisal of a president of court in his capacity as a judge.

The president of court shall be appraised in his capacity as the president of court when reapplying for the position of court president.

Appraisal of court presidents shall be conducted by the Appraisal Commission.

Appraisal of court presidents shall be conducted on the basis of proposal for grade of the panel referred to in Article 88 paragraph 3 of this Law which includes, in addition to four judges of higher instance courts also the President of the High Misdemeanour Court when appraising the President of a Misdemeanour Court or the President of High Court when appraising the President of a Basic Court from the territory of that High Court, the President of the Appellate Court when appraising the President of the Commercial Court and the Presidents of High Courts, or the President of the Supreme Court when appraising the President of the Administrative Court and the Appellate Court.

The proposal for grade referred to in paragraph 5 of this Article shall contain an appraisal of the work of the court president as a president and as a judge.

The President of the court, in his or her capacity as President, shall be appraised with the grade "successful" or "unsatisfactory," based on his or her organisational abilities relating to the allocation of tasks and the provision of conditions for the orderly and timely performance of duties within the court, as well as based on the effectiveness in implementing the work programme referred to in Article 40 paragraph 2 of this Law.

If the court president is awarded a not satisfactory grade, they shall be dismissed from the office of the court president.

Special Rules for Appraisal

Article 101

The procedure of appraisal and indicators for the development of reports and proposals for grades on the basis of criteria prescribed for judges, as well as criteria for

appraisal and indicators for the development of reports and proposals for grades of court presidents shall be regulated in more details by the Judicial Council, through special rules.

Va. PERFORMANCE APPRAISAL OF SUPREME COURT JUDGES

Objective of the Performance Appraisal Of Supreme Court Judges

Article 101a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The performance of judges of the Supreme Court shall be appraised every five years for the purpose of assessing their efficiency and integrity.

Exceptionally, the appraisal of a Supreme Court judge who has received the grade “unsatisfactory” shall be conducted before the expiry of the period referred to in paragraph 1 of this Article.

The appraisal referred to in paragraph 2 of this Article shall be conducted upon the expiry of one year from the date when the decision determining the “unsatisfactory” grade became final, for the period from the previous appraisal.

Grades awarded to judges in the performance appraisal shall be excellent, good, satisfactory and unsatisfactory.

Commission and Panel for the Performance Appraisal Of Supreme Court Judges

Article 101b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The performance appraisal of Supreme Court judges shall be carried out by the Appraisal Commission.

The Appraisal Commission shall adopt a decision on the performance appraisal of a Supreme Court judge upon the proposal of the Panel of Judges for the Appraisal of Supreme Court Judges, composed of the Deputy President of the Supreme Court, the Presidents of criminal, civil and administrative divisions and the President of the Panel for Rulings on Fair Redress Claims.

Members of the Panel of Judges for the Appraisal of Supreme Court Judges shall have deputies.

When the Supreme Court judge being appraisal is a member of the Panel referred to in paragraph 3 of this Article, his deputy shall participate in the work of the Panel in his place.

The Panel referred to in paragraph 3 of this Article shall be established by the Judicial Council.

The Judicial Council may adopt a decision on the exclusion of a member of the Panel referred to in paragraph 3 of this Article.

The Rules of Procedure of the Judicial Council shall stipulate the working methods of the Panel referred to in paragraph 3 of this Article, as well as the grounds and procedure for the exclusion of its members.

Criteria for the Performance Appraisal Of Supreme Court Judges

Article 101c

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The criteria for the performance appraisal of Supreme Court judges are:

- 1) efficiency of the judge's performance;
- 2) integrity.

The efficiency of a Supreme Court judge shall be appraised based on the number of resolved and incoming cases during the appraisal period, in relation to the average number of resolved cases by type and duration of proceedings.

The integrity of a Supreme Court judge shall be appraised based on information concerning monitoring requests, the judge's disciplinary responsibility and violations of the Judicial Code of Ethics.

Sources of Performance Appraisal Of Supreme Court Judges

Article 101č

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

Performance appraisal of Supreme Court judges under the criteria referred to in Article 101c of this Law shall be made by inspecting:

- 1) a report from the judicial information system on the total number of cases handled, the number of incoming cases during the appraisal period, the duration of proceedings and the judge's workload;
- 2) a statistical report on the work of the Supreme Court judge, containing data on the judge's performance, records from the judicial register, as well as information on the judge's disciplinary responsibility and violations of the Judicial Code of Ethics.

Proposal of the Panel of Judges for the Appraisal of Supreme Court Judges

Article 101ć

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The panel referred to in Article 101b paragraph 3 of this Law shall prepare a report on the performance appraisal of Supreme Court judges under the criteria referred to in Article 101c of this Law, within 30 days of submission of documents referred to in Article 101č of this Law.

On the basis of the report referred to in paragraph 1 of this Article, the Panel referred to in Article 101b paragraph 3 of the present Law shall prepare a proposal for a grade to be awarded to a Supreme Court judge who is appraised and shall submit it to the Appraisal Commission.

