



ENCJ NEWSLETTER



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European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

European Network of Councils for the Judiciary

Decision of the ENCJ Executive Board granting KRS Poland guest status

The Krajowa Rada Sądownictwa of Poland (KRS Poland) was expelled from the ENCJ in October 2021 by decision of the General Assembly, as it no longer met the statutory requirements for membership, in particular the requirement to safeguard judicial independence. The expulsion followed the premature termination of the mandates of judicial members elected by their peers in 2018 and the implemented changes to the law resulting in the transfer of the power to elect judicial members to the Parliament.

Following the expiry of the previous members' mandates, a new election process took place in 2026. Although the applicable legislation continued to provide for the formal election of judicial members by the Sejm, judges were consulted through nationwide elections held in courts in April 2026, and their results were taken into account when drawing up the list of candidates. Of the 15 judicial KRS members subsequently elected by the Sejm on 15 May 2026, 13 were candidates who had received support in the elections organised among judges. The two remaining members were nominated by the Law and Justice (PiS) and Confederation parliamentary groups.

As a result, the majority of the newly appointed judicial members (13 out of 25 members) are judges elected by their peers. In light of these developments, the ENCJ Board decided to offer the KRS guest status, allowing the KRS to fully participate in ENCJ project groups of their choice.

On 14 September, during the ENCJ's first lunch seminar, Monika Frackowiak, a Member of the Presidium of the KRS, Head of International Relations and a judge at the District Court Poznan-Nowe Miasto i Wilda, presented the election process, the current work of the KRS and the challenges that lie ahead.



Adoption of a statement on the International Criminal Court

On 21 January 2026, the ENCJ, the European Association of Judges and ACA-Europe issued [a joint statement](#) regarding Judges and Prosecutors of the International Criminal Court (ICC) targeted by sanctions of the U.S. government.

Noting the absence of any positive developments and a further escalation of events, on 12 August 2026, the ENCJ, ACA-Europe, the International Association of Judges and the Network of Presidents of the Supreme Judicial Courts of the European Union [issued a joint statement](#) concerning measures affecting the independence of the ICC. The statement conveys that judges must be able to exercise their activities free of any external influence or threat.

Following the imposition of new sanctions against the ICC as an institution, the ENCJ stands firmly behind those statements and remains committed to supporting judicial independence, the rule of law and the essential role of the ICC.

In addition, the ENCJ President, Brian O'Moore conveyed words of support to the ICC President, Judge Tomoko Akane, at the opening of the Legal Year on 5 October 2026 in Ireland.





Letter from the ENCJ President to the President of the HCJ Ukraine

On 25 September 2026, the ENCJ Office learned that the building of the High Council of Justice located in Kyiv was damaged, resulting in six people injured and the work of the Council disrupted.

The ENCJ President Brian O'Moore reiterated the full support of the ENCJ community and its deep concern about the Council's work conditions to the President of the High Council of Justice of Ukraine, Mr. Usyk.

The letter of support is available [here](#).

The Superior Council of Magistracy of the Republic of Moldova also expressed its solidarity. The statement is available [here](#).



Supreme Judicial Council of Bulgaria

Election of the new Supreme Judicial Council members

On 26 June, the Parliament amended the Judicial System Act to set out the procedure for electing the new Judicial Council. This new Council is to have 25 members: 22 elected and three *ex officio* (the presidents of the two supreme courts and the prosecutor general). Members are to be elected from both quotas – the professional and the parliamentary.

The Council will consist of judges, public prosecutors and other legal professionals:

- ❖ 11 members elected by the Judicial system bodies out of their own composition, the judges electing 6, the prosecutors – 4 and the investigating magistrates – 1 of these.
- ❖ 11 members elected by the Parliament among judges, prosecutors, investigating magistrates, full professors in legal science, attorneys at law or other lawyers.
- ❖ 3 *ex officio* members: the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General.

Candidates from the parliamentary quota are nominated by MPs rather than parliamentary groups. Nominations must be submitted to the Parliament's Committee on Legal Affairs no later than two months before the election, for review. The Committee verifies whether the candidates meet the requirements set out in the Judicial System Act, conducts interviews and prepares a report, which is then published.

The Parliament elects each member individually by a two-thirds majority. According to the timetable adopted by the SJC Plenum, the final voting day is on November 21.

