European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

ENCJ contribution for the 2026 European Commission Rule of Law report

Relevant developments in relation to the independence of the judiciary

The ENCJ contribution is composed of three sections. Section one addresses the ENCJ's statements and actions in 2025 regarding Rule of Law issues. Section two presents the results from the 2025 ENCJ Survey among Judges on their independence and the ENCJ Report on Independence, Accountability and Quality of the Judiciary. Section three provides an overview of relevant developments in the ENCJ Member countries in relation to Judicial Independence and is based on information provided by the Members.

Recent political developments, societal transformations, shifts in the media landscape, and the impact of digital technology have continued to pose challenges for the Rule of Law and judicial independence in Europe. Councils for the Judiciary are both directly impacted by and instrumental in responding to these challenges. Under the circumstances, 2025 proved to be a particularly engaging year for the Network. Numerous Councils for the Judiciary, facing varying degrees of pressure and difficulties, sought the expertise and support of the ENCJ, including requests for solidarity actions.

On 4-6 June 2025, the XXI ENCJ General Assembly took place in Riga under the overarching topic '**Confronting Threats to the Rule of Law**', which culminated in the unanimous adoption of the Riga Declaration. The starting point of the declaration is that the judiciary, which has to contribute to upholding the Rule of Law through high-quality decisions, timely justice and openness to society, serves as a guarantor of respect for the rights of individuals through the application of law. Therefore, its impartiality and independence must be unequivocally defended. The declaration then lists the most common threats, as perceived by the Councils for the Judiciary, in the areas of: separation of powers, an overall change in the media landscape, allocation of inadequate resources and advances in digitalization without sufficient involvement of the judiciary. The declaration moves on to address the central role the Councils for the Judiciary play in addressing these threats and the actions to be taken: timely identification of the threats to judicial independence and the Rule of Law, building trust of society in the judiciary, telling the story of the judiciary, including, what added value an independent judiciary brings for citizens and what benefits it provides to their country's economic welfare and stability; building and maintaining the resilience of the judiciary; and last but not least, the importance of the fundamental value of solidarity among the European judiciaries. The experiences demonstrate that proactive engagement and the Judicial Councils' and vigilance are essential to safeguarding judicial independence and the rule of law. As stated in the ENCJ mission, it is committed to the protection and promotion of the

Rule of Law, including through the mutual learning and exchange of best practices in the spirit of cooperation and trust.
In 2025, numerous horizontal developments were witnessed by the ENCJ, through developments in its Members and Observers in the field of justice.

Throughout the year, concerns were raised by the ENCJ and Judicial Councils about the lack of meaningful consultations in the legislative process affecting the administration of justice and the Judicial Councils' competence. The examples of **Slovenia, Hungary and Romania**, where substantial legislative changes were either introduced without proper consultation with the judiciary/Judicial Councils or effected fundamental changes to the agreed changes already during the parliamentary debates undermined the Judicial Councils' prerogative to furnish the opinion of the judiciary. This practice is in blatant contradiction to the European standards, which require substantial judicial participation from early stages of any reform regarding the judiciary. It is essential that the judiciary, judicial councils and in particular judges and prosecutors be involved at each stage of development and implementation of reform plans. This is to ensure the independence of the judiciary, that reforms are effective and instill confidence.

On a positive note, the ENCJ's support for Sodni Svet of Slovenia, expressed in a letter addressed to the representatives of legislative and executive state powers of the Republic of Slovenia, asking to halt the adoption of the proposed amendments until proper consultation and evaluation of the newly proposed provisions, was impactful[1].

In 2025, the ENCJ also identified other worrying trends, including increased pressure on judges and even acts of intimidation and concerns of judicial independence in the realm of digitalization. During this period, regular hostile media campaigns by political actors against particular judges or the judiciary as a whole were witnessed in several ENCJ Members and Observers and are still ongoing. Such campaigns, varying in intensity, have recently been witnessed in **France, Hungary, Moldova and Romania.**

The issue of the lack of inclusion of the judiciary in the process of the digitalization of justice was first brought to the attention of the ENCJ Executive Board in November 2024. This issue has persisted and gained traction in 2025. The following concerns were reported by the Councils: the funding, related to the digitalization is with the executive power, thus the judiciary is left aside from designing and implementing digital solutions and storing judicial data; the solutions offered may affect judicial independence and do not provide sufficient guarantees that the judicial data could not be accessed from the outside by the executive itself; in several countries, the servers previously placed with the judiciary were proposed to be moved outside to the new state institutions. The growing concern may also be witnessed from the standpoint of the judiciary in Portugal, where the Vice-president of the Superior Council of the Judiciary (CSM) noted that it is "constitutionally illegitimate" for the

[1] Letter ENCJ to the National Assembly of Slovenia.pdf

Government to dominate, through an institute supervised by the Ministry of Justice, the computer system of the courts[2].

As regards specific ENCJ Members, in the second half of the 2025, the ENCJ Office has learned from publicly available sources of important developments in Italy concerning the progress towards the adoption of the draft constitutional law No. 19171, presented to the Chamber of Deputies on June 13, 2024, which are expected to substantially affect the functioning of Italy's judicial system, including the formation and status of the **High Council for the Judiciary (CSM) of Italy.** Throughout 2025, the ENCJ did not receive any updates in this regard from the CSM (the last information being a contribution to the Rule of Law report 2025). Therefore, on 16 December 2025, the ENCJ President reached out with a letter to the President of the Ninth Committee of the CSM Italy, offering ENCJ support if desired.

The mandate of the **Supreme Judicial Council of Bulgaria** has expired, and its composition should therefore be renewed. After the reform of the Council was declared unconstitutional by the Constitutional Court (decision of 26 July 2024)[3], no further attempts to renew the composition of the Council were brought to the attention of the ENCJ. To ensure the legitimacy of the Council and adherence to the European standards, this situation must be remedied as soon as possible. The judgement of the Court of Justice of the European Union of 30 April 2025 in joined cases *C-313/23, C-316/23, C 332/23, Inspektorat kam Visshia sadeben savet,* where the CJEU underlined that he principle of judicial independence under Article 19(1) TEU and Article 47 of the Charter precludes a practice whereby members of a judicial body, in that case the Inspectorate, continue to perform their functions beyond their constitutionally defined terms of office without clear legal rules limiting such extensions, must be taken into consideration.

Progress has been made regarding the part of the recommendation on bringing the selection of the judicial members of the **General Council of the Judiciary (CGPJ) of Spain** in line with the European standards. Two propositions were prepared by the CGPJ and sent to the Venice Commission for its opinion. The opinion No. 1248/2025 of the Venice Commission was issued on 13 October 2025, underlining that, in this regard, one of the proposed options was in line with the European standards.

In 2025, following its four-year cycle, the ENCJ Project on Independence, Accountability and Quality entered a new phase with the 5th edition of the EU-wide ENCJ Survey on the Independence of Judges, conducted from January to March 2025. This unique tool makes it possible to assess the perception of independence of the judiciary through the direct input of national judges and to gather statistically credible data on the perception of independence of the judiciary in Europe. The 2025 edition gathered responses from 19,136 judges across 30 countries, highlighting the survey's broad geographical coverage and the strong commitment within the European judiciary.

[2] See, e. g., https://www.cmjornal.pt/politica/detalhe/e-constitucionalmente-ilegitimo-que-governo-domine-sistema-informatico-dos-tribunais.

[3] Decision No. 13 of the Constitutional Court of the Republic of Bulgaria, adopted on 26 July 2024, in Constitutional Case No. 1/2024

Results of the Survey revealed that judges perceive general independence as high, but face growing challenges from poor working conditions (pay, workload), lack of government implementation of rulings, and pressure/intimidation, especially via (social) media. The study also revealed struggles in the realm of cooperation with other state powers. In a State governed by the Rule of Law, all state powers should support each other in carrying out their functions, and all should refrain from interfering with the competence of others. For the first time, the ENCJ Survey looked into intimidation and threats as well as actual attacks on judges. The results showed that in half of the judiciaries, more than ten percent of the judges experience a certain level of intimidation or threats.

For further analysis of the results of the ENCJ Survey, *see 2. ENCJ Report on Survey among Judges about their independence 2024/2025.*

1. ENCJ general statements, actions and letters

In 2025, the ENCJ continued its efforts to promote European standards for the establishment and functioning of Councils for the Judiciary and the independence of the judiciary as one of the elements of the Rule of Law, while also providing support and expertise to judiciaries.

On 31 January 2025, the delegation of the ENCJ Executive Board conducted a solidarity visit to **Hungary** to one of its members, the Council for the Judiciary (OBT)[4]. The visit was originally intended to gather information on the Council's activities in light of the considerably enhanced mandate that the OBT enjoys after the legislative reform of June 2023, and to meet with the new composition of the OBT, which was put in place on January 24, 2024. In the course of the events, however, the scope of the visit broadened. In particular, the ENCJ became concerned about the quadrilateral agreement between the Ministry of Justice, the Hungarian Supreme Court (the Kuria), and the Judicial Office (OBH), entered into on 22 November 2024, and the related legislative amendments adopted in December 2024. Along with the original aim of the visit, the ENCJ also sought to gather information on the scope and content of the legislative amendments, any lack of proper consultation with the judiciary and the precise nature of the proposed or implemented judicial reforms. In addition, the ENCJ wished to support Hungarian judges in their right to express their opinion about the administration of justice and judicial independence. To this end, the ENCJ delegation met with the OBT, OBH, representatives of the Ministry of Justice and Associations of Judges. Moreover, a member of the ENCJ Executive Board participated in an event supporting judicial independence in Hungary, organised by ODIHR in cooperation with Amnesty International Hungary on 24 May 2025 in Budapest. In his intervention, the ENCJ representative addressed two key issues: the lack of consultation with the judiciary during the legislative process and concerns related to judicial remuneration.

[4] See ENCJ Statement from 21 January 2025 regarding the ENCJ Delegation visit to Hungary

On 21 February 2025, the ENCJ Executive Board issued a follow-up visit statement[5] noting serious ongoing challenges to judicial independence in Hungary. In light of the discussions, the ENCJ Executive Board has identified four key areas requiring attention: the right of judges to speak out, proper consultation regarding reforms within the judiciary, service courts and judicial salaries.

On 3 April 2025, representatives of the ENCJ Executive Board met with the High Judicial and Prosecutorial Council (HJPC) of **Bosnia and Herzegovina** to discuss growing concerns over the institutional independence of the HJPC and to follow up on legislation related to judicial reform, on which the ENCJ issued an opinion in June 2024. On 16 May 2025, the ENCJ Executive Board issued a statement[6] addressing two concerns related to the situation of the judiciary in Bosnia and Herzegovina. Firstly, the legislation adopted in Republika Srpska (RS) that challenged the authority of the HJPC and threatened judges, prosecutors and members of the Council from RS with criminal sanctions. Secondly, the draft legislation on the HJPC did not sufficiently address concerns from the previous opinion of the ENCJ and other institutions.

On 22 August 2025, the ENCJ Executive Board adopted a statement on the situation of the judiciary in **Romania**[7]. The statement identifies three primary concerns, including hostile media coverage, lack of meaningful consultation, and instability of magistrates' status. The ENCJ Executive Board observed that (following the annulment of the results of the Presidential elections in December 2024) an unprecedentedly hostile and widespread media campaign targeting the judiciary took place in Romania. Frequent criticism has been expressed towards the judiciary, primarily by political figures, and is then repeated and amplified by various media outlets. In recent months, these actions have intensified, leading to a request for assistance from the ENCJ. The situation is causing serious concern.

The pressure on judges through media outlets has amplified in the second half of the year 2025 and on 17 December 2025, the ENCJ Executive Board issued a statement **on pressure and intimidation of Judges through the media**[8], identifying an emerging threat to judicial independence in the form of hostile media campaigns and public attacks intended to exert undue influence on judicial decision-making. In the view of the ENCJ, while judges should and do accept legitimate criticism, continuous negative and hostile comments have broader implications for the judiciary, as they often aim to put pressure on the judiciary. The ENCJ Board noted that such trends can erode public confidence in the judiciary and undermine the separation of powers.

On 5 December 2025, the President of the Judicial Council of **Slovakia** (Sudna Rada) requested support from the ENCJ through a letter[9] addressed to the President of the ENCJ, following verbal attacks by political actors targeting, especially, judicial members of the Slovak Judicial

[5] Statement Hungary 21 02 2025.pdf
[6] Statement BiH 16.05.2025.pdf
[7] RO Statement 22 August 2025.pdf
[8] Statement of the ENCJ Executive Board.pdf
[9] SKM_C3320i24111512000

Council, undermining judicial independence and the separation of powers. An online meeting to discuss the matter further was organized on 8 January 2026.

In addition, the President of the ENCJ and other members of the Executive Board, played an active role in representing the organization at various events.

In particular, on 27 November 2025, the ENCJ President participated in the seminar marking 15 years of the Advisory Panel's work entitled 'Enhancing the Selection Process of the European Court of Human Rights Judges through a Multi-Institutional dialogue' on the selection of Judges. The ENCJ President delivered a keynote speech on "National Selection Procedures: Challenges and Best Practices – the ENCJ Perspective", covering a wide range of components, including requirements for candidates of the ECtHR judges, national models for the selection of candidates, best practices in national selection procedures, and common challenges faced at the national level.

Another highlight event was the in-person participation of a Member of the Executive Board, alongside the online participation of the ENCJ Researcher, in a round table event organised by the EU Pravo-Justice, the High Council of Justice (Ukraine), jointly with international and local partners, on the state of judicial independence in the context of the EU integration of Ukraine. The outcomes of the 2025 ENCJ Survey among Judges were presented to the Ukrainian judiciary and insights about the disciplinary liability of judges were shared in the discussion.

In addition, the ENCJ actively participated in the fourth edition of the European Forum of the Legal Professions, which took place on 14 November 2025 in Brussels, under the theme "The Need for Constant Vigilance - The Role of Legal Professions in Maintaining Democratic Values." During the event, representatives from Councils for the Judiciary, judges, lawyers, bailiffs, and rechtspflegers discussed the challenges facing their professions and explored actions they can take, both individually and collectively, to safeguard democratic principles. The ENCJ was represented by three speakers. The ENCJ Researcher presented the findings of the Survey among Judges 2025; the ENCJ President spoke about activities undertaken by the ENCJ to maintain judicial independence and the rule of law, including project group work and solidarity initiatives[10]; Member of the ENCJ Executive Board e contributed with an intervention on common challenges to judicial independence, such as politicized appointments to higher courts, attacks through media, executive-driven digitalisation, and the lack of consultation on relevant legislation[11].

2. ENCJ Survey among judges about their independence

The survey among the judges of Europe about their independence took place for the fifth time in the first quarter of 2025.

[10] See speech available at: FLP for website 01.12.2025.pdf
[11] See speech available at: LPF 2025 Gabriele for the web.pdf

In total, 19,136 judges from 32 judiciaries of 30 countries participated, continuing the trend of increasing participation. For the first time, Moldova and Ukraine took part. The primary aim of this survey is to assist Councils for the Judiciary and other governing bodies to identify, taking stock of the perception by judges of their own independence, independence of their colleagues, respect of their independence by other stakeholders (parliament, government, media, court presidents) and efficacy of Councils for the Judiciary in guaranteeing judicial independence. It is also a solid indicator of the overall perception of judicial independence in Europe, pressure points on judicial independence and the basis for further action mitigate the identified risks.

Broadly speaking, most of the judges in Europe are positive about their independence. Since 2015, when the first survey took place, independence has gradually improved on average for all judiciaries together. However, this trend comes to a halt with the results of this survey, where, depending on the yardstick, the average score across countries either remained the same or declined somewhat since the previous survey. The respondents identify issues that affect their independence negatively. The issues that came out of the previous surveys continue to exist. In many judiciaries, judges are critical of human resource decisions concerning judges and, in particular, about appointment and promotion. The tensions between the judiciary and the other state powers are also not a new issue, but the difficulties have increased in many countries and in many respects. The survey highlights in particular: (1) lack of implementation by governments of judicial decisions has increased, (2) working conditions are increasingly becoming a threat to independence, in particular pay and workload and (3) lack of respect for judicial independence by government and parliament is in many countries a large and increasing issue. For the first time, the survey looked into intimidation and threats as well as actual attacks on judges. In half of the judiciaries, more than 10% of responding judges experienced intimidation or threats.

The main findings from the ENCJ Survey among judges are the following:

1. Judges generally evaluate their independence positively. On a 10-point scale, judges rate the independence of the judges in their country on average between 5.9 and 9.8 with the lowest score for Ukraine, followed by Montenegro (6.8), Hungary (7.0), Bulgaria and Bosnia and Herzegovina (both 7.1). The scores of ten judiciaries are 9 or higher. The respondents rate their personal independence even higher: between 6.8 and 9.9. Consistent with the positive assessment of independence, few judges report inappropriate pressure to influence judicial decisions.

2. Since 2015, when the first survey took place, independence has gradually improved on average for all judiciaries together. However, this trend comes to a halt in this survey, where, depending on the yardstick, the average score across countries remained the same or declined somewhat since the previous survey. Based on the experience of judges who have been working for many years, independence has improved over a longer period.

3. Examining the judiciaries individually, in most of them, perceived independence remained high or improved since the first survey. However, in some judiciaries, the respondents see

declines. This is the case in Hungary, which participated for the first time in 2019, but also in Montenegro and Greece (foremost civil and criminal courts), where declines occurred and to a lesser extent in Slovenia. In Bosnia and Herzegovina, the independence score is stable at a low level.