Opinion of the Supreme Court Judge on the Proposal of the Grade

Article 101d

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The Appraisal Commission shall submit the proposal for a grade referred to in Article 101c paragraph 2 of the present Law to the Supreme Court judge whose work is being appraised, who shall have the right to declare on the proposal within five days of the submission of the proposal for a grade.

The Appraisal Commission may request additional data and explanations from the panel referred to in Article 101b paragraph 3 of this Law.

The Appraisal Commission may invite the judge for an interview before determining the final grade, for the purpose of clarification of certain issues.

Establishing the Grades for Supreme Court Judges

Article 101dž

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

A Supreme Court judge shall be graded "excellent" if their performance in all sub-criteria is appraised as "excellent".

A Supreme Court judge shall be graded "good" in the performance appraisal if his performance is rated "good" under all criteria, or if under one criterion his performance is graded "excellent" and the other graded "good" or "satisfactory."

A Supreme Court judge shall be graded "satisfactory" in the performance appraisal if his performance is graded "satisfactory" under all criteria, or if under one criterion his performance is graded "good" and the other "satisfactory."

A Supreme Court judge shall be rated "unsatisfactory" in the performance appraisal if his or her performance is rated "unsatisfactory" under at least one criterion.

Grade of Supreme Court Judges

Article 101đ

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

Decision of the Appraisal Commission shall be final and administrative dispute may be initiated against it.

A final and enforceable decision on the grade of a Supreme Court judge shall be entered into records of judges.

Consequences of the Grades for Supreme Court Judges

Article 101e

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

A judge who is appraised with a "satisfactory" or "not satisfactory" grade shall be referred to the mandatory programme of continuous training, in accordance with the law governing the training of judges.

The provisions of the law governing the protection of personal data shall be applied to the protection of data on the procedure and results of performance appraisal of Supreme Court judges.

Special Rules for the Performance Appraisal Of Supreme Court Judges

Article 101f

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 79)

The procedure of appraisal and indicators for the development of reports and proposals for grades on the basis of criteria prescribed for Supreme Court judges shall be regulated in more detail by the rules referred to in Article 101 of this Law.

VI. INCOMPATIBILITY AND TERMINATION OF JUDICIAL OFFICE

Opinion on Other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution.

Approval for the Deprivation of Liberty

Article 103

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 80)

When the competent court or the competent state prosecution office deems there are grounds for depriving a judge of his liberty due to a criminal offence committed in the performance of judicial office, it shall be obliged to immediately request authorisation for the deprivation of liberty from the Judicial Council.

The Judicial Council shall make the decision upon request referred to in paragraph 1 of this Article within 24 hours of receipt of the request.

Notwithstanding paragraph 2 of this Article, if the deprivation of liberty of a judge is requested for the criminal offence of organized crime, high-level corruption or money laundering within the jurisdiction of the Special Division of the High Court in Podgorica committed in the performance of judicial office, the Judicial Council shall make the decision referred to in paragraph 1 of this Article within 6 hours from the receipt of the request.

Damage Liability

Article 104

The state shall be liable for damage caused to a party to the proceedings by a judge through illegal, unprofessional, or unconscientious work in the exercise of judicial office.

The state shall have the right to require the judge to reimburse the amount paid to the party to the proceedings on the basis of the damage caused referred to in paragraph 1 of this Article, if the judge caused damage intentionally.

If the judge caused the damage referred to in paragraph 1 of this Article through gross negligence, the state shall have the right to claim the reimbursement of the amount paid to the party to the proceedings, up to 1/3 of annual net salary of the judge.

Cessation of duty

Article 105

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 81)

When one of the reasons for the termination of judicial office arises, the Judicial Council shall be immediately notified thereof by: the court president for a judge, the president of the immediately higher court for the court president and the General Session of the Supreme Court for the President of the Supreme Court.

The Judicial Council shall adopt the decision on the termination of judicial office no later than within 30 days from the date of receipt of the notification referred to in paragraph 1 of this Article.

Judicial office shall be terminated on the date of adoption of the decision referred to in paragraph 2 of this Article, except in the case of termination upon the expiry of the term of office, when the judicial office terminates on the date of expiry of the term.

The Judicial Council shall submit the decision on termination of office to the court president or judge whose office is terminated and the court in which the person was exercising office, publishing it in the Official Gazette of Montenegro.

An administrative dispute may be initiated against the decision referred to in paragraph 2 of this Article by the judge or court president whose office has been terminated.

If an administrative dispute is initiated against the decision on termination of office, the Judicial Council may appoint a new judge or court president to the position of the judge or court president whose office has been terminated, once the decision on termination becomes final.

Termination of Office of Court President

Article 106

The office of a court president shall terminate:

- 1) Upon the expiry of the time period for which they were appointed;
- 2) When their judicial office terminates;
- 3) At their own request; or
- 4) In the case of dissolution or merger of courts.