The Judges' Chamber of the SJC unanimously admitted 18 candidates to participate in the election of SJC members from the judges' quota.

Additional safeguards for transparency have been put into place, e. g. a dedicated channel on the website of the Ministry of Justice was launched for magistrates to confidentially report any attempts to pressure them or interfere in the election process.

Latest updates on the ongoing election process are to be found [here](#).

Tieslietu Padome Latvia

Amendments to the Law on Judicial Power

On 1 October, prior to the parliamentary elections held on 3rd October, the Saeima (Parliament) adopted amendments to the Law on Judicial Power in its final reading. The most significant changes are as follows:

- ❖ Article 89 provides a clear definition of the Judicial Council which *“represents the judiciary in relations with other state institutions, participates in the formulation of policy for the judicial system, manages the organisational functioning of the judicial system, and decides on matters relating to the career progression of judges and the judicial budget”*.
- ❖ If the Saeima fails to appoint or confirm a judge to office, the Judicial Council may submit an application in accordance with the procedure laid down in the Constitutional Court Law¹.
- ❖ By 2031, the post of judicial assistant is converted into that of a court lawyer. The current judicial assistants will be transferred to this role provided that they hold a bachelor's degree in law. At the request of a judge or the president of the court, court lawyers will analyse legal provisions and case law as well as be charged with preparing draft rulings and other documents.
- ❖ In the future, candidates for the posts of judges in district and regional courts will be submitted to the Saeima for appointment or confirmation by the Judicial Council (rather than the Minister of Justice). Only those members of the Judicial Council who are judges will take part in the Council's votes on matters relating to judges' careers. The appointment and confirmation of judges will remain within the competence of the Saeima.
- ❖ The Court Administration shall operate under the guidance of the Judicial Council in matters relating to the organisation of court work, budget planning and administration, support for judicial self-governance, and court staff.
- ❖ The amendments provide for two modern solutions: 1) regarding the hearing of cases in courts of first instance and appeal: the sentence 'the materials and documents to be examined are read out in court and discussed orally' has been deleted; 2) the court will be able to publish a ruling handed down in closed proceedings if it contains significant findings relevant to the application of legal provisions (until now, such judgments were not available for the purposes of analysing case law).

The adopted amendments will come into force on 1 January 2027.

On those changes, Aigars Strupišs, President of the Supreme Court of Latvia and the Judicial Council of Latvia notes that *“[t]he time has come to release the judiciary from the tutelage of the executive and to develop it as a fully-fledged branch of government, on par with the other two – the legislature and the executive. Only in this way can we ensure true judicial independence. It is symbolic that this emancipation of the judiciary is taking place alongside a reform of judicial staff, which has long been necessary to enhance the professionalism and efficiency of the courts, but to which insufficient attention has been paid until now. These*

¹ This amendment was introduced following the failure to appoint Prof. S. Osipova, the former President of the Constitutional Court, as a judge at the Supreme Court in 2022 (She was appointed a year later in 2023).

reforms are vital for ensuring the public's right to a fair trial. They also serve as a good example of what can be achieved for the public good through constructive dialogue and cooperation between the branches of state power."

Contribution of TP Latvia

Lithuanian Association of Judges

Failure of the Seimas (Parliament) to approve candidates for judicial positions

In June 2026, the Lithuanian Parliament had to vote on three vacancies within the judicial system: two judges to the Supreme Court and the President to the Lithuanian Court of Appeal had to be appointed. However, only one candidate for the Supreme Court of Lithuania was confirmed by the vote of the Parliament.

The other two candidates had successfully completed the selection and appointment procedures laid down by law, had been assessed by the competent authorities and had received positive opinions regarding their suitability for the positions. However, their candidacies for the positions were not approved by the secret vote of the Members of the Parliament.

The Lithuanian Judges' Association issued a statement, noting that it respects the constitutional right of the Seimas to decide on the appointment of judges but considers that the exercise of this power must be consistent with the principles of judicial independence, the rule of law and public confidence in the judicial system. Concerns were raised as to the judges' career prospects depending not only on their competence and reputation but also on circumstances relating to their judicial activities or the cases they have heard.

Both judges concerned have represented Lithuania in the ENCJ as members of the Lithuanian Council for the Judiciary.