4. Judges rate the independence of councils for the judiciary on average per country between 3.4 and 9.7. The councils of Spain and Bulgaria are awarded very low scores, while the scores for Hungary, Ukraine and Bosnia and Herzegovina are low. Scores above 8 are found in Finland, Ireland, Romania and the UK. Having a council is not enough to guarantee judicial independence. This depends highly on the arrangements, for instance, with regard to the appointment of the members of a council, but it also depends on the way they act once elected or appointed as members of the council.

5. The issues that have been raised in the previous surveys continue to exist. In many judiciaries, judges are critical of human resource decisions concerning judges and, in particular, about appointment and promotion. In the view of respondents, appointment to the Supreme Court/Court of Cassation remains problematic in a variety of countries.

6. Corruption remains an issue in several judiciaries. In a wider range of judiciaries, the judicial authorities are seen as not doing enough to address judicial misconduct and corruption.

7. Court management, including the court presidents, generally does not try to influence the content of judicial decisions. Some judges experience, however, inappropriate pressure by court management to meet timeliness standards, and more judges experience inappropriate pressure from production targets.

8. The tensions between the judiciary and the other state powers are also not a new issue, but the difficulties have increased in many respects. The survey highlights in particular: (1) lack of implementation by governments of judicial decisions that go against the interest of government has increased, (2) working conditions are increasingly becoming a threat to independence, in particular the low/lagging remuneration of judges and high workload/insufficient court resources and (3) lack of respect for judicial independence by government and parliament is in many countries a large and increasing issue, according to the respondents.

9. In most judiciaries, judges feel inappropriate pressure from the (social) media at the case level. Many of them feel that their independence is not respected by/on the (social) media.

10. For the first time, the survey looked into intimidation and threats as well as actual attacks on judges. In half of the judiciaries, more than ten percent of the judges experience intimidation or threats. These judiciaries vary from the UK, in particular Northern Ireland, to Norway, Hungary and Ukraine. While threats occur hardly regularly, occasional occurrence is quite common. Physical attacks on judges are rare. Most of the judges in Europe are positive about their independence, but they identify issues that affect their independence negatively. Some of these issues are at the case level, others at the system level, such as appointments. The survey provides many insights into the functioning of the judiciary at the national level.

It is up to the Councils for the Judiciary and other governing bodies to analyse the outcomes for their judiciaries and address the issues that are raised by the respondents. While Councils are dependent on the other state powers for improvement of legislation and for adequate resources, the judiciaries and, in particular, Councils, can address many issues by themselves. Still, the problems are increasing with the other state powers, and more respect for independence is necessary. Most of the issues raised in the survey are not new and require a higher priority to resolve than they have so far. In addition, the dialogue must be sought or continued with the other state powers and also with the media to promote a better understanding of the importance of judicial independence for the functioning of society and its economy. At the same time, it is advisable to increase the resilience of judges and governing institutions of the judiciary in the face of mounting tensions and threats.

See the ENCJ Report on Survey among Judges 2025

ENCJ Report on Independence, Accountability and Quality of the Judiciary

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

To read the report from 2024-2025 click here.

The Report covers several components:

Framework for external review

As part of the standards and guidelines, a framework for external review of Councils for the Judiciary to improve their functioning was developed in 2025. External review, as understood here, is undertaken on the request of the Council for the Judiciary or alternative governing body, by a review committee which independently examines the functioning of the organization concerned, generally in predetermined respects and offers insights and recommendations. The ENCJ encourages Councils for the Judiciary to make use of the framework.

Position of Constitutional Courts in the Independence and Accountability system

Given the impact of Constitutional Courts on judicial independence, an exploratory discussion, with the aim of determining how the ENCJ should relate to these courts, in particular, with regard to judicial independence, was conducted. A broad consensus was reached that Constitutional Courts should not be considered an integral part of the judiciary. Consequently, these Courts will not be included in the I&A indicator system. Instead, a liaison with the Network of Presidents of Constitutional Courts will be looked for to exchange standards and explore possibilities for discussion.

In relation to Quality:

In 2024/2025, with respect to the quality of the judiciary, the Project group focused on two main topics: self-representation in civil cases and legal aid.

These issues relate to the quality of the judiciary from several angles: (1) they affect the length of the proceedings before the court and have an impact on the timely delivery of justice; (2) it has an impact on the role of the judge, adjudicating the civil dispute with self-representing litigants. The degree of these issues varied between the jurisdictions. The discussion centered on the extent to which individuals exercise a right to self-representation, possible challenges self-representation raises, and whether non-lawyers can assist in these cases. Additionally, the group explored legal aid mechanisms, including the eligibility requirements for legal aid in civil cases, the arrangements in place, and the effectiveness of the legal aid system in comparison to private legal representation.

In relation to the Court Users Survey:

During the October 2024 meeting, members of the project team agreed that the aspiration for the project year 2025/2026 would be to run an ENCJ Court users' survey in one first instance court in every jurisdiction. To this end, members of the project team were invited to review the questionnaire. An explanatory note to the questionnaire was developed and minor adaptations of the survey were made. While this Court user survey will be carried out in some of the ENCJ members and observers next year, the ENCJ will continue to work closely with the European Commission to further explore the possibility of conducting an EU-wide court user survey.

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

1. Rule of Law report recommendations regarding the judiciary and the progress made

- **Conseil Supérieur de la Justice/Hoge Raad voor de Justitie/High Council of Justice of Belgium**

Continue ongoing efforts to address the structural resource deficiencies in the justice system, taking into account European standards on resources for the justice system.

Certain budgetary measures (lowering magistrates' pensions) and ongoing concerns about the underfunding of the justice system, the poor state of buildings, inadequate digitalisation and the continuing shortage of staff and magistrates led to unprecedented protests and measures by both the courts and the public prosecutor's office in 2025. Reference is made here to the numerous articles that appeared in the press on this subject.

https://www.tribunaux-rechtbanken.be/nl/justitie-in-gevaar

https://www.tribunaux-rechtbanken.be/nl/justitie-in-gevaar/persberichten

https://www.vrt.be/vrtnws/nl/dossiers/2025/04/protest-magistraten/

This has led to very tense relations between the three powers. The Minister of Justice has responded to this situation by setting up various thematic task forces to address certain urgent needs in the short term. This has resulted in an action plan, known as the Impulse Plan (Plan d'impulsion):

https://verlinden.belgium.be/nl/nieuws/hefboomplan-voor-betere-werkomstandigheden-voor-een-betere-justitie

Minister Verlinden stelt eerste pakket maatregelen voor voor een sterke Rechterlijke organisatie | Annelies Verlinden

A number of measures to make the judicial profession more attractive have already been set out in a draft law containing various technical and urgent provisions, which was recently adopted at second reading by the Justice Committee of the Chamber of Representatives and is expected to come into force shortly.

https://www.dekamer.be/FLWB/PDF/56/1181/56K1181009.pdf

Additionally, the High Council has taken the initiative to organise a dialogue between the three powers, in which representatives of all relevant actors participate (the Parliament, the federal government, the Minister of Justice, the courts and tribunals, and the public prosecutor's office) in the presence of representatives of the bar. Within the framework of this dialogue, long-term solutions can be worked on, based on mutual trust and respect.

Hoge Raad voor de Justitie wil drie machten rond de tafel om pijnpunten in ambities om te buigen | HRJ-CSJ

De machten rond de tafel | HRJ-CSJ

In November 2025, as part of the budget negotiations, additional funds (1 billion euros) were made available to the Justice Department to meet its most urgent needs:

https://verlinden.bvelgium.be/nl/nieuws/begrotingsakkoord-extra-middelen-voor-justitie#:~:text=Belangrijke%20en%20nodige%20bijkomende%20kredieten,en%20bij%20de%20miljard%20euro.

Continue ongoing efforts to improve the efficiency of justice, particularly to reduce the length of proceedings based on comprehensive statistical data.

The High Council has also identified the efficiency of the justice system as one of the priority themes for this term (2025-2029). The High Council will continue to take action (audits, proposals, etc.) in this area during this term.

With regard to efficiency, it is important to note the growing concern about the digitalisation of the justice system. The management of the numerous "Just" projects remains problematic. Recently, there has been much criticism of the functioning of the recently developed and rolled out case management system "JustCase":

https://rechtbanken-tribunaux.be/nl/nieuwsartikel-lokaal/digitale-transformatie-voor-een-efficiente-justitie

https://www.hln.be/home/hoe-de-digitalisering-bij-justitie-volledig-foutloopt-t-is-een-kwestie-van-tijd-voor-er-iets-grondig-misloopt~a369ecdf/?referrer=https%3A%2F%2Fwww.google.com%2F

https://www.bruzz.be/actua/justitie/pas-ingevoerde-dossierbeheersysteem-van-justitie-loopt-spaak-2026-01-16

In the course of the development of Justcase, the increasing digital dependence of the justice system on non-EU companies was also brought up. Concerns about this are also growing in other European countries.

- **Supreme Council of Judicature of Cyprus**

There were no Recommendations addressed to the Judiciary in the Rule of Law Report of 2025**.**

- **Conseil Supérieur de la Magistrature of France**

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

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

Human resources are one of the positive points highlighted by the 2025 Rule of Law report, but the Council remains very vigilant on this issue. This point is at the center of its actions and thoughts. Thus, in this area, the Council maintains close contact with the Minister of Justice and makes maximum use of its prerogatives in issuing its assent (or non-assent) or favourable (or unfavourable) opinions, in the appointment of judges and prosecutors.

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

- **The Danish Court Administration**

Step up efforts to complete the review of the legal aid system, taking into account European standards on legal aid.

In 2024, the Danish Ministry of Justice assigned the responsibility for reviewing the legal aid system to the Procedural Law Council (Retsplejerådet), which operates under the Ministry. The Council's mandate is defined in the terms of reference issued by the Ministry of Justice. Its task is to conduct a comprehensive review of the existing legal aid schemes, examine their interaction with private legal expenses insurance, and provide recommendations for potential reforms. The work is structured to culminate in a final report by the summer of 2026.

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

The recommendation does not concern the Danish Court Administration. However, no new rules regarding lobbying and "revolving doors" for ministers or members of Parliament have been introduced in 2025.

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

No amendments were made to the Danish Access to Public Administrative Documents Act in 2025. However, the expert committee established in 2024 with the mandate to propose revisions aimed at enhancing public access to information on political decision-making processes—including professional assessments within the Administration—is expected to deliver its final report by spring 2026.

- **Supreme Judicial Council for Administrative Justice of Greece**

No recommendations relating to the judiciary were included in our Country chapter of the Rule of Law Report (ROL) 2025[12].

- **National Judicial Council of Hungary**

In the 2025 country report entitled *"Rule of Law"*, several recommendations were issued with regard to the judiciary, as follows:

a) Transparency of case allocation: Hungary should improve the transparency of the case allocation system in lower courts, taking into account European standards on the allocation of cases.

No progress has been made in relation to this recommendation.

b) Structured and continuous increases in remuneration: Hungary should take measures to ensure that the continuous increase of remuneration for judges and prosecutors, as well as for court and prosecution service staff, is carried out in a structured manner, taking into account European standards on remuneration within the justice system.

No substantive progress has been made with respect to this recommendation either; moreover, new challenges have emerged in relation to remuneration. In particular, remuneration for judges and judicial staff has still not been determined on the basis of an objective indicator through indexation in a way that, under an automatic mechanism, the executive branch would have no influence over the extent of the increase.

Although a salary increase has been implemented for judges, it remains insufficient in view of the level of inflation.

[12] See https://commission.europa.eu/document/download/f2eb4e57-317a-4be4-8baa-b667c9f801d9_en?filename=12_1_63944_coun_chap_greece_en.pdf.

Remuneration for judicial staff is increasing at a higher rate than that of judges; however, for a segment of staff this increase still does not ensure adequate pay. At the same time, for another group of staff the potential salary increase is of such magnitude that, if implemented, it is likely to generate tensions regarding pay—both between newly appointed judges and staff, and within the staff cohort itself.

c) Tangible results in high-level corruption cases: Hungary should deliver tangible results in investigations, prosecutorial proceedings, and final judgments in cases of high-level corruption.

In this area, a positive development is the establishment of judicial review of prosecutorial decisions. At the same time, it should be noted that the National Judicial Council (OBT) participates in the work of the anti-corruption Monitoring Committee established by Government Decision No. 1025/2024 (II. 14.), and fulfils the commitments it has undertaken therein.

- **Consiglio Superiore della Magistratura of Italy**

In the chapter on the Rule of Law 2025, Italy was recommended "to complete the digital case management system for criminal courts and public prosecutors' offices", recalling "the commitments made under the Recovery and Resilience Plan and the relevant country-specific recommendations under the European Semester."

The C.S.M. (High Council for the Judiciary) and the Ministry of Justice have actively collaborated to implement digitalization, in a spirit of loyal cooperation.

In particular:
- A working group specifically established within the C.S.M. (under the coordination of the STO – the permanent Technical Structure of the C.S.M. responsible for implementing the online trial) has continuously monitored the development of the Online Criminal Trial (PPT), producing three reports on the state of digitalization: Report of the Technical Structure for Organization (STO) – filed on January 12, 2025, "Report on the Dissemination of the Criminal Procedure Application (APP)" filed on March 29, 2025, and the note "Report on the Dissemination of the Criminal Procedure Application (APP)" filed on September 15, 2025.

- The C.S.M., taking note of the critical issues highlighted in the reports, proposed corrective measures to the Minister of Justice with the resolution of January 22, 2025 ("Critical issues related to the APP application identified by judicial offices. Update as of January 12, 2025") and with the resolution of April 9, 2025 ("Critical issues related to the APP application identified by judicial offices. Update as of April 1st, 2025").

- The Ministry of Justice adopted the C.S.M.'s recommendations through the DGSIA resolution of March 8, 2025 on "Update and Integration of the Schedule of Interventions on the APP Application" to overcome the difficulties, and later with Ministerial Decree No. 2026 of December 31, 2025, which amended the "Regulation introducing new amendments to Decree No. 217 of December 29, 2023 concerning the Online Criminal Trial", redefining the transition timelines to a fully digital system.
This dialogue between the C.S.M. and the Ministry of Justice resolved the main problems concerning the digitalization of criminal procedure. In fact, while from a regulatory standpoint the digitalization of the criminal procedure had already been implemented, issues arose over the years, which in 2025 were partially resolved and managed through a twofold approach:

a) The adoption of a new application (called APP2.0), which enables a more effective approach to digitalizing the criminal procedure. In particular, the new application is expected to overcome the issues that emerged, including:

- Structural software issues of APP arising from poor or inadequate design of its workflows and user interface, which can be distinguished between problems caused by non-compliance with procedural law provisions and problems that, while not preventing functionality, compromise usability and ultimately slow down the work of judicial offices;

- Issues related to hardware problems or other infrastructural limitations.

b) A new timeline regarding the transition from a mixed system (digital and analog) to a fully digitalized system, so as to resolve technical issues already encountered or that may arise over time.

- **Consiglio di Presidenza della Giustizia Amministrativa of Italy**

No relevant recommendations have been made regarding administrative justice.

- **National Courts Administration Finland**

There was one recommendation regarding the judiciary in the Country chapter in 2025. The recommendation was **to advance the reform of the appointment of lay judges, taking into account European standards on judicial independence**.

The position of the National Courts Administration is that the lay judge institute should be evaluated on a much broader sense than only from the point of view of the method of selection of the lay judges. The focus should be on the grounds and needs for a lay judge institute overall. As for the current method of selection of the lay judges, the system is clearly burdened with problems regarding the separation of powers and the independence of the courts. It is the understanding of the National Courts Administration that the Ministry of Justice has, for the time being, renounced reforming the selection process of lay judges mainly because of cost factors.

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

The Country chapter of the Rule of Law 2025 contains one recommendation: **Take measures to ensure the adequate safeguards against undue political influence in the appointment procedure for Supreme Court judges, taking into account European standards on judicial appointments**.

The origin of this specific recommendation can be traced back to 2022, when the Saeima initially rejected a candidate for the position of Supreme Court judge due to political disagreements (the Saeima is not required to justify its decision, and it cannot be reviewed in court). Although this is considered an isolated case, in the EC's view it demonstrated a lack of consistency in complying with European standards.

In 2025, neither the judicial system nor the legislature had initiated the drafting of documents to implement this recommendation.

In the summer of 2025, the official newspaper *Latvijas Vēstnesis* published an article on this issue and asked the Judicial Council the following questions: How does the Council view the problem/observation expressed in the EC report? Is this a pressing issue? What are the possible solutions and what are the main reasons or obstacles preventing this issue from being resolved?

In the opinion of the Judicial Council, the issue of the significance of political considerations in the selection of judges was topical in 2022, when the Saeima refused to approve Sanita Osipova for the position of Supreme Court judge. However, the situation was resolved in 2023, when the Saeima reconsidered the issue and changed its position. "The events of 2022 are mainly related to shortcomings in the culture of political debate. Political criticism of the outcome of a case previously heard by a judge may indicate a threat to the independence of the judiciary. At the same time, only the Saeima can appoint a person to the position of judge, so essentially the only solution to the situation is to strengthen understanding of the mutual relations between the branches of state power and to develop a culture of inter-institutional dialogue," explains the Judicial Council.

In an interview with the legal journal *Jurista vārds*, the Chair of the Judicial Council A.Strupišs gave the following assessment of the EC recommendation:

“In principle, this issue arose in connection with the non-approval of Prof. Sanita Osipova for the position of senator. This is not a systemic problem, nor is it a conflict between the judiciary and parliament. However, the potential for conflict remains. At the same time, it must be acknowledged that the basic principle of Saeima approval for the appointment of judges is valid.