Acting Court President

Article 106a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 82)

Judicial Council shall appoint an acting court president in the following cases:

- 1) dismissal from office of the court president referred to in Article 126 of this Law;
- 2) termination of office of the court president due to death or resignation from his office of the court president;
- 3) conviction to an unconditional prison sentence;
- 4) dismissal from judicial office.

The acting court president shall be appointed from the judges of that court until the court president is appointed and not longer than six months.

Proclaiming the Decision on Election Null and Void

Article 107

The Judicial Council shall annul the decision on the appointment of a judge if it is proved that, at the time of appointment, the judge did not meet the conditions for appointment, or if it receives information that would, had they been known at the time when the Judicial Council appointed the judge, present a reason for the Judicial Council not to adopt a decision on appointment.

The Judicial Council may postpone the commencement of the exercise of the judicial office in order to verify the information referred to in paragraph 1 of this Article.

If the Judicial Council annuls the decision on the appointment of a judge, it shall appoint the first next candidate from the ranking list to the position, or shall repeat the procedure for the appointment of judges if there are no more candidates.

Vla. CODE OF ETHICS AND DECIDING ON RIGHTS AND OBLIGATION OF JUDGES

Judicial Code of Ethics

Article 107a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 83)

Judicial Code of Ethics shall define ethical principles and rules of conduct for judges and define in more detail the procedure for determining violations of the Judicial Code of Ethics.

Commission for Code of Ethics for Judges

Article 107b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 83)

Commission for the Judicial Code of Ethics shall have the president and two members, with deputies.

The Chairperson of the Commission for the Judicial Code of Ethics and their deputy shall be elected from among the members of the Judicial Council who are not judges, while two members of the Commission and their deputies from among judges shall be elected by the Conference of Judges, upon the proposal of the sessions of judges of all courts.

Proposals referred to in paragraph 2 of this Article shall contain two candidates.

A judge may be elected as a member of the Commission for the Judicial Code of Ethics and as a deputy member if they:

- have performed judicial duties for at least five years;
- have not been subject to disciplinary sanctions;
- have not violated the Judicial Code of Ethics;
- are not a member of the Judicial Council.

The Commission for the Judicial Code of Ethics shall be appointed for a term of four years.

A member of the Commission for the Judicial Code of Ethics and his deputy shall be dismissed if subjected to disciplinary sanctions, if he violates the Judicial Code of Ethics or if elected as a member of the Judicial Council.

The Commission for the Judicial Code of Ethics shall adopt decisions, provide opinions, and issue guidelines in accordance with the Rules of Procedure referred to in paragraph 10 of this Article.

The Commission for the Judicial Code of Ethics shall draft the report on its work and submit to the Judicial Council once a year, not later than 31 March of the current year for the previous year.

Administrative and technical tasks for the work of the Commission for the Judicial Code of Ethics shall be performed by the Judicial Council Secretariat.

The detailed procedure for the election of the Chairperson and members of the Commission for the Judicial Code of Ethics and their deputies, the manner of work, the cases and procedure for disqualification of the Chairperson and members, as well as other matters of importance for the work of the Commission, shall be stipulated by the Rules of Procedure of the Commission for the Judicial Code of Ethics.

Decisions of the Commission for the Judicial Code of Ethics

Article 107c

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 83)

Anyone may submit an initiative to the Commission for the Judicial Code of Ethics in order to determine whether certain conduct of judges is in accordance with the Judicial Code of Ethics.

Following the completion of the procedure, the Commission for the Judicial Code of Ethics shall adopt a decision either rejecting the initiative referred to in paragraph 1 of this Article or establishing a violation of the Judicial Code of Ethics.

If the Commission for the Judicial Code of Ethics, in the course of deciding on a violation of the Judicial Code of Ethics upon an initiative referred to in paragraph 1 of this Article, assesses that the judge's actions contain elements of a disciplinary offence referred to in Article 108 of this Law, it shall suspend the proceedings for establishing a violation of the Judicial Code of Ethics and submit a written notification to the Judicial Council thereof. The proceedings shall subsequently be discontinued if the disciplinary responsibility of the judge is established.

If the disciplinary responsibility of the judge is not established, the Commission for the Judicial Code of Ethics shall resume the procedure and adopt a decision on the existence or non-existence of a violation of the Judicial Code of Ethics.

An objection against the decision of the Commission for the Judicial Code of Ethics may be submitted to the Judicial Council within eight days from the date of receipt of the decision.

The Judicial Council shall decide on the application referred to in paragraph 5 of this Article within 30 days from receiving the application.

Opinion of the Commission for the Judicial Code of Ethics

Article 107č

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 83)

Judge or court president can contact the Commission for the Judicial Code of Ethics for opinion whether certain behaviour would present a violation of the Judicial Code of Ethics.

Deciding on the Rights and Obligations of Judges

Article 107ć

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 83)

Rights and obligations of judges arising from or in connection with employment shall be decided by the president of the court.

An appeal against the decision of the president of the court may be lodged with the president of the immediately higher court, and an appeal against the decision of the President of the Supreme Court may be lodged with the General Session of the Supreme Court.

Administrative dispute can be initiated against the decision referred to in paragraph 2 of this Article.