Click [here](#) for the full statement of the Lithuanian Judges' Association.

High Judicial Council Albania

Challenge of the law on judges and prosecutors' salaries before the Constitutional Court

On 18 September 2026, Law No. 95/2026 was enacted, introducing several additions and amendments to the Law "On the Status of Judges and Prosecutors in the Republic of Albania".

The amendments concern the legal framework governing the status and remuneration of judges, prosecutors, and members and the chair of the Constitutional Court in Albania. The basic reference salary for judicial and prosecutorial positions was set at 0.38 times the salary of the President of the Republic. The law was meant to take effect immediately with financial effects being retroactive as from 1 April 2023.

However, on 21 September 2026, the National Association of Judges, the Union of Judges and the Association of Prosecutors have challenged this new law before the Constitutional Court. The associations requested the suspension of the law's implementation and ultimately that it would be repealed. It is argued that the new legislation was adopted through an unconstitutional procedure without a transparent and effective consultation with justice systems representatives, and that the law threatens judicial independence.

The dispute places judicial remuneration and the institutional guarantees of judicial independence back before the Constitutional Court.

Click [here](#) for the article on the enactment of the law and [here](#) for its subsequent challenge.

The speech of Mr. Gerd Hoxha, head of the Union of Judges, proclaimed at the International Conference of the International Association of Judges on 18th October can be found [here](#).

Estonian Council for the Judiciary

Establishment of a new Judicial Council

The first session of the Estonian National Council for the Judiciary took place on October 8th. The Council consists of 11 members: Villu Kõve as the chairman of the judges, Geidi Sile, Tiina Pappel, Triin Niinemets, Merit Bobrõšev and Ruth Prigoda as elected members. In addition, the composition includes Imbi Jürge as a representative of the Bar Association, Liisa Pakosta, Minister of Justice and Digital Affairs, Marju Uljas, representative of the Chancellor of Justice, and members of the Riigikogu Lea Danilson-Järg and Madis Timpson.

Newly elected members discussed a range of topics, including the structure of the Judicial Administration Service, the rules of procedure, the precise locations of the courtrooms for county, administrative and circuit courts, and the allocation of judicial mandates among the courts.

The ENCJ President welcomed the establishment of the Council through a letter to the Chairman of the Estonian Council for the Judiciary.

The press release dedicated to the National Council's first meeting can be found [here](#).



Pictured are judges Villu Kõve, Geidi Sile, Tiina Pappel, Triin Niinemets, Merit Bobrõšev, Ruth Prigoda, representative of the Chancellor of Justice Marju Uljas and member of the Riigikogu Lea Danilson-Järg



European Commission

Publication of the Rule of Law Report 2026

On 17 July 2026, the European Commission published its 2026 Rule of Law Report, to which the ENCJ contributes every year (see the [ENCJ's contributions](#)).

The Rule of Law report compiles key findings on all EU member states and four enlargement countries regarding their justice systems, the anti-corruption frameworks, media freedom and pluralism as well as institutional checks and balances. It further assesses the implementation of last year's recommendations and provides, on that basis, a set of specific recommendations.

With regard to justice systems, the Report noted advancements in justice reforms, albeit at varying paces. Those reforms include: the strengthening of the independence of Councils, safeguards for judicial appointments as well as disciplinary procedures.

The Commission submitted a proposal adding a prospective role to the Report with regards to the upcoming Multi-annual Financial Framework for 2028-34. As such, the aim is to link strong rule of law safeguards to financial support for reforms recommended by the Rule of Law Report's recommendations.

The ENCJ proudly assists in the development of this crucial tool and looks forward to continuing its collaboration with the European Commission on the eighth annual edition in 2027.

Click [here](#) to read the press release on the report and [here](#) to read the full document.



Venice Commission of the Council of Europe

Publication of Opinion No. 1294/2026 on Poland

In its 148th session on 9-10 October 2026, the Venice Commission adopted Opinion No. 1294/2026 on the powers of the President in the context of the oath-taking of the judges of the Constitutional Tribunal and of other judicial appointments.

On 13 March 2026, the Polish Parliament elected six new judges to the Constitutional Tribunal. Two of them took the oath of office before the President of the Republic on 1 April 2026, while the President did not receive the oath of the remaining four.