There are countries where judges are nominated or approved by the President. However, this means that a great deal depends on one person. I think it is better to leave things as they are at present, where each of the hundred members of the Saeima can take the floor and express their opinion, and the Saeima as a whole has the right to reject a candidate. However, an important question is how to ensure that the Saeima discloses the real reasons why it does not approve a judge for office. The Saeima represents the will of the people. However, the will of the people is not absolute and cannot be unconstitutional. The judiciary must know the motives of the legislature, because only then can we engage in dialogue. If parliament rejects a candidate nominated by the judiciary without revealing its motives, this creates uncertainty and questions about what is really behind such a decision. There is a risk of unconstitutional action.”[13]

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

On the implementation of the recommendation to **continue efforts to improve the transparency of the system of appointments to judicial positions, notably to the Supreme Court, taking into account European standards on judicial appointments.**

Taking into account the expectations of the judicial community regarding the efficiency and clarity of the selection process for judicial candidates and judges seeking judicial promotion, the Judicial Council, established a working group “On the Improvement of the Procedures for the Selection of Judges and Judicial Candidates” by Resolution No. 13P-30-(7.1.2.E) of 31 January 2025. This working group will conclude its activities on 28 February 2026. Taking into account the dynamic nature of issues related to the system for the selection of candidates for judicial office, the members of the working

[13] Gailīte D., Krastiņš U. Ir ļoti grūti mainīt procesus sistēmas iekšienē, pretestība nav maza (It is very difficult to change processes within the system; resistance is not insignificant). Jurista Vārds, 16.09.2025., Nr. 37 (1407), 8.-15.lpp.

group have currently identified the following key directions: changes to the judicial selection process related to the review and updating of the legal regulation of the Judges' Competence Model (the Description of the Procedure for the Selection Criteria for Candidates to Judicial Office, the Assessment Criteria for Persons Seeking Judicial Career, and the Assessment of Personal Competences, approved by Resolution No. 13P-32-(7.1.2.) of the Judicial Council of 28 January 2022); a review of the Description of the Procedure for the Selection Criteria for Candidates to Judicial Office, the Assessment Criteria for Persons Seeking Judicial Career, and the Assessment of Personal Competences, with particular emphasis on the structure of selection scores and the methods for their calculation; and adjustments to the legal regulation governing the inclusion, in the general ranking lists provided for in the Law on Courts, of candidates who were not deemed suitable by members of the Selection Commission for Candidates to Judicial Office (i.e. received fewer than half of the votes of the Commission members). The scope of activities of the working group also includes the assessment of changes in the legal regulation on the formation of the corps of judges in the light of the judgment of the European Court of Human Rights in the case of Misiūnas v. Lithuania (No. 38687/22)[14] .

- **Conseil National de la Justice Luxembourg**

Only one recommendation concerning the judiciary has been issued: "**Step up efforts to achieve full digitalisation of civil, criminal and administrative proceedings.**" The digitalisation process does not fall within the competences of the Council. However, the Council can indicate that significant efforts — including by the government — have been dedicated to this matter.

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

Two recommendations relate to the judiciary in the Netherlands.

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

The Judiciary started in a timely manner with the quantitative (strategic) planning of judicial capacity. Since the end of 2020, the Judiciary has made considerable efforts to maintain judicial capacity and compensate for the departure of judges/justices. The measures appear to be successful and quantitatively the judiciary has grown in terms of judicial officials compared to the end of 2020. In addition, the number of court clerks has increased even more significantly.

Furthermore, there is an additional effect from the extra deployment of judges aged 70 and over, although this has a more limited impact than the aforementioned initiatives.

In addition, work pressure remains an ongoing focus within the Judiciary. Work is still ongoing on the 2023-2025 implementation agenda, both at local and national level. In September 2025, a progress report was discussed during the Presidents' Council meeting. This report addressed the progress of projects outlined in the Implementation Agenda. We can now also tentatively say something about the effects. The 2025 time allocation study showed a decrease in overtime. The results of the 2025 employee survey, which also measures work pressure, will be shared with the organization on

[14] https://tm.lrv.lt/lt/veiklos-sritys-1/atstovavimas-eztt/naujienos/eztt-pripazino-kad-nebuvo-uztikrinta-veiksminga-teismine-perziura-pareiskejui-siekiant-apskusti-klaidas-tariamai-padarytas-neskiriant-jo-is-naujo-teiseju/

February 12, 2026. The previously mentioned intervention tools have now been delivered. Encouraging the conduct of mental check-up conversations continues to be an ongoing activity. In 2026, a handout will be created for organizational units on ways to stimulate participation.

Additionally, to temporarily expand judicial capacity on a small scale, experienced external legal professionals are deployed as substitute judges for single-judge sessions in specific case streams. They undergo the full selection process required for candidates who wish to become judges. A minimal national guidance and training program is currently being set up. Furthermore, to optimize the use of judicial capacity, a pilot has been launched to experiment with transferring tasks currently performed by judges to legal court clerks. The pilot is conducted within four courts and involves seven new ways of working where tasks are delegated. The pilot will be evaluated in 2027 to determine whether these tasks should be structurally embedded in the organization.

In recruitment, possibilities are being explored to lower the threshold for applying by establishing earlier contact with candidates during the application process and providing candidates with information based on pre-application contact moments. In this way, we continue working towards hiring 140 new judges annually.

Research into case processing times has shown an increase between 2017 and 2024. The Judiciary attributes this rise to the growing complexity of cases. This trend has been ongoing for some time and is evident across nearly all areas of law. Consequently, within this part of the 'budget agreement 2026-2028'[15] between the Ministry of Justice and Security and the Council for the Judiciary, the Judiciary's budget will be increased by €16 million in 2026, reaching €17.2 million in 2029 and the following years.

As mentioned last year, Professor Jaap Winter published a report on 23 April 2024 containing recommendations to reduce the workload. Some of these recommendations concern institutional reform, including broader use of legal support. The budget agreement 2026-2028 also includes a structural additional budget for strengthening the judiciary (institutional reform and investments in family and juvenile justice). This amounts to €15.2 million in 2026, €23.2 million in 2027, €23.2 million in 2028, and a structural increase of €21.6 million added to the budget from 2029 onwards.

2) Take forward the proposal of the State Commission on Rule of Law to strengthen a rule of law culture, including by setting up a structured dialogue between the state powers based on a 'rule of law agenda'.

The cabinet sent its response to the advisory report of the State Commission on the Rule of Law to the House of Representatives and the Senate on July 4, 2025. This cabinet response addresses various recommendations that the State Commission partly made to the cabinet.

In May 2025, a kick-off meeting was held about conducting a rule of law dialogue between the branches of government, with the intended participants of such a dialogue. It was agreed that the first dialogue will take place in the autumn of 2025. This meeting has been postponed by the government until after a new cabinet has been formed.

[15] Ondertekende prijsbrief rechtspraak 2026-2028.pdf

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

Since the publication of the 2025 Rule of Law Report (8 July 2025), the recommendations concerning the judiciary in the broad sense have been partially and unevenly addressed. The most tangible developments concern the reform of the electronic case allocation system and wider procedural digitalisation, the reinforcement of human resources and support structures, and targeted changes to criminal procedure for complex mega-cases (megaprocessos). The High Judicial Council (CSM) has played an active role in agenda-setting and in reacting to implementation problems. Structural questions relating to the composition and stability of the judicial councils themselves remain unresolved.

Efficiency of the justice system

1.1 Reform of the case allocation system

The 2025 Rule of Law chapter criticised the existing electronic allocation regime as excessively burdensome, notably because it obliged judges and prosecutors to be physically present despite not playing any effective role in the act. This concern has since been addressed through a combination of legislative and regulatory measures.

Parliament approved Law No. 56/2025, of 2025-07-24, which amended the Code of Civil Procedure so that electronic allocation is now characterised as an act of the court secretariat, prepared and executed by a clerk, with only residual oversight by a ""judge on duty for case assignment"". The law removed the legal requirement for physical attendance by a judge and a prosecutor at each draw, which had been one of the core criticisms raised in practice and reflected in the Rule of Law Report. It also strengthened documentation and traceability by requiring a formal record of each allocation, including time, justification of any manual intervention and information on impediments, accessible to the parties and certifiable on request.

To implement this framework, Government Order No. 350-A/2025/1, of 2025-10-09, unified and updated the rules on electronic processing in both the common and administrative/tax jurisdictions and operationalised Lei n.º 56/2025. It established a unified digital interface for electronic allocation, expressly dispensed with the physical presence of magistrates, and reinstated the model of a judge on allocation duty who intervenes only when necessary. The new regime entered into force in October 2025.

Although the initial political impulse came from the executive and professional organisations, the courts under the supervision of the CSM have complemented the reform with internal orders and regulations by court presidents, adapting local practice to the new regime and reinforcing the documentation and publication of allocation operations.

1.2 Adequacy of the general criminal procedure legislation to efficiently deal with complex criminal proceedings

The 2025 Rule of Law chapter recommended that Portugal adapt its general criminal procedure framework to handle complex cases more efficiently and noted the work initiated by the CSM's specialised group on mega cases. This interaction between the Council and the Government has since produced a first wave of legislative changes.

In early 2025, the CSM presented publicly the document "Mega-Cases and Criminal Procedure: A Letter for Speed and Better Justice", prepared by a mixed working group of judges and a prosecutor. This letter sets out a package of 21 measures, including the possibility for judges to impose fines between 2 and 100 units of account on parties or participants who practise manifestly unfounded acts

with the purpose of delaying proceedings, the generalisation of electronic notifications, stricter limitations on the number of witnesses and on repetitive testimonies, and adjustments to appeal rules, such as raising the minimum sentence threshold for access to the Supreme Court from 8 to 12 years in certain cases. The document was approved by the CSM Plenary and formally sent to the Minister of Justice as a legislative contribution on mega-cases.

Subsequently, on 11 December 2025, the Government approved in Council of Ministers a package of fourteen measures for the justice sector, many of them focused on criminal procedure and economic-financial crime. This package introduces a specific fine for manifestly dilatory acts in criminal proceedings, explicitly described in the Government's communication as an adherence to a proposal from the CSM. It also reinforces the powers of judges to manage hearings and refuse useless or abusive acts, revises time-limits and procedural rules in cases declared exceptionally complex, tightens rules on the number and relevance of witnesses and the structuring of indictments in such cases, and reorganises certain phases of inquiry, instruction and appeal to make them more manageable in large-scale economic-financial proceedings. In addition, the package extends the use of special abbreviated procedure and of the effects of full confession to more serious crimes, subject to constitutional safeguards, with the aim of reducing the need for full trials where appropriate.

Taken together, these measures amount to an initial, targeted response to the EU's recommendation. The CSM has clearly shaped the doctrinal and technical agenda, while the Government has begun to transpose that agenda into statutory amendments, with further parliamentary work expected during 2026.

1.3 Human resources, support structures and workload

The 2025 chapter acknowledged important progress on human resources while emphasising the need for continued efforts to reinforce staff and address workload concerns, particularly for clerks and prosecutors. Since then, statutory and infra-statutory measures have been adopted that carry this agenda forward.

Law No. 57/2025, of 2025-07-24, revised the Statute of Judicial Magistrates, the Statute of the Public Prosecution Service, the Statute of the Administrative and Tax Courts and the Law on Judicial Organisation. Among other things, it created advisor posts at the Supreme Administrative Court, with a dual function of supporting judges and prosecutors, and opened the way to establishing offices of advisers to assist judges at appellate and first-instance common courts and at prosecution services, thereby enabling more rational allocation of human resources. It adjusted criteria for access to the Supreme Court to broaden the pool of eligible judges, which is intended to improve both flexibility and attractiveness of the career. The reform also aligns the statutes with earlier changes to entry rules at the Center for Judicial Studies, which the EU report had already described as a positive step for recruitment.

Complementing these statutory changes, the December 2025 package of fourteen measures includes several immediate human-resources initiatives. The Government approved a decree-law to reinforce the Public Prosecution Service with 107 additional magistrates focused on criminal investigation, and another decree-law shortening by six months the internship period of the 40th and 41st CEJ courses so that new judges and prosecutors can reach the courts more quickly. A further decree-law concretises the advisors' regime for judges and prosecutors, establishing centralised advisor pools intended to free magistrates for their core adjudicative and prosecutorial functions.

The situation of court clerks (oficiais de justiça) in Portugal has seen important legislative progress since the last report, but still not enough to overcome the staffing crisis. Around 570 new clerks took up their duties (with some withdrawals), and the Government reached an agreement with both unions

leading to a major reform of the career structure. Decree-Law No. 27/2025, in force from April 2025, formalised these changes and represented the first structural reform of the career in decades. Even so, institutional evidence indicates that staff shortages and organisational pressure persist, with a worrying exodus of court officials to other civil service departments, given the lack of appeal of the career, affecting the performance of court registries and the courts' capacity to respond.

Annual reports from several judicial district courts published at the end of February 2025 continue to identify three key drivers of operational strain: a shortage of clerks, absenteeism, and an ageing workforce. In the Lisbon district, the reports note a worsening trend, with an average age close to 55 and about one third of staff over 60, pointing to a rise in retirements in the short term. In the Santarém district, the 2024 annual report quantifies a significant effective deficit in "functional availability" (taking absences into account), highlights 1,707.5 days of strike-related absences in 2024, as well as significant absenteeism due to illness (3,236 days in the judicial career, representing 47.22% of total absenteeism) and links these factors to delays in registry acts, postponements, and additional costs for court users and procedural participants.

In parallel, recent technical documentation has described concerning levels of psychosocial strain (referring to 2023 findings), reinforcing the need for policies that go beyond recruitment and include retention and organisational sustainability measures.

1.4 Judicial independence, governance and internal accountability

The 2025 Rule of Law Report recorded the CSM's concerns about its own stability and independence, in particular the effect of repeated parliamentary dissolutions on the mandates of members elected by the Parliament and the absence of a net majority of judges elected by their peers in the CSM (and CSTAF), contrary to European standards.

On the side of internal governance, the CSM responded by adopting, through Deliberation (Extract) No. 3/2026, of 2026-01-02, a Code of Conduct for its members. This Code articulates principles of independence, impartiality, transparency, competence and responsibility, and co-operation and loyalty. It emphasises that members act solely under the Constitution and the law, must maintain independence from internal and external pressures, avoid actual or perceived conflicts of interest, and facilitate public scrutiny of their conduct, including by informing the Council about public interventions that may touch upon their functions. Although this does not alter the structural aspects criticised by GRECO and the Commission, it strengthens the internal normative framework for the behaviour of Council members.

By contrast, there has been no legislative reform to resolve the structural issues of composition and tenure. Parliament has not yet adopted changes to guarantee minimum tenure for members appointed by the Assembly or to modify the composition of the CSM and CSTAF so as to ensure a majority of judges elected by their peers, as recommended in European standards and reiterated in the 2025 chapter. In this area, therefore, the follow-up consists mainly of soft-law self-regulation and continued advocacy, without structural institutional adjustment.

A significant consideration within the framework of judicial governance concerns the current management of electronic platforms, hardware, and digital infrastructures, which remain largely under the purview of the executive branch. While this arrangement has historically provided technical support, it invites a cautious examination of its alignment with the principles of institutional autonomy. The limited direct oversight by the Councils (namely the CSM) over these essential tools suggests a potential tension regarding the full realization of the separation of powers. Entrusting the judiciary with greater control over its own technological ecosystem would not only enhance data sovereignty and the confidentiality of judicial records but also reinforce the institutional safeguards

necessary to preclude any perception of external influence. A transition towards a more autonomous governance model for judicial IT infrastructure would, therefore, better reflect international best practices and the constitutional standing of the courts.

1.5. Transparency and access to judicial decisions

The 2025 chapter underlined that online access to judgments in Portugal remained among the lowest in the European Union and that the project to publish decisions from all instances had not been completed.

In this respect, the CSM has taken relevant steps within its sphere of competence. It has redesigned its jurisprudence database and developed more granular criteria for pseudonymisation, with the aim of reconciling the principle of publicity of decisions with data-protection and privacy requirements. The internal plan envisages a pilot phase, initially with publication of selected first-instance decisions from September 2025, followed by extension to decisions from all comarcas from the end of the first quarter of 2026 onwards.

- **Judicial Council of the Slovak Republic**

The Judicial Council has no power and no competence to take any action, which the European Commission has repeatedly recommended in its Reports in this regard. The Judicial Council has repeatedly explained that the possibility to recall members of the Judicial Council was made possible by Constitutional Act No. 422/2020 Coll., approved by the Parliament of the Slovak Republic on 09 December 2020, which in Art. 141a (5), third sentence, provided for the possibility to dismiss the President, the Vice-President and a member of the Judicial Council of the Slovak Republic before the expiry of their term of office at any time. In the Slovak Republic, it is the legislative body - the National Council of the Slovak Republic - which formulates and passes laws: it is composed of 150 members who are representatives of the people and are elected every four years in parliamentary elections; each party that gets at least 5% gets seats in Parliament, and the higher the percentage, the more seats for the members of the given party. To change any constitutional act or the Constitution itself, at least 90 members must vote FOR, which means that the only way to comply with the EC recommendation and change this legislation is to change the Constitution by a constitutional majority in Parliament so that the members of the Judicial Council cannot be removed at any time.