VII. DISCIPLINARY LIABILITY AND DISMISSAL

1. Disciplinary Proceedings

Disciplinary Offences

Article 108

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 84)

A judge and a court president as a judge shall have disciplinary liability for minor, severe and the most severe disciplinary offences.

Minor disciplinary offences of a judge shall exist if they:

- 1) fail, without justified reason, to assume cases for work in the order in which they are received, in accordance with the law and the Court Rules of Procedure;
- 2) are unjustifiably late to scheduled hearings, trials, panel sessions or meetings of judges;
- 3) without justification, exceeds the statutory deadline for drafting decisions in at least ten cases within one year, provided that the delay does not exceed 30 days;
- 4) without justification, fails to attend mandatory training programmes;
- 5) do not meet the obligations of a mentor during initial training and training of trainees;
- 6) do not take statutory measures to respect the court and the parties to the proceedings.

Severe disciplinary offences of a judge shall exist if they:

- 1) without justification, fail to take at least two cases for handling or fail to schedule hearings or trials or otherwise cause delays in the proceedings in at least two cases;
- 2) without justification, fail to appear at scheduled hearings, trials, panel sessions, meetings of judges or the Conference of Judges;
- 3) without justification, exceed the statutory deadline for drafting decisions in at least 20 cases within one year, provided that the delay does not exceed 30 days; or, without justification, exceed three times the statutory deadline for drafting decisions in at least five cases or exceed six times the statutory deadline in one case;
- 4) without justification, fail to request recusal in a case where they knew there were obvious grounds for his mandatory recusal;
- 5) fail, without justified reason, to adhere to the programme for resolving backlog of cases or does not act upon the decision under a control request;
- 6) prevent supervision in accordance with the law;
- 7) without justification, fail to provide the report referred to in Article 94 paragraph 1 of this Law to the president of the court in which he is performing judicial duties;
- 8) in the exercise of judicial office, or in a public place, bring themselves into a state or behave in a manner that is not appropriate to the exercise of judicial office;
- 9) treat participants in court proceedings and court staff inappropriately;

- 10) disclose confidential information that they learned while acting in cases or performing a judicial office;
- 11) use the judicial office to achieve their private interests and interests of their family or close persons;
- 12) accept gifts or intentionally does not submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest, with intent of concealing his assets;
- 13) have been absent from work for five consecutive days without justification;
- 14) comment on rulings, proceedings or case in media in the manner contrary to the law and Court Rules of Procedure;
- 15) have been disciplinary sanctioned at least three times for minor disciplinary offences;
- 16) received the grade "unsatisfactory" twice repeatedly;

The most severe disciplinary offence of a judge shall exist if they:

- 1) have been convicted of an offence that renders them unworthy to perform judicial office;
- 2) perform the judicial office incompetently or unconscientiously.

An act that renders a judge unworthy of performing judicial office, within the meaning of paragraph 4 item 1 of this Article, shall be deemed to be a criminal offence prosecuted ex officio for which a term of imprisonment of more than one year is prescribed and which was committed with intent.

Unprofessional or unconscientious performance of judicial office, within the meaning of paragraph 4 item 2 of this Article, shall be deemed to exist if a judge:

- 1) without justification, fails to achieve at least 60% of the expected performance in terms of work quantity, in line with the framework criteria for determining the necessary number of judges;
- 2) without justification, fails to take at least five cases for handling or fails to schedule hearings or trials or otherwise causes delays in the proceedings in at least five cases;
- 3) without justification, exceeds the statutory deadline for drafting decisions in at least 30 cases within one year, provided that the delay does not exceed 30 days; or, without justified reason, exceeds three times the statutory deadline for drafting decisions in at least ten cases;
- 4) becomes a member of a political party or assumes a parliamentary or other public office or professionally engages in other activities contrary to Article 102 paragraph 2 of this Law;
- 5) has been disciplinary sanctioned for serious disciplinary offences at least twice within a three-year period;
- 6) commits a serious disciplinary offence resulting in irreparable harm to a party or significant damage to the reputation of the judiciary.

Disciplinary Sanctions

Article 109

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 85)

Disciplinary sanctions shall include reprimand, fine, prohibition of promotion and dismissal.

A warning and a fine in the amount of 20% of the salary of the judge, lasting up to three months, shall be imposed for minor disciplinary offences.

A fine in the amount of 20% to 40% of the salary of the judge, lasting for a period of three to six months shall be imposed for severe disciplinary offences.

A ban on promotion, along with a fine may be imposed for severe disciplinary offences depending on their severity of the committed disciplinary offence.

If the proceedings are conducted for two or more minor disciplinary offences, the judge may be imposed the disciplinary sanctions for severe disciplinary offence.

Dismissal shall be imposed for committing the most severe disciplinary offences.

A ban on promotion shall imply that a judge may not be appointed to a higher court or appointed as a court president before the expiration of two years from the date of finality of the decision imposing a disciplinary sanction.

Motion for Establishing Disciplinary Liability

Article 110

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 86)

If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by a member of the Judicial Council.