On 9 April 2026, the four judges who had not been sworn in by the President took an oath addressed to the President in the presence of the Marshal of the Sejm, former Presidents of the Constitutional Tribunal and a notary, as well as other officials. They subsequently transmitted notarised copies of their oaths to the Chancellery of the President. To date, these four judges have not been admitted to the exercise of their judicial functions by the President of the Constitutional Tribunal nor have they received judicial remuneration.

By letter of 29 June 2026, Ms Elvira Kovács, Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), requested an opinion of the Venice Commission of the Council of Europe concerning the powers of the President of Poland in the oath-taking of judges of the Constitutional Tribunal and other appointments under the principle of the separation of powers in light of comparative examples.

The Opinion adopted takes into account contributions from several stakeholders, including representatives of the Ministry of Justice, the National Council of the Judiciary and the associations of judges and civil society organisations in Poland.

The Commission is of the view that, in the prevailing circumstances of non-effectiveness of the constitutional remedy, strict adherence to the statutory requirement that the oath be administered before the President would enable the President, by refusing to act, or by applying to the Constitutional Tribunal, to prevent the assumption of office by judges validly elected by the Parliament and frustrate the constitutional distribution of powers.

It is arguable that the statutory requirement concerning the administration of the oath cannot be interpreted so as to permit the obstruction of the Constitution itself. Accordingly, the Commission considers that it is constitutionally justified to permit the assumption of office and the start of the judicial service relationship

without the President's participation where the President unlawfully refuses to administer the oath. Although such a solution would depart from the literal wording of the relevant statutes, it would better preserve the constitutional allocation of powers and prevent the abuse of a merely ceremonial function to obstruct the functioning of the Constitutional Tribunal. The Commission moreover considers somewhat artificial the distinction between obtaining the status of a judge and the commencement of the judge's employment relationship, which depends, *inter alia*, on the assignment of cases by the President of the Constitutional Tribunal.

The Commission recalled its considerations in its Report on Judicial Appointments that, where the Head of State is entrusted with the appointment of judges, what matters in particular is the extent to which the Head of State is free in deciding on the appointment. Finally, it considered that the main role in the process should be given to an independent body, such as a judicial council, and that proposals made by such a body should be rejected only exceptionally.

The Commission concluded its Opinion with the following recommendations:

- ❖ ensuring that the relevant provisions governing the oath-taking of the judges of the Constitutional Tribunal are applied in accordance with their statutory purpose, so that the President should administer without delay the oath of the judges elected by the Sejm, without claiming any power to review the election procedure;
- ❖ when the President refuses or delays to administer the oath of a judge elected by the Sejm, thereby preventing the completion of the ordinary oath-taking procedure, allowing the oath to be fulfilled without the President's physical participation, provided that its essential elements are preserved, including that the oath is made in the prescribed form, its performance is duly verified, and it is addressed and transmitted to the President;
- ❖ as regards other judicial appointments, ensuring that candidates affected by a refusal of judicial appointment benefit from effective safeguards against arbitrariness, including access to judicial review capable of verifying the nonarbitrary character of such decisions.

The full opinion can be found [here](#).

Publication of Urgent Joint Opinion No. 1295/2026 on Ukraine

An urgent Opinion No. 1295/2026 on the draft law on the Amendments to the Law on the Judiciary and the Status of Judges and certain other laws concerning the selection procedures for members of the High Qualification Commission of Judges and the High Council of Justice was adopted by the Commission at its 148th Plenary Session, held on 9-10 October 2026.

In June 2027, the mandate of 15 of the 16 members of the High Qualification Commission of Judges (HQCJ), the body responsible for evaluating judges and selecting candidates for judicial positions, will expire. To enable the timely renewal of the Commission, the Prime Minister submitted draft law No. 16018-1, proposing amendments to the Law of Ukraine “On the Judiciary and the Status of Judges” and certain other laws of Ukraine regarding the improvement of competitive selection procedures for the positions of members of the High Qualification Commission of Judges of Ukraine and Members of the High Council of Justice.

The draft law provides for a competition to elect six members: three current or retired judges nominated by the Council and three members nominated by international organisations.