The Judicial Council has no way of influencing the composition of Parliament or the way of voting, which implies that it has no legal powers to implement the recommendations regarding the provision of sufficient safeguards for the members of the Judicial Council so that they cannot be removed at any time, before the expiry of their term of office, especially those not elected to the Judicial Council by the judges, as has been pointed out and explained to the EC representatives since 2022, since an identical requirement has appeared in every Rule of Law Report since 2022.

However, in the legislative process LP/2025/24 the Judicial Council submitted a fundamental comment to the draft Constitutional Act amending Constitution of the Slovak Republic No. 460/1992 Coll., as amended, and proposed an amendment to Art. 141a (5), third sentence: “The President, the Vice-President and a member of the Judicial Council of the Slovak Republic may be dismissed for serious neglect of duties in the performance of their constitutional functions.” This comment was not accepted.

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

The recommendations of the Rule of Law 2025 do not fall within the scope of Council’s powers.

- **General Council of the Judiciary (CGPJ) of Spain**

Taking as a reference the recommendations made in the rule of law report presented by the European Commission in 2025, it should be noted that:

- That the General Council of the Judiciary, in compliance with the mandate of the single additional provision of Organic Law 3/2024 in which the agreement reached in the structured dialogue sponsored by the European Commission on this matter was legalised, sent both to the Government of Spain and to the Congress and the Senate the agreement adopted by the plenary session on 5 February 2025 that included a proposal with two alternative reform options of the system of election of the appointed members from among judges and magistrates, a proposal that Organic Law 3/2024 required to guarantee its independence and that with the direct participation of judges and magistrates that was determined could be positively evaluated by the report on the Rule of Law of the European Union and that it establish a General Council of the Judiciary in accordance with the best European standards.

- In this agreement, adopted unanimously by the plenary, it was also agreed to send the proposal with two alternative options to the Venice Commission, in order for it to issue an opinion on the conformity of the proposal with the best European standards regarding the system of election of the members of the Judicial Councils appointed from among judges and magistrates. In the light of the doctrine of the Venice Commission in this regard.

- That a delegation made up of several members of the Venice commission travelled to Spain in September 2025 in order to meet with different public institutions, relevant people and civil society organisations. The purpose of these meetings was to gather complementary information for the preparation of the Opinion requested by the General Council of the Judiciary on the proposal with two alternatives submitted for its consideration.

- Within the framework of this visit, the delegation of the Venice Commission had the opportunity to meet with several members of the General Council of the Spanish Judiciary, including three of the four who made up the working group that prepared the proposal approved by the plenary session on 5 February 2025, as well as several members of the Council's International Relations Committee.

- The president of the General Council of the Spanish Judiciary offered to attend the plenary session of the Venice Commission in which the report on the manner of election of the members of judicial origin of the Spanish Council would be discussed.

- As a result of this offer, the Chair was invited to participate in the Commission's 144th plenary session, held in Venice on 9 and 10 October 2025. The Ministry of Justice, the Congress of Deputies and the Senate of Spain were also invited to participate in that session.
- The president of the CGPJ was unable to attend the plenary session in person, delegating to two members of the Council, the president of the international relations committee and one of the members who had intervened in the working group that drew up the approved proposals.

Following the plenary session, the Venice Commission issued the requested opinion on 13 October 2025. The report is public and is available on the website of this institution (https://www.coe.int/en/web/venice-commission/-/cdl-ad-2025-038-e). In this Opinion, the Commission evaluates the two options submitted for its consideration and its Conclusion states:

«65. The two options differ principally on the involvement of Parliament in the election of the judicial members. Option 1 provides that judicial candidates should be endorsed by 25 judges or a judicial association, and judges directly elect the GCJ members from among these candidates. Option

2 provides for endorsement by 30 judges or a judicial association, followed by a pre-election by the judiciary to create a shortlist, and the final election from this pool by Parliament.

66. Option 1 empowers the judges to directly elect the Council's judicial members, aiming to eliminate politicisation in the parliamentary process. This approach is welcome, as it complies with the European standard of peer election. However, the risk of internal politicisation should not be overlooked, especially where judicial associations may exert significant influence over nominations and campaigning, potentially shaping the election process. The election process must be protected not only from external interference but also from internal politicisation, as these could both undermine judicial independence. To address these risks, the following measures could be considered in the further elaboration of the election system (also applicable to Option 2, where relevant): (...)

67. As regards Option 2, the Commission is of the view that in addition to the internal risks of politicisation discussed under Option 1, this Option makes the procedure vulnerable to external politicisation in Parliament. Moreover, Parliament is given broad discretion in selecting candidates, without clear criteria or an obligation to provide adequate reasons. Additionally, the availability of an effective legal remedy to challenge appointments remains uncertain. Furthermore, Option 2 lacks adequate anti-deadlock mechanisms, leaving the process vulnerable to parliamentary stalemate and delays. Overall, the pre-election of the judicial members of the judicial council by the judges is valuable, but insufficient to meet the peer election standard, because it is followed by their political election. Therefore, in this respect Option 2 does not comply with the European standards.»

- Immediately after the Venice Commission Opinion was issued, on 24 October 2025, the People's Parliamentary Group in the Congress of Deputies, corresponding to the main opposition party, presented in this House a legislative initiative called the proposal for an Organic Law amending Organic Law 6/1985, of 1 July, of the Judiciary for the change of the model of election of the members of the General Council of the Judiciary. The Government of Spain has not submitted any legislative initiative on this matter to the Spanish Parliament.

- With regard to the rest of the recommendations made by the European Commission in its report on the rule of law, the CGPJ has reported on how many draft laws have been submitted by the Government referring to reforms that affected the issues referred to, especially the draft new law on criminal procedure, reform of the Organic Statute of the Public Prosecutor's Office, as well as the bill on access to judicial and prosecutorial careers. These bills are now in the parliamentary process, without their approval.

In the reports issued, the CGPJ has been critical of some aspects of the reform of the Criminal Procedure Law that attributes the investigation to the Public Prosecutor's Office, due to the lack of autonomy of this institution, and also with the reform of the Organic Statute of the Public Prosecutor's Office, among other aspects, for weakening the Fiscal Council, a counterweight body to the Attorney General of the State. And, in relation to the modification of access to judicial and prosecutorial careers, the CGPJ is against the *«extraordinary process of stabilization of temporary employment in judicial and prosecutorial careers»*, designed to facilitate the incorporation of substitute judges and prosecutors and alternate magistrates, considering that **the "exceptional situation" required by constitutional jurisprudence to** adopt this measure does not exist, as well as against the increase in the number of places reserved for the competition-competition system, and the regulation of the entrance exams by the legislator, removing this power from the Selection Committee of the CGPJ.

- Regarding efforts to address challenges related to the length of investigations and prosecutions, in order *to* increase efficiency in handling high-level corruption cases, including the completion of the reform of the Code of Criminal Procedure. The CGPJ, within the scope of its legal powers, has required on several occasions more material resources and the creation of more judicial units to guarantee more agility in the processing and resolution of the different judicial proceedings in

all jurisdictions, which has included the demand for more resources and the creation of more places in the criminal jurisdiction. including both the Supreme Court and the National Court, bodies specially empowered to hear the most serious cases of corruption.

2. Councils for the Judiciary perspective on developments after the Country chapter 2025 or previous contribution

- **Conseil Supérieur de la Justice/Hoge Raad voor de Justitie/High Council of Justice of Belgium**

In order to raise awareness of the importance of the rule of law among citizens, and young people in particular, the High Council, together with other actors, organised the Rule of Law Week. As part of this, a survey was conducted among young people on important principles of the rule of law and lessons were given on the rule of law.

https://hrj.be/nl/weekvanderechtsstaat

https://hrj.be/nl/nieuws/2025/jongerenbarometer-2025

- **The Danish Court Administration**

Regarding the progressive allocation of human and financial resources to the justice system, it should be noted that a total of seven new judges (not nine, as previously stated in the Danish country chapter of the 2025 Rule of Law Report)[16] were appointed in 2025. In September 2025, the presidents of three district courts agreed to transfer 200 severe criminal cases from one court to the other two courts in order to reduce case backlogs. This measure mirrored a similar redistribution carried out in October 2024, when 400 severe criminal cases were reassigned from two larger district courts with significant backlogs to three smaller district courts. It is estimated that the 200 cases transferred in 2025 represented approximately 15 percent of the total number of severe criminal cases handled by the originating court that year.

- **Conseil Supérieur de la Magistrature of France**

The 2025 report highlights the fact that the High Council for the Judiciary defended the independence of the judiciary in response to concerns raised by attacks on magistrates following judicial decisions. In 2025, these attacks unfortunately continued and the Council had to respond once again (see below).

On another note, last year's contribution from the Council mentioned its work on drafting a new code of conduct. This work has now been completed and the code was published on 12 December 2025[17].

- **Supreme Judicial Council for Administrative Justice of Greece**

The most significant developments from the perspective of the SJC since our previous ENCJ contribution (see pp. 48-49 of the ENCJ contribution for the 2025 European Commission ROL report) concern the following:

i) **Involvement of the judiciary in the appointment of President and Vice-President of the Council of State, the Supreme Court and the Court of Audit**, following recommendations of previous ROL reports

[16] Section titled “Human and financial resources for the justice system are being progressively increased”.
[17] Charte de déontologie des magistrats de l'ordre judiciaire | Conseil Supérieur de la Magistrature

(see the Country chapter of the 2023 ROL report). A new provision enacted in 2024 introduced the involvement of the plenaries of the three highest courts in the appointment procedure of their Presidents and Vice-Presidents. According to the provision, the respective plenary delivers a non-binding opinion following a vote of its members, upon a request by the Minister. The initial provision was amended in May (by Law 5197/2025) following a proposal submitted by the Supreme Court and the Council of State regarding mainly the voting process. In June 2025, the plenary of the Council of State delivered its non-binding opinion for the appointment of the new Vice-Presidents under the new procedure. As mentioned in the 2025 Country Chapter (see pp. 3-4), further modifications of the appointment procedure aimed at enhancing the involvement of the judiciary would require constitutional revision and will be addressed in the forthcoming amendment procedure.

ii) **Digitalization of justice**. The upgrading of the case management systems is advancing, funded by the Recovery and Resilience Facility. Access to case-law through the courts' websites is also progressing, although it continues to be conditioned by the anonymisation process, which is carried out under common guidelines for all jurisdictions (developed in early 2025 by a special working group of the MOJ composed of judges of the Council of State) and will be performed through an automated process in the immediate future. Moreover, broadcasting of court hearings and the electronic submission of the administrative file in annulment proceedings before the Council of State is under discussion in the plenary of the court.

- **National Judicial Council of Hungary**

From the perspective of the Judicial Council, the following developments have taken place since the publication of the 2025 report concerning Hungary and merit mention.

- The National Judicial Council (OBT) submitted a petition to the Constitutional Court alleging an infringement of its statutory right to provide an opinion on draft legislation. The Constitutional Court, however, found the request for legal remedy unfounded, stating that the practice of the body responsible for legislative preparation does not contravene the Fundamental Law. Consequently, the issues previously highlighted by the National Judicial Council (OBT) in connection with the legislative opinion procedure are expected to persist in the near future.

- The political intention to hinder the functioning of the courts remains unchanged and, in fact, appears to be intensifying.

  This intention manifests itself in two directions: first, through shaping the legislative environment accordingly; and second, through political statements capable of negatively influencing public opinion.

  As regards the former, the detailed rules required to implement the amendment of the Fundamental Law have been adopted only partly with delay, and in part have not been adopted at all.

  A further material development concerns the rule on "pecuniary satisfaction" introduced in civil cases. While this legislation ostensibly aims to accelerate proceedings, in substance it is discriminatory and does not comply with European standards. The President of the National Judicial Council (OBT) informed the President of the ENCJ of these circumstances by letter.

  The rules on procedural fees have also been significantly amended. In the view of the majority, these changes reduce access to the courts by drastically increasing the level of fees above a certain value of the dispute and by removing any upper cap on the payable fee.

Political statements continue to be made that are capable of undermining the authority of the courts and eroding public confidence in judicial independence. Such statements have been made both by the governing party and by the opposition. By way of example, reference may be made to the Prime Minister's statement of 15 March, in which he, in an ambiguous manner, compared judges to "bugs" and accused them of corruption; and to a statement by the leader of the opposition asserting that, if he were to come to power, he would restore the independence of the courts. In both instances, the National Judicial Council (OBT) issued public statements rejecting the remarks made.

As parliamentary elections will take place in Hungary in 2026, governmental statements accusing the courts of engaging in political activity have intensified. It should be emphasized that courts in Hungary do not engage in political activity. In response to these statements, the President of the National Judicial Council (OBT) gave a television interview, making clear the political neutrality of the courts and also underlining that judicial independence exists in Hungary.

- The National Judicial Council (OBT) has previously stressed that certain competences conferred on it by law are either not substantive or can be easily circumvented. In order to allow these structural problems to be comprehensively identified, the National Judicial Council (OBT) established an ad hoc committee tasked with identifying the problems and drafting the legislative amendments necessary to address them. The committee has prepared its report, and its discussion is currently ongoing.

- **Consiglio Superiore della Magistratura of Italy**

Preliminarily, it is worth recalling that the NRRP approved by the EU provides a grant program aimed at the recovery of the economy and strategic activities following the COVID-19 pandemic. With respect to the justice sector, the plan links the funding to the achievement of objectives agreed upon between Italy and the EU, which foresee a reduction in disposition time of 40% for the civil sector and 25% for the criminal sector by June 2026.

In addition to this goal, there is the objective of reducing the backlog of cases older than three years by 90% for Courts and Courts of Appeal. In brief, the relevant NRRP objectives are:

- Final clearance objective to be achieved by June 30, 2026: a 90% reduction of civil cases pending as of December 31, 2022 (baseline), registered from January 1st, 2017, to December 31, 2022, in the Courts, and from January 1st, 2018, to December 31, 2022, in the Courts of Appeal;

- Objective of reducing civil Disposition Time (DT) by 40% of the total DT, calculated as the sum of DT across the three levels of jurisdiction, compared to the corresponding values in 2019.

By resolution of July 16, 2025, the CSM, recognizing the efforts made and the achievement of two objectives (reduction of civil backlog and criminal disposition time), noted that it is "still possible to adopt urgent and extraordinary measures, entirely exceptional, in terms of primary and secondary legislation" and that "the importance of the objective and the possible consequences of not achieving it requires a joint effort from all involved institutions, capable of imagining solutions that operate at different levels and with different effects at first instance, on appeal, and in the Court of Cassation".

In this perspective, the CSM identified several urgent and extraordinary interventions aimed at achieving the remaining objective, while suggesting structural measures as well as provisional and emergency interventions.

Following the recommendations of the self-governing body of the judiciary, the Government adopted Decree-Law No. 117/2025. Measures were adopted that — while operating at different levels and producing different effects at first instance, on appeal, and in the Court of Cassation — jointly contribute to the overall goal. A specific instrument was used for each office involved in the mission,

aimed at increasing the number of magistrates: for first-instance offices through extraordinary remote assignment (Art. 3), for second-instance offices through extraordinary transfers (Art. 2) and the contribution of M.O.T. (Art. 5), and for the Court of Cassation through the assignment of magistrates specialized in precedents (Art. 1). The legislator also simultaneously assigned to the CSM and the Heads of Offices involved in these extraordinary measures a series of tasks aimed at enabling their implementation.

This decree-law fits within a positive framework between institutions. A joint table between the High Council for the Judiciary and the Ministry of Justice was established, aimed at identifying every possible solution suitable for achieving the objectives set by the NRRP.

The entry into force of the decree-law necessitated immediate action by the Council, which, through four separate resolutions — all adopted on September 3, 2025 — implemented the newly established primary provisions and developed the first guidelines to clarify certain procedural aspects regarding the most urgent organizational tasks.

The first resolution, implementing Art. 3 of Decree-Law 117/2025, concerns the regulation of the extraordinary remote assignment of ordinary magistrates to first-instance offices. It identified the destination offices and the number of magistrates to be assigned to each office, publishing the corresponding call for applications.

The second resolution, implementing Art. 2, para. 1, of Decree-Law 117/2025, identified the Courts of Appeal to which 20 magistrates in service could be assigned, using as a primary reference the potential criticality of the office based on its differences from the national average case duration.

A third resolution decided for a call for applications to fill the 20 positions identified by the CSM.

By further resolution, the Council developed the first guidelines regarding the responsibilities of the heads of offices in the Courts of Appeal and Courts. This resolution was adopted with the purpose of providing the heads of judicial offices affected by urgent measures contained in the decree-law with the necessary clarifications and facilitating the fulfillment of the tasks provided therein.

- **Consiglio di Presidenza della Giustizia Amministrativa of Italy**

The CPGA has not discussed adopting any action regarding the legislative developments mentioned in the 2025 report. In the absence of explicit discussion, it can be inferred that the main reason is that, at present, the reported justice reform concerns exclusively the ordinary judiciary (civil and criminal).

- **National Courts Administration Finland**

There have not been significant changes to the points raised in the Country chapter in 2025.

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

In order to achieve the goals and implement the tasks set out in the Council for the Judiciary's strategy for 2021–2025, the Judicial Council decided (21.01.2025. Decision No 4) to set the following priority areas of activity for the Judicial Council for 2025:

1. to implement the transfer of the administrative support function of the court system from the executive branch to the judiciary, consolidating it in the Law on the Judiciary;
2. to promote the recruitment of legally qualified staff to the judicial system by improving the job standards for judicial support staff and the associated remuneration system;
3. strengthen the role of the Academy of Justice in implementing a sustainable and effective training system for the high-quality performance of judicial and prosecutorial functions.