If there is reasonable suspicion that a judge committed a disciplinary offence, the notification thereof, in writing, shall be submitted by the court president, the president of the immediately higher court and the President of the Supreme Court to the Judicial Council.

The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court.

The motion for determining the disciplinary responsibility of a judge and notification referred to in paragraph 1 of this Article shall be filed or submitted immediately upon learning that disciplinary offence has been committed.

Contents of the Motion

Article 111

The motion for establishing disciplinary liability shall be filed to the Judicial Council in written form and shall contain personal data of the judge, factual and legal description of the disciplinary offence, the proposal for the imposition of a certain disciplinary sanction and an explanation from which the reasonable suspicion that the judge committed a disciplinary offence arises.

The Judicial Council shall submit the motion for establishing disciplinary liability to the disciplinary prosecutor, no later than five days from the receipt of the motion.

Disciplinary Plaintiff

Article 112

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 87)

The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the disciplinary prosecutor, who shall also represent the indictment in the procedure of establishing disciplinary liability of the judge.

Disciplinary plaintiff shall have a deputy.

Disciplinary prosecutor and their deputies shall be appointed by the Judicial Council from among the judges with at least 15 years of work experience as a judge, upon the proposal of the General Session of the Supreme Court, to the term of four years.

Completing of Investigation by Disciplinary Plaintiff

Article 113

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 88)

The disciplinary prosecutor shall complete the investigation referred to in Article 112 of the present Law within 45 days of the day of submission of the motion for establishing disciplinary liability.

Refusal of the judge to participate in an investigation shall not hinder the implementation and finalization of the investigation.

Disciplinary plaintiff shall be bound by the factual description of the disciplinary offence given in the motion for establishing disciplinary liability.

After conducted investigation upon the submitted motion, the disciplinary prosecutor may propose to the disciplinary panel or the Judicial Council to:

- 1) a proposal to reject the motion for establishing disciplinary liability
 - a) because the motion was filed for an activity that is not defined as a disciplinary offence;
 - b) due to statute of limitation; or
 - c) because the motion was filed by an unauthorized person;
- 2) Reject the motion for establishing disciplinary liability as unfounded, for lack of evidence that the judge has committed a disciplinary offence;
- 3) File a bill of indictment for establishing disciplinary liability of the judge.

If it disagrees with the proposal of the disciplinary prosecutor referred to in paragraph 4, items 1 and 2 of this Article, the disciplinary panel or the Judicial Council may obligate the disciplinary prosecutor to conduct an investigation and submit the indictment.

Authorities Relevant to Establish Disciplinary Liability

Article 114

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 89)

The procedure of establishing disciplinary liability for minor and severe disciplinary offences shall be conducted by the disciplinary panel, under the bill of indictment of the disciplinary prosecutor.

The disciplinary panel shall consist of three members of the Judicial Council, two members from among the judges and one member from among the eminent lawyers, who shall be the chairperson of the disciplinary panel.

The members of the disciplinary panel and their deputies shall be appointed by the Judicial Council, on a proposal from the President of the Judicial Council, t the term of two years.

The procedure of establishing disciplinary liability for the most severe disciplinary offences shall be conducted by the Judicial Council, under the bill of indictment of the disciplinary prosecutor.

Defence

Article 115

A judge whose liability is examined shall be entitled to a defence counsel.

At a hearing, the judge shall be enabled to state their defence personally, in writing or via a defence counsel of their choice.

Discussion

Article 116

In the procedure of establishing disciplinary liability, the disciplinary panel or the Judicial Council shall hold a hearing.

The disciplinary prosecutor, judge and their defence counsel shall be summoned to the hearing.

The disciplinary panel or the Judicial Council shall present evidence which it finds necessary for fair and full determination of the factual situation.

If the judge whose disciplinary liability is being examined fails to respond to the summons of the disciplinary panel or the Judicial Council without justified reason, the procedure shall be conducted in their absence.

Column 1 – ordinal number of the case file shall be entered.

Article 117

In the procedure of establishing disciplinary liability of a judge, the disciplinary panel or the Judicial Council may decide to:

- 1) Reject the bill of indictment as unfounded;
- 2) Adopt the bill of indictment and pronounce a disciplinary sanction.

When making a decision on disciplinary liability and imposing disciplinary sanctions, the disciplinary panel or the Judicial Council shall not be bound by the proposal of disciplinary prosecutor.

The disciplinary panel or the Judicial Council shall complete the procedure of establishing disciplinary liability of a judge within 60 days from receipt of the bill of indictment of the disciplinary prosecutor.

Time-limit for Writing of the Decision

Article 118

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 90)

The decision establishing disciplinary liability of a judge and imposing disciplinary sanctions shall be drafted and submitted to the judge whose liability is established and to disciplinary prosecutor, within 15 days from the date of adopting the decision.

The disciplinary prosecutor and the judge whose liability is established shall be entitled to file an appeal against the decision referred to in paragraph 1 of this Article to the Supreme Court which shall decide in a panel of five judges.