The Commission notes that the High Council of Justice (HCJ) has operated close to the minimum number of members required for it to exercise its full powers since 2025. The terms of office of eight of its seventeen members expire in January 2027, and appointing a judge requires 14 votes. Unless elections are held in a timely manner, the HCJ risks losing the capacity to perform its core functions precisely when the HQCJ is undergoing renewal.

The uninterrupted functioning of the HCJ is essential to the governance of the judiciary, as underlined by the CCJE on numerous occasions. The current legal framework provides only a limited safeguard. Under Article 5(3) of the Law on the HCJ, a member whose departure would deprive the HCJ of its full composition remains in office until a successor is elected or appointed, but for no longer than three months. Accordingly, the eight members whose terms expire in January 2027 could remain in office only until April 2027 at the latest, during the renewal of the HQCJ. In its comments of 24 September 2026, the Ministry of Justice noted that the automatic extension of members’ mandates would be inconsistent with the four-year term of office established by Article 131 of the Constitution, which cannot be amended under martial law. Thus, the Venice Commission formulated 11 recommendations, among others:

- ❖ Reconsider the nationality requirement and allow international nominating organisations to decide whether to nominate a Ukrainian citizen within the HQCJ;
- ❖ Apply the same voting rule to all the decisions of the Selection Commission on candidates, whether on integrity, on professional competence or on the list of recommended candidates: a decision requires four votes, two of them cast by internationally nominated members (...);
- ❖ To secure continuity by keeping the Selection Commission in office until its task is completed; by announcing the selection at least six months before the terms of office expire; and by keeping the members of the HQCJ and those of the HCJ in office until their successors are appointed, within a maximum period provided by the law, having regard to the four-year term of office laid down in the Constitution.

The full joint opinion can be found [here](#).



Council of the European Union

Further progress on EU enlargement

On 12 and 13 October 2026, accession conferences were held with Montenegro, Albania, Ukraine and Moldova. The four conferences followed the previous round of conferences, which occurred on 14 July.

Montenegro provisionally closed Chapters 17, 18 and 19 on economic and monetary policy, statistics, social policy and employment. A total of 21 chapters out of 33 have now been provisionally closed.

Albania provisionally closed Chapter 20 on enterprise and industry. A total of 4 chapters out of 33 have now been provisionally closed.

Ukraine and **Moldova** opened negotiations on Clusters 2 and 3, covering internal market, competitiveness and inclusive growth. Monitoring of progress in the alignment with and implementation of the EU acquis and relevant European standards will continue throughout the negotiations

Click [here](#) to read the full press release.

European Court of Human Rights

Update on the proceedings against Russia

On 3rd September, in the decision *Lebedeva and Others v. Russia* (application no. 49120/07 and 878 other applications), the ECtHR unanimously decided to strike these applications out of its docket. Those applications were individual applications against Russia.

The Court decided that further examination of these cases, given their limited precedential value and Russia's non-engagement with the Court, is not a proportionate use of resources compared to other claims.

Using Article 37 of the Convention, the Court recalled that it was *"confronted with an exceptional situation for which there is no precedent in the history of the Convention system: the exercise of residual jurisdiction over a former High Contracting Party which, before its cessation of membership of the Council of Europe, had been among the States accounting for the highest number of applications pending before the Court, and which has since refused to participate in the proceedings before the Court, to submit observations in communicated cases, or to recognise any obligation to comply with the Court's judgments (...)*

The exercise of residual jurisdiction in respect of the Russian Federation is a finite and exceptional task, undertaken alongside the Court's continuing function in relation to the forty-six High Contracting Parties. It cannot be treated as requiring the continued ordinary processing of every remaining application irrespective of the objectives served by such processing and the demands placed on the Court's resources, potentially at the expense of the examination of applications requiring adjudication in respect of other Contracting Parties (...) Guided by the overriding interest in ensuring the long-term effectiveness of the Convention system (...) the Court considers, as a matter of judicial policy, that those considerations weigh strongly in favour of striking the present applications out of its list under Article 37 § 1 (c).

(...) In reaching that conclusion, the Court emphasises that the present decision cannot, and must not, be understood as releasing the Russian Federation retroactively from its obligations under international law in respect of acts or omissions occurring while it was a High Contracting Party. "

The full press statement can be found [here](#) and the full decision is accessible [here](#).