The Judicial Council has repeatedly drawn the attention of the branches of state power to the need to ensure an equal dialogue on the budget of the judiciary. The decision of Judicial Council expressed objections "to the fact that, in the process of drafting the 2026 state budget, the judiciary's opinion has not been fully and lawfully heard and priority measures have not been assessed, and that the Cabinet of Ministers has not provided justification for its decision in accordance with the third part of Article 16[1] and the fifth part of Article 19 of the Law on Budget and Financial Management"[18].

On March 14, 2025, the Judicial Council decided to redirect funding for unfilled judicial positions to the development of the court support staff system. The Judicial Council decided that 135 of the 141 judge positions in regional courts should be filled, while 381 of the 405 judge positions in district (city) courts should be filled. At the same time, it was decided that the financial resources saved from the 30 unfilled judicial positions could be redirected to the implementation of the Council for the Judiciary's 2025 priority measure – the development of the court support staff system.

On September 1, 2025, a new approach to selecting candidates for judicial office was announced, providing for the possibility of applying for a specific initial specialization – criminal, civil, or administrative cases. The effectiveness of the court system is largely determined by the available human resources – both the number of judges and their professional preparedness and ability to perform their duties effectively. Aigars Strupišs, Chairman of the Judicial Council and the Supreme Court, speaking at the Latvian Judges' Conference on May 16, pointed out: "If I had to name some of the most pressing problems, it would definitely be the shortage of candidates for the position of judge with a specialization in criminal cases. This is closely related to the liquidation of the Police Academy, as well as the quality of legal education in general."

In September 2024, with funding from the European Union's Technical Support Instrument, the implementation of the project "Improving the Efficiency and Budget Planning of the Latvian Court System" began. The project is being implemented over 18 months by PricewaterhouseCoopers EU Services and the European Commission's Directorate-General for Structural Reform Support, bringing together PricewaterhouseCoopers Latvia and strategic cooperation partners. The project has produced 1) an analytical report evaluating the current methodology used to determine the number of judges needed in Latvia, summarizing opinions on ways to improve the efficiency of the courts, 2) recommendations for institutional reforms to improve the efficiency of the court system and the use of state budget funds. The following are currently being developed: 3) a new statistical model for assessing the workload of courts and managing the budget of the justice system, and 4) the pilot implementation of the methodology, including training sessions and a handbook on court data collection, methodology, and resource assessment. The project will be completed in the first quarter of 2026.

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

District court reform. Taking into account the workload, operational efficiency and other assessed criteria of the district courts and their chambers, as of 1 January 2025 the divisions of district courts were merged, with some chambers being discontinued, and the territorial jurisdictions of certain district courts were also revised. As a result of the merger of district court chambers and their territorial jurisdictions, 27 chambers in district courts continue operations instead of the former 43 chambers, but the buildings of the former chambers have been retained in their respective residential

[18] Decisions of the Judicial Council on requests for the budget of the judiciary for 2026. TP 17.10.2025. lēmums Nr. 63
Par rajonu (pilsētu) tiesu un apgabaltiesu budžeta pieprasījumu 2026. gadam

areas, i.e. a single post-reform court chamber consists of 2 or more buildings located in different areas, where hearings are held and where court services are accessible to the residents.

A preliminary initial assessment of the changes brought about by the district court reform found that the most significant positive change was the provision of more opportunities for judges to specialise in specific categories of cases. Following the district court reform, judges' specialisation was established at all district courts.

Following the implementation of the district courts reform and the entry into force of amendments to the Code of Civil Procedure of the Republic of Lithuania relating to the allocation of cases among district courts, it was also observed that the reform had a positive impact on the more even distribution of workloads across the courts.

During the district courts reform, at the Kaunas City District Court, two divisions with the highest workloads – where judges had already been assigned specific specialisations prior to the reform – were merged with two chambers that had lighter workloads. As a result, the overall situation in the Court's territorial jurisdiction has not changed substantially and the judges' workload remains uneven.

The district court reform has not substantially affected the accessibility of court services for individuals, enabling them to have access to justice and guaranteeing their right to judicial protection.

Allocation of cases in courts. In 2025, the allocation of civil cases in district and regional courts continued in line with the legislative amendments in force since 1 July 2024, which aim to balance the workload of courts. Under the new procedure, certain cases[19] conducted under the written procedure, as well as appeals and separate appeals are allocated between courts by means of a computer software, taking into account their workload and the rules adopted by the Judicial Council. Statistics show that the system this system effectively balances the flows of cases and helps to ensure an equitable distribution of workloads across the courts.

In 2025, resources within the judiciary system were consolidated and directed towards activities related to the completion of the modernisation of the case allocation module of the Lithuanian Courts Information System (LITEKO) (hereinafter referred to as the "Module"). In order to properly prepare for the launch of the modernised Lithuanian Courts Information System (hereinafter referred to as the "LITEKOII") and following the assessment of the functionalities of the LITEKOII developed by applying the new technological solution, in 2025, considerable attention was paid to the drafting and harmonisation of the legal acts related to the assignment of cases, the determination of case groups and complexity scores, the numbering of cases, and the calculation of workload. The above-mentioned legal acts were adopted by the Judicial Council at its meeting of 29 August 2025:

1) Resolution No. 13P-115-(7.1.2.E) of 29 August 2025 "On the approval of the description of the Rules on the Allocation of Cases to Judges and the composition of Panels of Judges"[20]. This legal act establishes the basic operational principles of the new case allocation model, the formula for the judge selection coefficient and its components, the components of the judge selection coefficient formula in LITEKOII, the coefficients for general specialisation, detailed specialisation, and absence of specialisation, the judge (rapporteur) and the Panel member's coefficients, etc.

[19] The following categories of cases that may be heard by written procedure were identified in accordance with Article 62^2 of the Code of Civil Procedure of the Republic of Lithuania (hereinafter referred to as the "CCP"): documentary proceedings (Article 427(2) of the CCP), proceedings for the issuance of a court order (Article 431 of the CCP), and disputes concerning the award of small amounts (Article 441(2) of the CCP).

[20] https://www.e-tar.lt/portal/lt/legalAct/0a9893b184d411f0a8bbd1e98310677d

The key changes to the components of the judge selection coefficient in the modernised Module are related to the fact that not only the number of cases assigned to a judge during the reporting period within a specific allocation group will be taken into account, but also all the judge's pending cases at the time of allocation, as well as ongoing and unfinished judicial mediation processes. Another significant change is that, when calculating the judge selection coefficient, both cases assigned to the judge and cases being examined by the judge will be counted across all case types (i.e. not limited to the allocation group), multiplying them by the case complexity score. In addition, cases in which the judge participates as a panel member (not as the rapporteur) will also be taken into account, but will be given a lower weight. Furthermore, when allocating cases to judges, priority will be given to the principle of randomness.

2) Resolution No. 13P-116-(7.1.2.E) of 29 August 2025 "On the approval of case groups and complexity scores"[21]. In order to assess the actual workload of a judge, the above-mentioned legal act approved new case groups and complexity scores for the district courts, regional courts, the Court of Appeal of Lithuania, the Supreme Court of Lithuania and the administrative courts. In addition, a complexity score for judicial mediation was established, which will be uniform across all types of cases and all instances of courts, and it was provided that the newly established case complexity scores will be applied both when allocating cases and when calculating workload.

3) Resolution No. 13P-118-(7.1.2.E) of 29 August 2025 "On the Amendment of the Description of the Procedure for Calculating Workload in Courts, approved by the Resolution of the Judicial Council No. 13P-79-(7.1.2) of 29 May 2015 "On the approval of the Description of the Procedure for Calculating Workload in Courts"[22]. By this legal act, the Description of the Procedure for Calculating Workload in Courts was amended, taking into account that the complexity scores of the newly approved case groups will be applied not only when allocating cases, but also when calculating workload.

At its meeting on 31 October 2025, the Judicial Council, having regard to the newly envisaged launch date of the modernised Lithuanian Courts Information System – 1 June 2026 (the change of date was essentially determined by a change of service provider) – adopted resolutions amending the entry into force dates of the legal acts approved on 29 August 2025 relating to case allocation, numbering and workload calculation, postponing them from 3 November 2025 to 1 June 2026.[23]

Revision of the optimal workload methodology. By Resolution No. 13P-173-(7.1.2.) of 1 December 2023, the Judicial Council approved *the Methodology for Determining the Optimal Workload of a District Court Judge (hereinafter referred to as the "Methodology")*[24]*,* which establishes the criteria for a district court judge's optimal workload and its calculation procedure. In order to assess how the Methodology would function in practice, 3 courts were selected for its pilot application, and it was planned that the Methodology would be applied in other district courts from 1 July 2024. However, due to the postponement of the court reform date (to 1 January 2025) and the need to further refine the Methodology, the application of the optimal workload calculation procedure in all district courts was deferred; in practice, the Methodology was not implemented.

[21] https://www.e-tar.lt/portal/lt/legalAct/20e754d084d411f0a8bbd1e98310677d
[22] https://www.e-tar.lt/portal/lt/legalAct/5d3bf8f084d411f0a8bbd1e98310677d
[23] https://www.e-tar.lt/portal/lt/legalAct/6513e251b65611f092fda1fd0c194cc5
https://www.e-tar.lt/portal/lt/legalAct/75acffc0b65611f092fda1fd0c194cc5
https://www.e-tar.lt/portal/lt/legalAct/8851cbb0b65611f092fda1fd0c194cc5
https://www.e-tar.lt/portal/lt/legalAct/99645ee0b65611f092fda1fd0c194cc5
https://www.e-tar.lt/portal/lt/legalAct/a77d8831b65611f092fda1fd0c194cc5
[24] https://www.e-tar.lt/portal/lt/legalAct/ebb4c530950211eea5a28c81c82193a8

Having taken into account comments arising in practice regarding the application of the Methodology, when approving the Judicial Council's Strategic Directions of Activity 2025–2028 by Resolution No. 13P-64-(7.1.2.E) of 21 March 2025[25], the Judicial Council provided, as one of the measures, for a review and assessment of the model for determining a judge's optimal workload. Accordingly, by a resolution of 25 April 2025[26] he Judicial Council established a working group and tasked it, by 30 April 2026, with reviewing the model of the Methodology for Determining the Optimal Workload of a District Court Judge approved by Judicial Council Resolution of 1 December 2023, carrying out a comprehensive assessment of the possibility of applying it across the entire judicial system and of its links with other legal acts (the Regulations on Court Administration, the Procedure for Calculating Workload in Courts, etc.

At its meeting of 26 June 2025, the working group decided to fundamentally review the model of the Methodology, as it considered that:

- the established formula is not suitable for assessing whether a particular judge is in fact working at an optimal workload; i.e. the current formula is intended to calculate not the actual, but a theoretical optimal judicial workload;
- the case groups set out in the annex to the Methodology should be assessed not by complexity scores, but by working hours;
- when calculating the time that can be allocated to a judge's judicial functions, the full amount of time required for other activities was not taken into account (for example, participation in internal administration, meetings, discussions, familiarisation with legislation, etc.), among other factors.

In carrying out the Judicial Council's mandate and having decided to fundamentally review the model of the Methodology, the working group analysed the data collection methods used in foreign case complexity systems, their advantages and disadvantages, and selected a data collection method for determining the final complexity of a case. It also decided for what purposes the Methodology would be used, on determining the list of cases and other relevant aspects, and continues its work on revising the Methodology.

Assessment of non-procedural functions assigned to the courts. By Resolution No. 13P-64-(7.1.2.E) of 21 March 2025 "On the Approval of the Judicial Council's Strategic Directions of Activity 2025–2028", the Judicial Council approved its strategic activity directions for 2025–2028 and established the measures for their implementation, one of which is the *assessment of non-procedural functions assigned to courts*.

This measure was established in view of the fact that courts perform certain non-procedural functions that are not directly related to the administration of justice, but are rather technical administrative procedures. The performance of such procedures is time-consuming; therefore, it is difficult to ensure efficient use of human resources, and the already heavy workload of judges, judicial assistants and other court staff increases further, while no additional funding or resources are allocated for this purpose. Moreover, when new legal acts are adopted, expanding administrative functions assigned to courts, the provision of funding and necessary resources is most often not taken into account.

In implementing this measure, the courts of the Republic of Lithuania were approached with a request to submit specific proposals regarding non-procedural functions assigned to courts and the possibility of discontinuing them. In addition, since one of the issues to be analysed in implementing this measure is a summary of foreign practice, an inquiry requesting information was disseminated through the ENCJ network.

[25] https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/nutarimai/173/results?sqid=c8e2d13afe0439c7fce8e207be26eb2aec1f5e4b
[26] https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/nutarimai/173/results?sqid=3cb4caf2ea48afed8b9d5cf77f249770bfd652c8

Members of the Judicial Council's Court Administration Committee (hereinafter referred to as the "CAC"), having assessed the opinions and proposals submitted by the courts of the Republic of Lithuania, identified and refined several key non-procedural functions that impose the greatest administrative burden and the expediency of assigning which to courts should be assessed systematically, for example, in relation to provision of data to registers; postal services; transmission of a conviction for enforcement and monitoring its enforcement in criminal cases, etc. With regard to these identified non-procedural functions, the following solutions should be considered: 1) whether it is possible to discontinue certain functions altogether; 2) if it is not possible to discontinue certain functions, to seek official recognition that courts are performing functions not inherent to them, the performance of which requires the allocation of additional resources. Consideration of this matter will continue within the Judicial Council in 2026.

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

Based on the European Justice Scoreboard the Rule of Law report 2025 noted that the level of perceived judicial independence in the Netherlands is very high among both the general public and companies. To gain a better understanding of how citizens and professionals perceive the judiciary, the Judiciary regularly conducts customer surveys. This is important to ensure continuous improvement. In spring, the Judiciary conducted a customer satisfaction survey among citizens and professionals who are or have been involved in judicial proceedings. In general, the judiciary receives a positive assessment, but there is certainly room for improvement. It showed that professionals are satisfied with the professionalism of judges and the core values of the judiciary. For them, key areas for improvement are how the court keeps them informed, adherence to agreements, and the ways they can contact the court. Citizens are more critical, especially regarding how they feel treated and heard. Predictability and personal treatment are the main points for improvement here.

Another important point of self-reflection is the discussion about unconscious biases within the judiciary. On June 19, the Research and Documentation Center (WODC) published a research report 'Van verdenking tot vrijheidsstraf' ("From Suspicion to Imprisonment"), which concludes that people with a migration background are relatively often brought before the court and are relatively often sentenced to prison. According to the researchers, this could indicate conscious or unconscious discrimination. The conclusion is largely similar to previous research of our own and others. Although the WODC's follow-up study must clarify the underlying mechanisms, the Judiciary takes the findings of this first sub study seriously. Following previous media publications on this topic, the Judiciary is working to raise awareness and knowledge of the importance of "unbiased judgment" by judges.

The level of digitalisation of the justice system has further improved, and it is now possible:

- For lawyers to only submit seizure requests digitally, since January 1, 2025,
- For lawyers to conduct digital proceedings at all district courts in all family and juvenile law cases, since March 17, 2025,
- For debt counselors and administrators under the Natural Persons Debt Restructuring Law, to submit digital requests under the Natural Persons Debt Restructuring Act (including moratoriums, compulsory settlements, and interim measure) to the pilot courts in The Hague, Limburg, and Overijssel using the new web portal, since May 9, 2025,
- For lawyers to conduct digital proceedings in appeals against petitions at the 's-Hertogenbosch Court of Appeal, since May 26, 2025,
- To conduct digital proceedings in appeals in summons cases in the commercial and family sector at the Arnhem-Leeuwarden Court of Appeal, since June 2, 2025.

- To conduct digital proceedings in summons cases in the commercial sector at the District Court of The Hague, since June 2, 2025,
- To conduct digital proceedings in social welfare cases at the Overijssel district court, since June 16, 2025,
- For professional and private guardians, administrators, and mentors to create and submit reports and requests digitally, and to communicate digitally with the court regarding supervision cases since November 17, 2025,
- For citizens who are litigating in civil cases without a lawyer to exchange information with the court digitally, since December 1, 2025.

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

From the perspective of the High Judicial Council (CSM), there have been several relevant developments on the main points highlighted both in Portugal's 2025 Rule of Law country chapter and in the CSM's previous ENCJ contribution. These developments fall broadly into four clusters: complex criminal proceedings and efficiency; independence, composition and ethical governance of the Council; court infrastructure and working conditions; and transparency and access to case-law. In addition, the CSM has continued to exercise its advisory role through formal opinions on legislative initiatives, including those responding to issues raised in the Rule of Law report.

2.1 Complex criminal proceedings and efficiency

Both the 2025 country chapter and the CSM's previous contribution identified the handling of very complex criminal cases as a structural weakness of the system. Since then, the Council has taken a set of initiatives aimed at shaping legislative reform and publicly framing the debate.

As it was already mentioned, internally, the CSM had already created, in late 2023, the working group "Mega-Cases and Criminal Procedure: A Letter for Speed and Better Justice" ("Better Justice" Group). In January 2025 this group presented its conclusions to the CSM Plenary. The report analyses the procedural and organisational factors that generate very large, slow-moving criminal cases, focuses in particular on the instruction phase, and formulates proposals across several dimensions: amendments to the Code of Criminal Procedure to avoid excessive delays, reform of the instruction phase, strengthening of procedural management and a culture of efficiency, combating dilatory tactics, and providing appropriate technological tools and specialist advisory services for judges.