The appeal referred to in paragraph 2 of this Article shall be submitted within eight days from the day of receiving the decision, via Judicial Council.

The panel referred to in paragraph 2 of this Article must decide on the appeal within 30 days from the day of receipt of the appeal.

Statute of Limitations

Article 119

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 91)

Conduct of the procedure of establishing disciplinary liability of a judge shall become barred by the statute of limitations after the lapse of two years from the date of committing a minor disciplinary offence, or four years from the date of committing a severe disciplinary offence and six years from the day of committing the most severe disciplinary offence.

By way of exception from paragraph 1 of this Article, the period of statute of limitations for conducting the procedure of establishing disciplinary liability in the case of conviction for a criminal offence that rendered the judge unworthy for the exercise of judicial office shall begin to run from the date when the judgment by which the judge was convicted became final and enforceable.

Enforcement of disciplinary sanction shall fall under the statute of limitations within one year from the day when the disciplinary sanction imposing such measure has become final.

The imposed disciplinary sanctions shall be deleted from the records on the judge after the expiry of:

- four years from the date of finality of the decision imposing a disciplinary sanction for the most serious disciplinary offences;
- three years from the date of finality of the decision imposing a disciplinary sanction for serious disciplinary offences;
- two years from the date of finality of the decision imposing a disciplinary sanction for minor disciplinary offences.

The Judicial Council shall delete data on imposed disciplinary sanctions after the deadline referred to in paragraph 4 of this Article ex-officio.

Recusal

Article 120

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 92)

A member of the Judicial Council who submitted the motion for establishing the disciplinary liability of the judge, and the Chairperson of the Judicial Code of Ethics Commission, may not participate in the proceedings for establishing the disciplinary liability of a judge, if a notification referred to in Article 107c paragraph 3 of this Law has been submitted.

In the same proceedings, the disciplinary prosecutor, a member of the disciplinary panel, as well as a member of the Judicial Council, may not participate when there are circumstances that give rise to doubts about their impartiality.

If disciplinary proceedings have been initiated against a judge who is a member of the disciplinary panel, that judge shall not participate in the work of the disciplinary panel.

The recusal referred to in paragraphs 1, 2 and 3 of this Article shall be decided upon by the President of the Judicial Council, while the recusal of the President of the Judicial Council shall be decided upon by the Judicial Council.

Temporary Removal

Article 121

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 93)

A judge shall be temporarily removed from duty if:

- 1) detention is ordered against them, for the duration of detention; or
- 2) an indictment for a criminal offence rendering the judge unworthy of judicial office is confirmed against him, or a main hearing is scheduled based on an indictment proposal or private criminal complaint, until the final conclusion of the criminal proceedings.

A judge may be temporarily suspended from duty following the submission of a motion to initiate disciplinary proceedings for the most serious disciplinary offence or upon the issuance of an order to conduct an investigation for a criminal offence rendering the judge unworthy of judicial office.

The decision on temporary removal from duty shall be brought by the Judicial Council.

The request for temporary removal from duty referred to in paragraphs 1 and 2 of this Article shall be filed by the disciplinary prosecutor.

Effect of Decision

Article 122

Actions taken by the judge with regard to the trials in legal matters after the date when they were removed, dismissed or when their office terminated, shall have no legal effect.

Costs of the Proceedings

Article 123

If the proposal for establishing disciplinary liability was rejected, the costs of disciplinary proceedings shall be borne by the Judicial Council.

Disciplinary Liability of Lay Judges

Article 124

Disciplinary liability and procedure of establishing disciplinary liability of lay judges shall be appropriately governed by the provisions of the present Law governing the disciplinary liability of judges.

Appropriate Application of the Law

Article 125

Provisions of the Criminal Procedure Code shall be applied accordingly to the disciplinary proceedings, unless this Law requires otherwise.

Registering Filings

Article 125a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 94)

The receipt, registration, and handling of filings in disciplinary proceedings shall be regulated in more detail by the Rules of Procedure of the Judicial Council.

2. Dismissal of Court President

Reasons for Dismissal

Article 126

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 95)

A court president shall be dismissed from the duty of a court president if they:

- 1) Amend the annual work distribution of the court contrary to the law;
- 2) Prevent supervision in the court in accordance with the law;
- 3) Treat the parties and the court staff inappropriately;
- 4) Fail to submit or submit incomplete or inaccurate reports on work and other information in accordance with the law;
- 5) Do not act on complaints against the work of judges in accordance with the regulations, as well as under control requests;
- 6) Do not respect the principle of random allocation of cases;
- 7) Deprive judges of assigned cases contrary to the law;
- 8) In the process of supervision over the conduct of judicial administration, illegalities and irregularities are found in the performance of judicial administration that damage orderly and timely performance of the duties and functions of the court;
- 9) fail to submit a notification of the existence of a reasonable suspicion that a judge has committed a disciplinary offence in cases prescribed by this Law, while knowing

or having a duty to know that there are grounds for disciplinary liability, in line with Article 110 paragraph 4 of this Law;

9a) without justification, delays the enforcement of criminal sanctions, resulting in the statute of limitations for their enforcement;

10) Have been temporarily removed from judicial duty; or

11) Have been appraised with a not satisfactory grade.