After approval in Plenary, the CSM decided that the final report would be formally sent to the Minister of Justice, the parliamentary groups and the President of the Assembly of the Republic so that it could feed directly into legislative work on criminal procedure. This is a clear follow-up, from the Council's side to the concerns registered by the Commission regarding complex criminal proceedings.

In addition to these institutional channels, the CSM deliberately chose to promote transparency and public discussion of the report's findings. On 18 February 2025 it organised a meeting with journalists, in which the "Better Justice" Group presented the conclusions of the report and engaged in questions and answers with around fifteen journalists from various media outlets. The purpose was explicitly to contribute to an informed public debate on the reform of criminal procedure and to explain the rationale behind the proposals, including the need for stricter

management of complex cases, better use of technology, and more rigorous rules on instruction, appeals and notifications.

These actions (creation of the group, approval of the Letter, formal transmission to the political authorities and proactive communication with the media) constitute the CSM's substantive and visible contribution to addressing the mega-cases issue flagged both in its previous ENCJ contribution and in the 2025 Rule of Law chapter.

2.2 Independence, composition and ethical governance of the CSM

The previous ENCJ contribution and the 2025 country chapter both emphasised concerns regarding the Council's institutional stability and independence, in particular the impact of repeated parliamentary dissolutions on the mandates of members elected by the Assembly and the absence of a net majority of judges elected by their peers.

On the structural side (revision of Law No 36/2007, composition and tenure guarantee), there have been no legislative changes to date. From the CSM's vantage point, the status remains as described in the previous contribution: the Council has prepared and transmitted to the Ministry of Justice a proposal to revise Law No 36/2007 on its organisation and functioning, in order to align it with the current Statute of Judicial Magistrates; however, that proposal still awaits political follow-up. This delay creates a set of practical constraints for the Council and, indirectly, risks for judicial independence.

From a governance perspective, the Council is required to perform its constitutional and statutory functions based on an organisational law that key stakeholders describe as out of step with today's institutional reality. This misalignment can translate into operational "gaps": internal structures, delegated competences and procedures may no longer reflect the Council's updated responsibilities, which in turn increases legal uncertainty and the likelihood of contestation of administrative decisions. It also constrains the Council's ability to modernise its administration in areas that have become structurally critical, such as IT governance and data protection, because the reform package reportedly includes adjustments to these functions, yet the enabling legislative update has not been taken forward.

The lack of political follow-up also exposes a structural vulnerability: the Council has no legislative initiative, so even when it identifies reforms necessary to secure effective self-governance, it depends on Government and Parliament to enable them. Coupled with the Council's recurring concerns regarding resource adequacy and the budget process, this dependence can create an institutional bottleneck that weakens the Council's capacity to act decisively and predictably across core domains (judicial careers, court management, inspections and discipline).

In terms of judicial independence, the main risk is not necessarily overt interference, but a gradual weakening of the Council's effectiveness and institutional resilience. When organisational and resource decisions that are essential for the Council's functioning remain politically pending, the Executive may gain practical leverage through delay or inaction, even without direct intervention in individual cases. In parallel, the Rule of Law reporting highlights a broader instability concern: repeated parliamentary dissolutions have led to early termination of Parliament-appointed members' terms, prompting the Council to advocate safeguards (such as minimum tenure mechanisms) to reduce exposure to political swings—yet these proposals also remain without follow-up. Finally, continued legislative inertia leaves unresolved issues that are repeatedly raised

in European monitoring frameworks, including concerns about the composition of judicial councils and about the governance of key judicial IT infrastructure, both of which can affect not only independence in substance but also the perception of independence and public trust.

Where there has been clear development is around internal ethical governance. Building on the earlier Code of Conduct for judges, the CSM Plenary approved on 9 December 2025 a dedicated Code of Conduct for CSM members (judges and non-judges), later published as Deliberation (Extract) No. 3/2026, of 2026-01-02 (as it was already mentioned in the previous answer).

Although this instrument does not solve the structural questions of composition or tenure, it is an important development from the Council's own perspective on one of the Rule of Law report's themes: it strengthens internal guarantees that the Council acts in accordance with high ethical standards and visibly commits its members to the defence of judicial independence.

2.3 Court infrastructure, equipment and working conditions

In its previous contribution, the CSM described in detail the degraded state of many court buildings, the lack of accessibility and security conditions, and the obsolescence and insufficiency of equipment, calling for urgent implementation of the Multiannual Investment Plan for Justice 2023–2027. These concerns are also reflected in the 2025 Rule of Law chapter's references to working conditions and security in court buildings.

Since then, the Council has deepened this line of work by updating and expanding its mapping of infrastructure and equipment deficits. In early 2025, the CSM produced a new version of its report "The State of Buildings and Equipment", explicitly described as an update of the July 2023 exercise. This document systematically identifies constraints in the various comarcas: lack of basic security and healthiness conditions in some buildings; insufficient number and size of hearing rooms; absence of proper rooms for witnesses; failure to ensure accessibility for persons with reduced mobility; long-standing structural problems such as water infiltration, poor insulation and obsolete electrical and sanitary installations; and chronic shortages of ICT equipment, including modern scanners, videoconferencing systems, large screens and printers suitable for courtroom use.

The report also highlights situations where the lack of adequate facilities leads to adjournments of hearings or prevents the use of certain court premises, and points to specific projects that need to be unblocked or accelerated (for example, new justice buildings, major refurbishments, and the reactivation or relocation of proximity courts). In terms of equipment, the document stresses the need to replace obsolete computers, to increase the number and quality of digitalisation devices, and to ensure Wi-Fi coverage and sufficient large-format screens to allow proper display of documents during trials.

The situations described in the 2025 report are being continuously monitored, and preliminary indicators suggest that, apart from a few isolated interventions, the problems identified remain unresolved and, in some cases, have worsened**.** From the Council's perspective, the preparation and dissemination of this study and subsequent updates constitute an important follow-up to the issues raised in the ENCJ questionnaire and reflected in the EU chapter. The report is intended to guide the political authorities in prioritising investments under the multiannual plan and to provide a factual basis for the CSM's continued calls for urgent intervention in the most critical courts. It also fits within the broader line, already visible in previous years, of the Council using systematic diagnostic instruments (rather than isolated complaints) to press for better working conditions and infrastructure.

Regarding judicial technology infrastructure, it faces a convergent crisis resulting from three interlinked problems: progressive deterioration of the Citius system since October 2025, failed migration of SITAF to Citius (described as "chaos installed" with process disappearance and loss of critical functionalities), and obsolescence of equipment not fully replaced despite investments from the Recovery and Resilience Plan. The impact is direct: postponement of hearings, resort to manual processes (printing and handwritten signatures) contradicting the "digital by default" principle, unavailability of technical support outside working hours, and professional stress with magistrates describing "anxiety" incompatible with normal exercise of judicial functions.

In parallel, the Council has continued to express concerns about working conditions and well-being of judges and has maintained the institutional framework for occupational health which was referenced in the previous contribution. This includes the Occupational Health Office (GSO), designed to address psychosocial risks and promote a healthier work environment for judges, which remains an instrument through which the Council seeks to mitigate some of the pressures linked to under-resourced and inadequate physical conditions.

Since its formal creation in October 2024, the Occupational Health Unit (GSO) moved from an initial institutional design phase to practical implementation. Its mission was defined as promoting judges' occupational health and safety, with a particular focus on psychosocial risks (such as stress and burnout), based on an initial model combining organisational psychology with external occupational medicine and coordination with court management bodies. In 2025, the key operational developments were consolidated: on 30 October 2025, the CSM announced that the GSO had effectively opened and would be accessible not only from its Lisbon base but also digitally from courts nationwide; by late 2025 the GSO also indicated that it had started technical visits to the judicial districts (comarcas), signalling on-the-ground rollout. In parallel, during 2025 the CSM ran a dedicated recruitment process (mobility procedure) for a Psychology professional to work in the GSO, supporting the unit's staffing and continuity, alongside regular prevention and awareness communications.

2.4 Transparency of case-law and data protection

The 2025 Rule of Law chapter pointed to Portugal's very limited online access to judgments and the fact that projects to publish case-law of all instances had not yet been completed. In its ENCJ contribution, the CSM also stressed the constraints created by the need to reconcile publicity of decisions with data-protection requirements and the lack of technical and human resources to support large-scale publication.

Following that, the Council has advanced in two complementary directions. First, it has refined the criteria for the selection and pseudonymisation of judicial decisions for publication in its jurisprudence database. The CSM's website records an opinion updating the criteria for selection and pseudonymisation of decisions and for the publication of jurisprudence, adopted by Plenary deliberation. This work aims to provide clearer, more consistent rules on which decisions should be published and how personal data and sensitive information should be anonymised, thereby making it easier to expand public access while complying with data-protection obligations.

Secondly, in line with this normative and technical refinement, the CSM has been preparing a phased expansion of its online database, moving from a more limited set of higher-court decisions towards a wider coverage of first-instance judgments. Although the practical roll-out of this expansion depends on broader IT and staffing conditions, the updated criteria and internal

decisions in this area are directly responsive to the EU's call for improved access to judgments and to the issues identified by the Council itself in its previous ENCJ contribution.

- **Superior Council of Magistracy of Romania**

With regard to the recommendations contained in the Rule of Law Report 2025 to take legislative measures to strengthen safeguards to ensure the independence of high-ranking prosecutors and the organisation and functioning of the judicial police, as well as measures to ensure the investigation and prosecution of crimes in the judiciary, including corruption offences, In 2025, there have been no changes in primary or secondary legislation.

- **Judicial Council of the Slovak Republic**

Act No. 270/2025 Coll.[27] amended the Disciplinary Rules of the Supreme Administrative Court with effect from 1 February 2026: **a two-stage disciplinary procedure for judges** in the hearing of all disciplinary offences was established. The First Instance Chamber will be composed of three members and the Disciplinary Appeals Chamber of five members. The First Instance Chamber consists of the President of the Chamber, who is a judge of the Supreme Administrative Court of the Slovak Republic, a member of the Chamber, who is a judge of a court other than the Supreme Administrative Court of the Slovak Republic, and an associate judge, who must not be a judge. The Appeals Chamber consists of the President of the Chamber, who is a judge of the Supreme Administrative Court of the Slovak Republic, one member of the Chamber, who is a judge of the Supreme Administrative Court of the Slovak Republic, two members of the Disciplinary Chamber, who are judges of the Supreme Administrative Court of the Slovak Republic other than the Supreme Administrative Court of the Slovak Republic, and an associate judge, who must not be a judge. The Presidents of the Disciplinary Chambers and members of the Disciplinary Chambers from among the judges of the Supreme Administrative Court of the Slovak Republic and their representation will be determined for a period of five years by the President of the Supreme Administrative Court of the Slovak Republic in the work schedule. The composition of all Disciplinary Chambers must be substantially renewed after five consecutive years. Other members and associates who are not judges of the Supreme Administrative Court of the Slovak Republic are selected from the relevant databases by random selection. For the purpose of forming disciplinary chambers, a database is created of judges elected by the Judicial Council - the same Act amended the Judicial Council Act - which must have at least 15 members. As far as the database of associates is concerned, there is no amendment in the legislation on this part.

Act No. 270/2025 Coll.[28] also amended the Act on Judges and Associates in the part concerning the **evaluation of judges and selection procedures**, including the possibility to temporarily assign a visiting judge also to a regional and administrative court, after three years of serving as a visiting judge, which significantly reflected the legislative suggestions of the Judicial Council.[29]

Pursuant to Sec. 207a (3) of the Code of Criminal Procedure prior to the 2024 Amendment to the Code of Criminal Procedure, a judge accused of **the crime of bending the law** had under Sec. 326a of the

[27] https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2025/270/20260201.html
[28] https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2025/270/20260201.html
[29] https://zasadnutia.sudnarada.gov.sk/155753-sk/stanovisko-sudnej-rady-k-navrhu-legislativnej-upravy-hodnotenia-sudcov/?csrt=13732067719467391437

Criminal Code the right to propose in writing to the Judicial Council to oppose the prosecution of a judge for such offence only after the order of indictment had become final. The wording of this resolution as amended in 2024, as communicated in the 2024 Report, gives such a right to the judge, although within 60 days, as soon as the judge receives the resolution on bringing charges or from the delivery of the notification to change the legal classification. On the one hand, the original legislation ignored situations in which a judge was originally charged with a different offence and did not include situations in which a judge would be prosecuted for the offence of bending the law only after a change in the legal qualification. It thus created two categories of judges. Some of them might have addressed the Judicial Council while the others could not. At the same time, it is to be emphasised that there have been cases where the resolution to bring charges has become final after several months, during which the accused /a judge/ could have been in custody and, could therefore approach the Judicial Council only after many months. This is a positive development, but the Judicial Council has been insisting for years that this offence be abolished.[30]

There has been no movement on this part, but according to the official entry in the list of applications under number **1267/2025, the Venice Commission** has confirmed that by letter of **22 October 2025, the Minister of Justice of the Slovak Republic, Boris Susko, requested an opinion regarding** the draft legislative changes concerning the offence of bending the law. The application has already been assigned and it is expected that the Joint Opinion will be elaborated in cooperation with the Directorate for Human Rights and the Rule of Law (DGI) and adopted by the Plenary in March 2026.[31]

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

Following an expedited legislative procedure, on 21 November 2025 the National Assembly adopted three legislative acts forming the basis for the judicial reform**. A new Courts Act and a new Judges Act, which replaces the previous Judicial Service Act, as well as an amendment to the Judicial Council Act, were adopted.** The Judicial Council was involved in the legislative process already at the stage of drafting the legislative proposals, which the Ministry of Justice submitted for coordination on several occasions, including through consultations and sessions attended by the Minister of Justice and the Chair of the Parliamentary Committee on Justice. During the parliamentary procedure, the Judicial Council participated in the deliberations of Committee on Justice and submitted written observations.

The legislative procedure was marked by significant time pressure and numerous amendments tabled immediately prior to the vote, most of them lacking proper explanatory statement. In view of the Judicial Council, this resulted in a lack of transparency and coherence of the legislative materials and substantially impeded a constructive expert dialogue. Several of the adopted amendments were aimed at weakening the role of the Judicial Council, which, under the Constitution, is an independent body within the system of checks and balances. The Judicial Council repeatedly drew attention to these concerns, as well as to the importance of stability in judicial legislation and to the considerable risk that the adopted solutions would not be optimal and would not reflect the broader consensus necessary for their effective implementation in practice. For this purpose, during the second stage of

[30] https://zasadnutia.sudnarada.gov.sk/trestny-cin-ohybania-prava-podla-326a-trestneho-zakona-a-suvisiacich-ustanoveni/
https://zasadnutia.sudnarada.gov.sk/data/att/12514.pdf?csrt=13732067719467391437
https://www.sudnarada.gov.sk/data/files/2242_uzn_329_2024_leg_temy_1_az_5.pdf

[31] https://www.coe.int/en/web/venice-commission/-/opinion-1267

[6] https://zasadnutia.sudnarada.gov.sk/zasadnutia-sudnej-rady-slovenskej-republiky/

the legislative procedure, the Council also held a press conference and informed both the ENCJ and the representatives of the European Commission of the developments.

The most significant change is introduced by the new Courts Act, which abolishes the existing two-tier structure of first-instance courts. Instead of the current local (okrajna) and district (okrožna) courts, only district courts will operate, and judicial functions will be exercised by district judges. The existing local courts will be transformed into external divisions of district courts, and their continued existence will depend on the assessment of the presidents of the respective district courts and of the Supreme Court. The scope of jurisdiction of external divisions will likewise be determined by the president of the district court, who must, by the end of each year, specify the categories of cases that may be adjudicated in the external divisions in the following calendar year. The Judicial Council has repeatedly expressed concern regarding the postponement of decisions on the subject-matter and territorial jurisdiction of individual first-instance courts, and the potential impact this may have on legal certainty for court users and on the overall efficiency of the judiciary. There is, moreover, no information indicating that a practically tested vision for the transition to the new system exists. It will therefore be necessary to ensure that the reorganisation does not lead to longer case-processing times, as had occurred in the past during similar reforms, and to preparing judicial work schedules that guarantee both an even distribution of workload and the preservation of judicial independence. This is especially important because, in certain areas of law, judges of the local courts already show limited interest in handling cases falling within district-court jurisdiction. **The act shall apply from 1 January 2027.**

The Judicial Council has repeatedly expressed its support for a targeted reform of the judiciary. It advocated for the optimisation of the court network in Slovenia, the centralisation of judicial administration at the level of district courts, and the introduction of a unified district judge. However, it did not support the proposal to abolish local courts, as in the Council's assessment this would not resolve the key systemic issue—namely, the significant disparities in the workload of judges and courts across the country. The Judicial Council argued in favour of maintaining the shared subject-matter jurisdiction between local and district courts while introducing a unified district judge, a combination that could enhance judicial flexibility and thus reduce disparities within individual districts. The existing court network is one of the principal strengths of the Slovenian judicial system. Its geographical reach ensures citizens easy and direct access to judicial protection while also enabling an appropriate degree of judicial specialisation. Nevertheless, an assessment should be carried out to determine whether it is reasonable to maintain all external units of the courts. The Council emphasised that equalising workloads between different districts should be pursued through other mechanisms, such as the already existing institute of mobile judges—which would require proper financial evaluation—and through a clearly regulated statutory framework for the transfer of judges.