Motion for Dismissal

Article 127

The motion for the dismissal of the court president may be submitted by a president of the immediately higher court and the President of the Supreme Court.

The motion for the dismissal of the court president shall be filed without delay, immediately after becoming aware of the committed disciplinary offence.

Appropriate Implementation

Article 128

The procedure of dismissal of the court president shall be appropriately governed by the provisions of the present Law governing the procedure of establishing disciplinary liability of judges.

3. Dismissal due to Permanent Incapacity to Exercise Judicial Office

Procedure and Decision

Article 129

The motion for dismissal of a judge in the case of permanent incapacity to exercise judicial office shall be filed on the basis of the final and enforceable court decision on the loss of working ability or a decision of the competent authority establishing that the physical and psychological characteristics of the judge are such that they prevent the exercise of the judicial office.

If the behaviour of the judge or their attitude towards work raises doubt that they have permanently lost the ability to exercise the judicial office, the Judicial Council may independently or at the motion of the court president order that the judge undergo medical examination.

The motion for dismissal of a judge due to permanent incapacity to exercise judicial office shall be filed by a court president, and for the court president by the president of the immediately higher court and the President of the Supreme Court, and for the President of the Supreme Court by the General Session of the Supreme Court.

In the procedure of dismissal due to permanent incapacity to perform judicial office, the judge shall have the right to declare on the motion for dismissal.

The decision on dismissal due to permanent incapacity to perform judicial office shall be brought by the Judicial Council, and an administrative dispute may be initiated against this decision.

VIII. XII RECORDS

Contents of the Records

Article 130

The Secretariat of the Judicial Council shall maintain records on judges, which shall include, in particular, information on:

- 1) Personal name, nationality if the judge declares, address, date, and place of birth and sex;
- 2) date of appointment to the office;
- 3) work experience;
- 4) Scientific title (master, M.Sc, PhD);
- 5) professional advancement;
- 6) knowledge of a foreign language;
- 7) published scientific and professional papers and other activities in the field of profession;
- 8) disciplinary liability and dismissal;
- 8a) violations of the Judicial Code of Ethics;
- 9) Report on work (the number of cases, quantity, and quality of work, exceeding statutory deadlines);
- 10) score given for their work;
- 11) termination of office;

The judge shall have the right to propose that other information are entered in the records referred to in paragraph 1 of this Article, as well as the right to inspect the records and documents based on which records are kept about them.

The method of keeping records referred to in paragraph 1 of this Article shall be determined by the Rules of Procedure of the Judicial Council.

IX. FINANCIAL ASSETS

Funds for Work of the Judicial Council

Article 131

Funds for the work of the Judicial Council shall be provided in the section of the Budget of Montenegro for judiciary, as a separate programme.

The Judicial Council shall propose the annual budget for the work of the Judicial Council.

The Judicial Council shall submit an annual budget proposal to the Government of Montenegro.

The President of the Judicial Council shall have the right to participate in the work of the session of the Parliament in which the budget proposal of the Judicial Council is discussed.

Issuer of Financial Orders

Article 132

The President of the Judicial Council shall be the financial principal in the Judicial Council.

The President of the Judicial Council may delegate the authorization referred to in paragraph 1 of this Article to the Secretary of the Secretariat of the Judicial Council.

X. SECRETARIAT OF THE JUDICIAL COUNCIL

Secretariat

Article 133

With a view to professional performance of all financial, administrative, IT, analytical and other tasks of the Judicial Council and activities of mutual interest to the courts, the Secretariat of the Judicial Council shall be formed (hereinafter referred to as Secretariat

Secretary of the Secretariat

Article 134

The Secretariat shall be managed by the secretary.

Secretary of the Secretariat shall be appointed and dismissed by the Judicial Council, on a proposal from the President of the Judicial Council, on the basis of a public announcement.

Secretary of the Secretariat shall be appointed for a period of five years.

Proposal for appointment of the secretary of the Secretariat shall contain name of the candidate, short curriculum vitae and an explanation.

A person who, in addition to the general requirements for employment in state authorities, meets the following special conditions may be appointed as the Secretary of the Secretariat:

- 1) Completed law faculty – level VII1 of education qualifications;
- 2) to have passed judicial exam;
- 3) to have at least ten years of experience;
- 4) to possess organisational skills.

Responsibility

Article 135

The Secretary of the Secretariat shall be responsible for their work to the Judicial Council.

The office of the Secretary of the Secretariat shall terminate before the expiry of the time for which they were appointed through a resignation or dismissal.

The Secretary of the Secretariat may be dismissed upon a reasoned proposal of the President or a member of the Judicial Council.

Appropriate Implementation

Article 136

Employment, rights, obligations, and responsibilities of the Secretary of the Secretariat shall be appropriately governed by the provisions of the law regulating the rights, obligations and responsibilities of civil servants and state employees relating to senior managerial staff.