Disciplinary proceedings against judges undergo the most significant changes in their substantive part, which is governed by the new Judges Act. The changes concern a more appropriate (narrower) definition of disciplinary offences and thus a delimitation from the part of the judicial work that is evaluated every three years by a special body and is the basis for a judge's promotion. For the most part, the changes are in line with the Council's proposals. The procedural part of the disciplinary proceedings, which is regulated by the Judicial Council Act, was also amended. The number of disciplinary prosecutors has been changed; the unconstitutionality of the previous arrangement—under which the Judicial Council could act simultaneously as the initiator of disciplinary proceedings and, through its members, as the adjudicating body in the same disciplinary case—has been remedied; a disciplinary register has been introduced; the application of the provisions of the Criminal Procedure Act has been extended to the entire disciplinary procedure until it becomes final; the rule on the non-public nature of disciplinary proceedings has been somewhat relaxed; and the possibility of

suspension from judicial office, where a judge is charged with having committed a serious disciplinary offence, has been regulated in a more precise manner.

- **General Council of the Judiciary (CGPJ) of Spain**

The Spanish political situation and the complicated parliamentary arithmetic, which makes it difficult to achieve the necessary majorities to address relevant changes, has prevented legislative progress on the points raised by the Commission in its 2025 report.

As already indicated in the previous question, the CGPJ has called for the creation of more judicial posts, more economic, material and human resources for judicial activity.

On the part of the president of the CGPJ in her public interventions, especially in the speech at the opening of the courts given at the beginning of September 2025, these claims have been reiterated, the president has also requested respect for judicial work and independence, with specific reference to those matters in which public officials were investigated or prosecuted in different judicial proceedings.

The system of organisation and operation of the Spanish courts is in the process of reform, following the approval of the Efficiency Law (Organic Law 1/2025), which determines a gradual modification of the courts and tribunals that will culminate in 2026. This legislative change has led the CGPJ to initiate the procedures to reform the regulations that affect the activity of the Council and the Judicial Career to adapt them to the new legal framework. Given the delay in the approval of these regulations, which are the competence of the CGPJ, different internal instructions have been issued, in order to address the most urgent problems.

These legal changes, although they generate many uncertainties in their specific development, should allow for significant improvements in the organisation and processing of all judicial proceedings, especially in the first instance of all jurisdictions.

3. **Were there any new relevant and significant developments or are there any planned changes, in relation to the Council for the Judiciary, for example:**
   - **Structure / composition of the Council**
   - **Competences of the Council**
   - **Way of nomination of the members**
   - **Independence of the Council**
   - **General functioning and efficiency of the Council**

- **Conseil Supérieur de la Justice/Hoge Raad voor de Justitie/High Council of Justice of Belgium**

- **Structure / composition of the Council**: *See under general functioning*
- **Competences of the Council**:

The ever-increasing functional and territorial mobility required of magistrates, in particular the generalisation of temporary assignments in other courts or territorial jurisdictional areas, threatens to undermine the Council's competences in the area of magistrate appointments to the benefit of other actors. This compromises the objective assessment of candidates' competencies and equality between candidates, which were the reasons for establishing the High Council.

- **Way of nomination of the members**:

  Half of the members of the Council (the non-magistrates) are appointed by the Senate. Given that there is an agreement within the Government to abolish the Senate, (the current members' term of office ends in 2029) it is to be expected that this power will be exercised by the House of Representatives in the future.

- **Independence of the Council**: /
- **General functioning and efficiency of the Council**:

  On the occasion of the Council's 25th anniversary, a reflection was initiated on its future position and role in the judicial landscape, which has changed significantly since 2000. The composition of the council, its bodies and committees, and the decision-making processes will also be evaluated in this framework.

- **Supreme Council of Judicature of Cyprus**

The Advisory Judicial Council, which is composed of the President and the members of the Supreme Court. The Attorney General, the President of the Bar Association and two lawyers (members of the Bar Association of recognized standing) may attend in a non-voting capacity. The AJC acts as an advisory body to the President on the suitability of candidates for appointment as Judges of the Supreme Court.

The Advisory Judicial Council has issued, in November 2025, *"The Procedure for appointment of the members of the Supreme Court Regulation"* According to the provisions of the Regulation when a position of a Judge of the Supreme Court is going to be vacated, the President of the AJC informs the President of the Republic. Whenever the President of the Republic requests the AJC to advise him as to the appointment of the member of the Supreme Court a meeting of the AJC is convened.

We briefly outline below the procedure that follows:
Invitation to Submit an Expression of Interest:
An invitation to submit an expression of interest shall be published, following a decision of the Council, whenever the President of the Republic requests the Council to offer its advice for the appointment of a member or members of the Supreme Court.
The invitation shall state the deadine within which each interested party must submitt their expresion of interest.

The Council's invitation to submit an expression of interest shall be published in the Official Gazette of the Republic, posted on the website of the Supreme Court and a copy shall be sent to the Cyprus Bar Association and to the Legal Service of the Republic.

Interested parties shall express their interest by a letter addressed to the President of the AJC, accompanied by a CV, a recent photograph and a brief, separate, description of their personality, provided by themselves.

Copies of all letters of interest shall be send to the Members at least five days before the meeting in order to prepare the List of candidates eligibe for appointment and draft the Evaluation Reports.

Meeting for the Preparation of a List of Persons eliglibe for Appointment and Preparation of Assessment Reports:
The Council, if it deems it appropriate, may invite interested parties for an interview. The interview will cover issues relating to the personality, knowledge and general suitability of the interested parties.

The framework and duration of the interview are decided by the Council Members.

After the interviews, a discussion is held between the Members, who present their views on each candidate individually.

The two lawyers shall first present their views, then the President of the Cyprus Bar Association, the Attorney General and then the Judges of the Supreme Court, starting from the junior, with the President last.

After all the views have been heard, the Judges of the Supreme Court shall vote, in the presence of the remaining Members, on the candidates they deem suitable for appointment, in order to draw up the list provided for by the Law.

The President shall then, in consultation with the Members, draw up and sign on behalf of the Council the evaluation report provided for by the Law for each suitable candidate, which he shall submit to the President of the Republic.

- **The Danish Court Administration**

There have been no significant developments concerning the Council for the Judiciary (the Danish Court Administration), nor are any planned at this time.

- **Conseil Supérieur de la Magistrature of France**

There were no major changes to the Council in 2025.

Also, the Council has four additional members of staff, bringing its total to 28 (one person for communication; one for IT; one for the litigants complaints service; one for various tasks).

- **Supreme Judicial Council for Administrative Justice of Greece**

There are no developments to report during the reporting period regarding the functioning of the Council.

- **National Judicial Council of Hungary**

Within the organisation of the National Judicial Council (OBT), the following change has occurred: President Péter Szabó resigned, and Csaba Pecsenye was appointed as President of the National Judicial Council (OBT).

To our knowledge, no legislative amendments are envisaged in connection with the activities of the Judicial Council.

- **Consiglio Superiore della Magistratura of Italy**

On October 30, 2025, the constitutional reform concerning “rules on the judicial system and the establishment of the Disciplinary Court” was approved in a second vote by an absolute majority, but less than two-thirds of the members of each Chamber. The reform must now be subject to a popular referendum (scheduled for March or April 2026), and it will only come into effect if the referendum results in a “yes” vote.

The reform provides for the separation into judging and prosecutorial careers, corresponding to the establishment of two different High Councils: one for the judging career and one for the prosecutorial

career. According to the rules governing the judiciary, these Councils are responsible for appointments, assignments, transfers, evaluations of professional performance, and the allocation of functions for magistrates.

The two distinct High Councils are chaired by the President of the Republic and include, by right, the First President and the Attorney General at the Court of Cassation. The other members are partially selected by lottery and partially by election: one-third are drawn by lot from a list of full university professors in legal subjects and lawyers with at least fifteen years of practice, compiled by Parliament in a joint session within six months of the Council's establishment; the remaining two-thirds are elected, respectively, among the judging magistrates and prosecutorial magistrates, in the numbers and according to the procedures established by law. Members selected by lottery serve a term of four years and cannot participate in the subsequent lottery.

In the reform proposal, disciplinary jurisdiction is removed from the powers of the High Council and assigned to a High Disciplinary Court, which would have authority over the disciplinary matters of ordinary magistrates, both judging and prosecutorial. The proposal envisions a High Court composed of 15 members serving four-year terms, non-renewable, distributed as follows: 3 members appointed by the President of the Republic from among full university professors in legal subjects and lawyers with at least twenty years of practice; 3 members drawn by lot from a list of candidates with the same qualifications, compiled by Parliament in a joint session within six months of its establishment through election; 6 judging magistrates and 3 prosecutorial magistrates, drawn by lot from their respective categories, with at least twenty years of judicial service and currently or previously serving in courts of legitimacy.

Appeals against judgments issued by the High Court in the first instance may only be made before the same High Court, including on substantive grounds. Thus, the rule establishes a single means of appeal against the High Court's decisions, creating only one level of appeal for both substantive and legitimacy reasons, thereby eliminating the possibility of appeal to the Court of Cassation, which currently applies to decisions of the Disciplinary Division of the High Council for the Judiciary under Article 24 of Legislative Decree No. 109 of 2006.

The constitutional reform proposal also foresees that ordinary law will determine disciplinary offenses and related sanctions, define the composition of panels, establish the forms of disciplinary proceedings, set the rules necessary for the functioning of the High Court, and ensure that both judging and prosecutorial magistrates are represented on the panels.

- **National Courts Administration Finland**

There are no significant developments. The current term of the Board of Directions of the National Courts Administration is 4 April 2024 – 3 April 2029. The term of the Director General of the National Courts Administration is 1 January 2025 – 31 December 2029.

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

In cooperation with the Ministry of Justice, conceptual proposals for amendments to the Law on Judicial Power have been developed, and the procedure for approving the budget request of the court system has been revised *(amendments to Article 50.[2] of the Law on Judicial Power).* The coordination of the draft law in the Judicial Council will be completed in the first quarter of 2026.

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

In order to strengthen the authority of the courts, improve the quality of the services provided, and increase public trust, by Resolution No. 13P-64-(7.1.2.E) of 21 March 2025, the Judicial Council

approved the Strategic Directions of Activity 2025–2028 and the measures for their implementation[32]. The Judicial Council's strategic directions of activity are: ensuring the authority and financial independence of the courts; improving operational processes of the courts and the quality of services provided; strengthening human resources; and strengthening court communications.

Strengthening the authority and financial independence of the courts. One of the strategic directions of the Lithuanian judiciary is to ensure the stability and independence of court funding. To implement this, measures are envisaged which include the development and establishment of a judiciary system funding model based on objective criteria, seeking increased funding that reflects the needs of the courts, updating the criteria for the allocation of budget appropriations, and strengthening dialogue with strategic partners. It is sought that the Law on Courts of the Republic of Lithuania should provide for greater involvement of representatives of the Judicial Council in the preparation of the state budget. During the period envisaged in the plan, it is also planned to seek the right of the Judicial Council to apply to the Constitutional Court on the constitutionality of laws, decrees and other legal acts adopted by the Seimas, decrees of the President of the Republic, and resolutions of the Government.

Improving operational processes of the courts and the quality of services provided. Another key strategic direction is the improvement of the quality of court operational processes and services. The quality of court processes and services directly affects participants in proceedings. Efficient court functioning results not only in faster and clearer judicial decisions, but also in meeting public expectations. In order to implement the objectives of this strategic direction, it is planned to review and discontinue non-procedural functions performed by judges, and to improve the judges' workload model, ensuring rational allocation of cases. To meet modern standards, it is important to develop a strategy for the introduction of information technologies and artificial intelligence, which would enable the digitalisation of processes and increase the efficiency of court operations. The plans also include establishing the institute of mediation in criminal cases and improving the conditions for the work of court mediators.

Strengthening human resources. Significant attention is paid to the well-being of court staff and to working conditions. The issue of security in courts, which has become particularly prominent recently, has led to the pursuit of implementation of security measures. Attention has been drawn not only to the physical, but also to the psychological safety of court staff. Therefore, it will be sought to implement additional protective measures in Lithuanian courts; however, the implementation of these measures may become a very complex (and possibly even impossible) challenge due to the fact that the 2026–2028 budget does not provide for the allocation of state budget funds, with the exception of the Norway Grants. It is planned to improve the criteria and procedures for the selection of judges, develop a new judge induction programme, assess the system for developing judges' competences, and prepare a modernisation concept for the Training Centre of the National Courts Administration (hereinafter the "NCA"). Attention has also been drawn to courts located in the regions, and it is planned to increase their attractiveness so that judges more actively choose to work in the regions.

Strengthening court communications. Trust in the legal system increases when the public sees competent and open courts. Regular and open provision of information strengthens public confidence that court decisions are well-founded and that the system itself is clear and comprehensible; therefore, significant attention will be devoted to innovative and timely communication. Effective internal communication enables smoother organisation of work, ensures clear information dissemination, and strengthens links within the court community. This is one of the most important

[32] https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/nutarimai/173/results?sqid=c8e2d13afe0439c7fce8e207be26eb2aec1f5e4b

tools for listening to staff opinion, identifying existing internal issues and selecting possible ways to address them.

Although the implementation of the strategic directions will require overcoming a number of challenges, the Lithuanian judicial system is ready for innovation and seeks to create a more efficient, more modern and more publicly attractive service of administration of justice.

By Resolution No. 13P-79-(7.1.2.E) of 25 April 2025, the Judicial Council approved the External Communication Strategy of the Lithuanian judicial system and its implementation action plan for 2025–2028[33]. The Strategy sets long-term communication directions, priority target audiences and key messages aimed at strengthening public trust in the courts and increasing the openness and comprehensibility of the courts. The Strategy places particular emphasis on more active dialogue with the public and coordinated communication across the entire judicial system.

In 2025, the Lithuanian judicial system consistently strengthened a strategic, long-term approach to increasing public trust in the courts, paying particular attention to clear, well-reasoned and unified communication about the role of the courts in a democratic state, judicial independence, and the courts' day-to-day work.

On 16 April 2025, an event entitled "Kava su teisėju" (*"Coffee with a Judge"*) was organised, during which representatives of the Lithuanian media met, in an informal setting, with the leaders of the Judicial Council and the Communications Committee of the Judicial Council. The meeting discussed cooperation between the courts and the media, public communication of court activities, and other issues relevant to the judicial system. Following this meeting, in order to achieve the objectives set out in the External Communication Strategy of the Lithuanian judicial system and its implementation action plan for 2025–2028, and to strengthen media reporting on court activities, the Judicial Council established a working group and tasked it, by 27 February 2026, with carrying out a systematic assessment of the legal regulation governing the provision of information about cases to the media (in the context of the principles of open justice, public proceedings, personal data protection, media freedom, etc.) and, where the need for amendments is identified, preparing draft amendments to laws and other legal acts[34].

In 2025, the Courts Day initiative was further developed in a targeted manner. Across the country, it presented the public with various aspects of court activity, the work of judges and court staff, the history of the courts, and their significance for the democratic order. The Courts Day activities were aimed not only at raising public awareness, but also at building trust, highlighting the importance of judicial independence and the value of justice.

In 2025, important national anniversaries were also marked: the 35th anniversary of the restoration of independence and the 30th anniversary of the Court of Appeal and the regional courts. Considerable public attention was drawn to the exhibition of judicial robes from European countries, prepared and displayed by the Supreme Court of Lithuania, which revealed shared European legal traditions and emphasised the role of courts in a democratic society. To mark the 30th anniversary of the Court of Appeal and the regional courts, open days, discussions with judges, and guided tours of court premises were organised in Lithuania. All of this contributed significantly to a broader public understanding of court activity.

[33] https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/nutarimai/173/results?sqid=ff78fbf91b621ab556db93121bd07ce3a49e0605

[34] Resolution of the Judicial Council of 29 August 2025 No. 13P-121-(7.1.2.E) "On the Establishment of a Working Group"(https://www.teismai.lt/lt/teismu-savivalda/teiseju-taryba/nutarimai/173/results?sqid=e0d95074d3a846ff3463deb36a26c88f3fbd53f1)

In 2025, consistent work was also continued to strengthen coordinated external communication across the entire judicial system: common positions were prepared on topical issues, court decisions were explained, and responses were provided to public debates and sensitive topics related to court activity. Particular attention was paid to clear, non-formalised language, so that court communication would be understandable not only to lawyers but also to the wider public. Since 2025, the website *teismai.lt* has provided the public with information in accessible, easy-to-read language about legislation, court activity, judicial proceedings and the core principles of the administration of justice.

In 2025, 565 court press releases were prepared and published regarding cases of public interest[35] (in 2024, 650 court press releases on such cases).

The initiatives implemented in 2025 contributed to the consistent strengthening of the image of the courts as an independent, professional institution that is open to the public, and laid the foundation for long-term changes, the effect of which on public trust in the courts will be assessed in the coming years.

See also the response to Question No. 4.

Updating of the recommended quality standards for procedural court decisions. On the CAC's instruction, in order to systematically assess all practical observations regarding the need to amend the Recommended Quality Standards for Procedural Court Decisions approved by Judicial Council Resolution No. 13P-65-(7.1.2) of 27 May 2016 "On the Approval of the Recommended Quality Standards for Procedural Court Decisions" (hereinafter referred to as the "Standards"), the NCA contacted the courts requesting specific proposals for amending/refining the Standards by letter No. 4R-1801-(1.13.Mr) of 27 December 2024 entitled "On the Refinement of the Recommended Quality Standards for Procedural Court Decisions".

Having summarised the opinions and proposals submitted by the courts, the CAC members supported the courts' proposal to establish a working group to review and update the Standards on the basis of the proposals received from the courts and the recommendations set out in the 2019 Study on the Application of Standards for the Quality of Procedural Court Decisions.