Employment, rights, obligations, and responsibilities of other staff in the Secretariat shall be appropriately governed by regulations governing employment, rights, obligations and responsibilities of civil servants and state employees.

Rulebook on Internal Organisation and Job Descriptions

Article 137

Internal organisation of the Secretariat, number of civil servants and state employees and their job descriptions shall be regulated by the rulebook on internal organisation and job descriptions, in accordance with this Law and regulations governing state administration.

The act referred to in paragraph 1 of this Article shall be adopted by the Judicial Council, on a proposal from the Secretary of the Secretariat, upon previously obtained opinion of the Ministry and the competent authorities, in accordance with the law governing the rights and obligations of civil servants and state employees.

XI. TRANSITIONAL AND FINAL PROVISIONS

Time-limit for adoption of secondary legislation

Article 138

By-laws for the implementation of the present Law shall be passed no later than six months from the date of entry into force of the present Law.

Article 138a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 97)

By-laws for the implementation of the present Law shall be passed no later than six months from the date of entry into force of the present Law.

Mandate of the Judicial Council

Article 139

The Judicial Council appointed in accordance with the Law on the Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13) shall continue to function until the expiry of its mandate.

Article 139a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 3)

The President and members of the Judicial Council from among eminent lawyers, whose mandate ends due to the expiration of the term for which they were elected, shall continue to perform their duties until the election and announcement of new members of the Judicial Council from among eminent lawyers.

The performance of the duties referred to in paragraph 1 of this Article shall not constitute the re-election of the members of the Judicial Council.

Article 139b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 3)

If the conditions referred to in Article 139a of the present law are met, the Judicial Council shall elect the President of the Judicial Council for a certain period of time, until the election and announcement of new members of the Judicial Council from among prominent lawyers.

Article 139c

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 042/18 of 29.06.2018, Article 3)

If the conditions referred to in Article 139a of the present law are fulfilled, the composition of the Judicial Council, which consists of members of the Judicial Council elected by the Conference of Judges and acting members of the Judicial Council from among eminent lawyers, until the election and announcement of new members of the Judicial Council from among distinguished lawyers, shall be declared by the President of Montenegro.

Continuation of Work

Article 140

Director of the Secretariat appointed in line with the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13), shall continue working as the Secretary of the Secretariat until the expiry of the term to which he was appointed.

Article 140a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 98)

Pending proceedings for the selection of judges and court presidents, promotion of judges, determination of violations of the Judicial Code of Ethics and disciplinary liability of judges and court presidents that have not been concluded with a final decision by the date of entry into force of this Law shall be completed in accordance with the provisions of the Law on the Judicial Council and Judges (Official Gazette of Montenegro 11/15, 28/15 and 42/18).

If a decision on the selection of a candidate for judge has been made in the selection procedure before the entry into force of this Law, the initial training for those candidates shall be conducted in accordance with this Law.

Article 140b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 98)

Evaluation procedures for judges and court presidents initiated prior to the entry into force of this Law shall be completed in accordance with the provisions of the Law on Judicial Council and Judges (Official Gazette of Montenegro 11/15, 28/15 and 42/18).

Article 140c

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 98)

Initial training for candidates for the position of a judge at a basic court that has commenced before the entry into force of this law shall last for 12 months.

Deferral of Implementation

Article 141

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 028/15 of 03 June 2015, Article 3)

The provisions of Articles 37 to 75 and 87 to 101 of the present Law shall apply as of 1 January 2016.

Until the commencement of application of provisions referred to in paragraph 1 of this Article, Articles 28 to 41a of the Law on Judicial Council shall apply (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13).

Article 141a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 99)

The provisions of Articles 55a and 86a of the present Law shall apply as of 1 January 2025.

Article 141b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 99)

Plan for evaluation of judges referred to in Article 87 paragraph 1 of this Law shall be adopted within three months from the date of entry into force of this Law.

Application of Regulations

Article 142

Provision of Article 79, paragraph 1 of the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13) shall apply until the commencement of application of the law governing salaries in the public sector.

Article 142a

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 060/24 of 24 June 2024, Article 100)

Until the adoption of the law regulating the salaries of judges and state prosecutors, judges shall exercise the right to salary in accordance with the law governing the salaries of employees in the public sector.

Article 142b

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 0092/25 of 7 August 2025, Article 2)

Provisions of Article 5 paragraphs 2 and 3 of this Law shall apply as of 1 January 2026.

Repealing Previous Legislation

Article 143

(Law amending the Law on Judicial Council and Judges, Official Gazette of Montenegro 028/15 of 03 June 2015, Article 4)

On the day of entry into force of the present Law, the Law on Judicial Council (Official Gazette of Montenegro 13/08, 39/11, 31/12, 46/13 and 51/13) shall be repealed, with the exception of provisions of Articles 28 to 41a, which shall be repealed on 1 January 2016.

Entry into Force

Article 144

This Law shall enter into force on the day of its publishing in the Official Gazette of Montenegro.