In view of the above, the Judicial Council, by Resolution No. 13P-44-(7.1.2.E) of 21 February 2025 "On the Establishment of a Working Group on the Updating of the Recommended Standards for the Quality of Procedural Court Decisions", set up a working group on the updating of the Standards and instructed it to review the Standards by 30 September 2025, taking into account the proposals of the courts, the recommendations made in the 2019 Study on the Application of Standards for the Quality of Procedural Court Decisions, and to prepare a draft on the amendment of the Standards.

The draft prepared by the working group, together with comments submitted by the courts, will be considered by the CAC in February 2026.

Security of courts. In order to address the issues relating to the security of courts and judges and the implementation of the provisions of Article 130 of the Law on Courts of the Republic of Lithuania concerning the maintenance of order and proper conduct in courts and ensuring court protection in

[35] According to the Rules on the Provision of Information about Court Activities and Cases to Producers and Disseminators of Public Information, a "case of public interest" is a case being heard or already concluded in court that meets at least one of the following criteria:
– the progress of the case is followed by producers and/or disseminators of public information;
– the case involves a public figure and there is a public interest in being informed about the course and outcome of the proceedings;
– the case concerns issues of significance to society or a substantial part of it.

practice, a working group was established by Order No. 1R-15 of the Minister of Justice of the Republic of Lithuania of 22 January 2025 “On the Establishment of a Working Group”, comprising representatives of the Ministry of Justice, the Ministry of the Interior, the Police Department under the Ministry of the Interior, the Ministry of Finance, the Association of Judges of the Republic of Lithuania, the Judicial Council, the Supreme Court of Lithuania, and the NCA. The working group was tasked with preparing and submitting to the Minister of Justice proposals on measures for maintaining order and proper conduct in courts and for ensuring adequate protection of courts.

In addition, by Judicial Council Resolution No. 13P-31-(7.1.2.E) of 31 January 2025 “On the Establishment of a Working Group to Strengthen Security in Courts”, a working group was established consisting of representatives of the Judicial Council, the Association of Judges, courts, the NCA, as well as partners and consultants (hereinafter referred to as the “Working Group”). The Working Group was tasked with preparing and submitting to the Judicial Council proposals on measures to strengthen security in courts. It should be noted that members of the Working Group also participated in the activities of the working group established by the Minister of Justice.

In carrying out the mandate of the Judicial Council, the Working Group:

1) cooperated with police representatives: inter-institutional meetings were held with the Police Department and the Public Security Service regarding measures to strengthen court security. Regular meetings with police representatives were also organised. According to the assessment by the police, if all technical measures were implemented in courts, or at least a minimum set, it would then be possible to discuss police human resources and their assignment to courts;

2) carried out an analysis of the legal regulation of physical and psychological security in Lithuanian courts;

3) analysed foreign practice in the area of psychological security in courts and identified categories of psychological security measures to be applied in courts:

- preventive measures (physical security measures; methodologies for recognising and assessing threat levels; practical skills training; psychological assessment of court staff; public information and education);
- intervention measures (psychological assistance to persons who have suffered trauma and witnesses and other involved persons, and other practical/instrumental support – medical, social, legal);
- postvention measures (individual assistance; systemic measures);

4) in cooperation with the Police Department, carried out monitoring of the physical court security infrastructure currently installed and used in courts;

5) identified the need for physical court security measures that need to be purchased and/or installed without delay and calculated the amount of funding required for that need. Following the monitoring results, it was concluded that, due to the lack of funding for technical security measures over many years, the security infrastructure of many court buildings and the security measures available in courts are insufficient to ensure effective physical protection of court buildings; therefore, the issue of acquiring missing equipment and services must be addressed without delay. It was recommended that the Judicial Council include the funding need required to ensure currently missing security infrastructure in court buildings in the needs to be formed for the 2026–2028 budget appropriations as one of the priorities;

6) prepared a draft model for the physical protection of Lithuanian courts;

7) prepared a draft model for psychological security in Lithuanian courts;

8) prepared a draft Action Plan for the implementation of psychological security in courts, including actions to be carried out, measures, responsibilities, timelines, and the planned budget.

By letter No. 4R-1498-(7.6.6.Mr.) of 28 October 2025, the Working Group together with the Police Department submitted to the Ministry of Justice proposals on short-term and long-term measures for

maintaining order and proper conduct in courts and ensuring adequate court protection, requesting that the activity of the working group established by ministerial order be resumed.

Managing risks of unlawful influence. By Judicial Council Resolution No. 13P-65-(7.1.2.E) of 21 March 2025 "On the Establishment of a Working Group to Develop a Methodology (Model) for Managing Risks of Unlawful Influence and to Submit Proposals on New Anti-Corruption Measures in Courts", a working group was established and tasked, by 28 February 2026, with preparing a methodology (model) for managing risks of unlawful influence in Lithuanian courts, reviewing the anti-corruption prevention system in Lithuanian courts, and submitting proposals for improving this system and for applying anti-corruption prevention measures in Lithuanian courts in the upcoming period.

The working group has not yet completed its activities and has not submitted final results; however, one of the more significant proposals is decentralisation of corruption manifestation risks and their management measures, incorporating them into the internal control policy of each court, taking into account the specifics and functions of each court and the areas in which risks may arise. In addition, the NCA, representing the court community, participates in the activities of the Working Group preparing the draft plan for 2026–2029 under the National Anti-Corruption Agenda for 2022–2033. The draft 2026–2029 plan for the implementation of the National Anti-Corruption Agenda for 2022–2033 provides that one of the measures is the organisation of continuous introductory training for judges on the topics of strengthening the anti-corruption environment.

Preparation and publication of anonymised versions of procedural court decisions. By Resolution No. 13P-122-(7.1.2.E) of the Judicial Council of 29 August 2025[36], the Procedure for Making Procedural Court Decisions and Decisions Adopted in Judicial Disciplinary Cases Publicly Available (hereinafter referred to as the "Procedure") was reissued in a revised version. The most important amendments to the Procedure, relating to the preparation and publication of anonymised versions of procedural court decisions, are as follows:

- the list of procedural court decisions for which an anonymised version is not prepared for publication was expanded; following proposals submitted by the courts, it was supplemented to include court penal orders and procedural court decisions adopted in criminal and administrative offence cases which address matters at the enforcement stage;
- it was established that, by decision of the court president, a procedural court decision may not be made publicly available where its publication would not correspond to the purpose set out in clause 2 of the Procedure[37] (for example, in administrative cases concerning the payment, refund or recovery of fees; in individual homogeneous cases where a court decision has been adopted in a model case; in civil cases involving disputes concerning the recovery of small amounts, etc.);
- it was established that, where the entire case file, including data relating to the parties to the case, has been classified as non-public by law or by a court decision, an anonymised version of a procedural court decision may be dispensed with only in exceptional cases where, after removing all information that may not be disclosed publicly, the publication of such a decision would no longer correspond to the purpose of publication set out in clause 2 of the Procedure, or where it would no longer be possible to understand the substance of the decision;
- the obligation to report a personal data security breach to the State Data Protection Inspectorate was removed; i.e. it was established that oversight of anonymised versions of procedural court decisions is carried out by court presidents rather than by the State Data Protection Inspectorate.

[36] https://www.e-tar.lt/portal/lt/legalAct/93fb6000870011f0a8bbd1e98310677d

[37] The purpose of publication of decisions is to inform the public about the practice of interpretation and application of the law in the courts of the Republic of Lithuania and thereby ensure the openness, transparency and public accessibility of court activity.

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

As the European Commission noted in 2025 the procedure for appointing members of the Council for the Judiciary and court management boards continues to be under discussion. In 2024, the House of Representatives already adopted a motion calling on the government to reduce the minister's influence in the appointment of members of the Council for the Judiciary. The Judiciary also supports this. At the start of 2025, Henk Naves, chairman of the Council, advocated taking an additional step by enshrining the Council's position in the Constitution. Currently, it is regulated by the Judiciary Organization Act, which offers much less protection against political interference compared to a constitutional position, since an ordinary law can be changed much more easily.

Altogether, the Council for the Judiciary has been calling for some time to anchor the position of the Council for the Judiciary in the Constitution and to abolish the role of the minister in appointing members of the Council. In his New Year's speech, Henk Naves therefore calls on a new cabinet to finally put these ideas into practice.

In the House of Representatives, a motion was adopted calling on the government to establish a separate budget for the judiciary. The Council sees this as an important step in further emphasizing the independence of the judiciary. By adopting the motion, the House of Representatives once again demonstrates its commitment to strengthening the position of the judiciary.[38]

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

Since the publication of the 2025 Rule of Law country chapter for Portugal (July 2025), there have been no constitutional or organic-law reforms affecting the **structure, composition** or appointment mechanisms of the High Judicial Council (CSM). The Council continues to operate with the same number of members, the same balance between judicial and non-judicial members, and the same rules on nomination and election as described in the previous contribution and reflected in the 2025 chapter. The proposal prepared by the CSM for the revision of Law No 36/2007, on its organisation and functioning, remains pending without legislative follow-up, and there is no Government or parliamentary initiative currently in force that would alter the constitutional framework or the basic composition of the Council.

In terms of **competences**, there have been no major changes to the CSM's constitutional role as the body of judicial self-government for the courts of the judiciary. Some legislative instruments adopted since mid-2025 slightly refine the Council's role in specific domains, but without changing its overall mandate.

Law No. 57/2025, of 2025-07-24, which amends the Statute of Judicial Magistrates and related statutes, confirms and clarifies situations in which the filling of certain high-level posts (for example at superior courts or in advisory bodies) must be preceded by a reasoned assessment of indispensability by the competent Councils, including the CSM, thereby reinforcing the planning and justification dimension of its intervention in appointments.

Law No. 7-A/2025, of 30 January, amending the Law regulating entry into the judiciary, the training of magistrates and the nature, structure and functioning of the Centre for Judicial Studies (CEJ), formalises the CSM's role in transmitting annually to the Minister of Justice and to the CEJ an evidence-based forecast of the number of new judicial magistrates needed, and in designating

[38] https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Rechtspraak-verwelkomt-voorstel-voor-eigen-begroting.aspx

magistrates to sit on CEJ selection juries. In practice, these duties largely codify existing practice and planning functions; they do not materially expand or restrict the Council's core competences.

With regard to the **independence** of the Council, the main new development since the Rule of Law report is the adoption of a specific Code of Conduct for CSM members. Although this Code does not alter the external legal guarantees of independence, it constitutes a significant internal development: the Council has bound its members, through a public normative instrument, to a set of behavioural standards specifically designed to safeguard the independence and credibility of the CSM itself.

Looking forward there are no formally adopted or publicly announced reforms that would, in the short term, modify the CSM's structure, composition, nomination procedures or core competences. The Council maintains its position that a revision of its organic law (Law No 36/2007) is necessary to align its organisation and functioning with the current Statute of Judicial Magistrates and with European recommendations on judicial councils, and it continues to signal to the political authorities the need to address the impact of repeated parliamentary dissolutions on the stability of parliamentary appointees. However, as of now these points remain in the realm of proposals and institutional dialogue, not yet in the form of concrete legislative changes.

- **Superior Council of Magistracy of Romania**

In 2025, there was no normative novelty regarding the aspects covered by the questionnaire.

As regards the leadership of the Superior Council of Magistracy, we specify that pursuant to art. 24 para. (8) of Law no. 305/2022 on the Superior Council of Magistracy, the elections for the positions of president and vice-president of the Superior Council of Magistracy were launched on 06.10.2025.

On 27.11.2025, the submitted candidacies were analyzed and debated and the candidates for the positions of President and Vice-President were nominated by the corresponding Sections of the Superior Council of Magistracy, as well as the election of the President and Vice-President by the Plenum of the Superior Council of Magistracy. During the Plenary Session of the Superior Council of Magistracy, Judge Gheorghe Liviu Odagiu was elected President of the Council, and Prosecutor Bogdan-Silviu Staicu was elected Vice-President of the Council.

At present, there is a special concern regarding the public discourse in relation to independence, the revocation of members and the powers of the Council, as the parties in the government coalition, as well as the President of Romania, are increasingly insistently advancing multiple options for modifying the SCM statute, ranging from restricting the attributions, modifying the procedure for electing members[39], introducing political control[40], to revoking the members in office.[41]

These public positions emerged in the broader context of the unprecedented coordinated attack actions against the judiciary, which were launched in 2025 by the parties that formed the new government coalition. A detailed description of these attacks can be found in **point 3.**

[39] https://jurnalul.ro/stiri/justitie/usr-csm-justitie-magistrati-1018289.html;
[40] https://www.stiripesurse.ro/ideea-lui-ghinea-un-derapaj-taxat-european-encj-spune-ca-scoaterea-csm-de-sub-controlul-magistratilor-incalca-statul-de-drept_3841648
[41] https://hotnews.ro/presedintele-nicusor-dan-sustine-astazi-o-declaratie-de-presa-2135594

To this question (on the expected changes concerning the Council), we would like to draw particular attention to the dangerous direction in which the positions of politicians in the highest executive positions in the state are veering.

Thus, in a press statement held on December 21, 2025[42], the President of Romania presented the preliminary conclusions following discussions with "20 magistrates on an individual behalf and about 20 magistrates on behalf of magistrates' associations", considering that "the situation we are in is serious, in that there is this suspicion regarding the integrity of the judicial system". As such, he announced that he will initiate "a referendum within the body of magistrates with a single question: 'Does the Superior Council of Magistracy act in the public interest or does it act in the interest of a group within the judiciary?'", but also that in the situation in which "magistrates, in their majority, will say that the Superior Council of Magistracy does not represent the public interest, but the interest of the guild, then the Superior Council of Magistracy will leave urgently".

Both the Section for Judges of the SCM and the Section for Prosecutors immediately issued press releases[43] in which they drew attention to the fact that the referendum is not provided for by any law and cannot be organized within any profession, even more so within the profession of judge which represents one of the three powers in the state and has constitutional regulation, as well as at the level of organic laws. It was pointed out that the current law provides for clear ways of dismissing the members of the Council, the referendum not being among them.

After this moment, the Prime Minister set up a Committee for the modification of the justice laws, (described in the next point on the relationship with the executive), a context in which dissensions arose including between the two sections of the Council.

Thus, the Section for Judges agrees that any dysfunctions, if they exist, must find solutions in a stable social climate characterized by institutional cooperation, following applied and rigorous analyses of the importance of justice in society, and not in a context characterized by emotional vectors, regardless of whether they appeared spontaneously or premeditatedly.

However, it publicly pointed out[44] the profoundly ambiguous nature of the basis for the establishment and functioning of this Committee, given that there is no explicit normative basis defining its legal status, competences, limits of mandate or relations with the constitutional authorities of the judiciary.

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[42] https://www.youtube.com/watch?v=hvkjWtQi0Js
https://www.mediafax.ro/politic/nicusor-dan-anunta-un-referendum-in-corpul-magistratilor-daca-magistratii-considera-ca-csm-nu-actioneaza-in-interes-public-csm-va-pleca-de-urgenta-23661754

[43] https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12487&FolderTitle=COMUNICAT%20DE%20PRES%C4%82-(2025-12-21)
https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12489&FolderTitle=Communiqué%20de%20pres%C4%83%20al%20Sec%C8%9Biei%20for%20prosecutors%20din%20cadrul%20Superiorului%20al%20Magistracy-(2025-12-22)

[44] https://www.csm1909.ro/PageDetails.aspx?PageId=299&FolderId=12518&FolderTitle=COMMUNIQUÉ%20DE%20PRES%C4%82%20regarding%20positions%C5%A3ia%20Sec%C5%A3iei%20for%20judgec%C4%83tori%20%C3%AEn%20report%20with%20legitimacy%20de%20de%20constitution%20a%20Committee%20analysis%C4%83%20a%20legislation%C8%9Biei%20%C3%AEn%20domain%20justi%C8%9Biei-(2026-01-15)

This normative ambiguity makes it impossible to identify the nature of the work of this committee and transforms the approach into an informal mechanism, devoid of legal legitimacy.

In those circumstances, the Judges' Section considers that participation in such an approach, marked by institutional ambiguity, lack of transparency, the absence of a legal basis and the deliberate ignorance of the established authorities of the judicial system, risks giving an appearance of legitimacy to a process lacking credibility and the minimum guarantees of a real institutional dialogue.

The Judges' Section reaffirms that it does not refuse dialogue for the improvement of the normative framework (promotion procedure, composition of management colleges, appointment of vice-presidents by competition, etc.), but remains at the idea that such discussions must be held in a clear, legal framework, of institutional calm, between professionals, with the participation of the interested areas of society, and not against the background of public emotion, in an ambiguous, non-transparent framework, with undeclared purposes.

The Prosecutors' Section of the Council accepted both the participation in the work of this Committee and certain legislative proposals that represent an unacceptable step backwards from the principle of separation of careers, such as the involvement of prosecutors in the procedures for the appointment of judges to the High Court of Cassation and Justice, in the procedures for appointment to management positions in all courts or the introduction of the possibility for prosecutors to become judges directly at the HCCJ without going through the of all professional degrees.

- **Judicial Council of the Slovak Republic**

- **Structure / composition of the Council** - **NO**
- **Competences of the Council** - **YES, as stated in response to point 2.**
- **Way of nomination of the members - NO**
- **Independence of the Council** – **NO, as stated in response to point 1.**
- **General functioning and efficiency of the Council:**

The Judicial Council operates efficiently and transparently without polarisation of opinions between the judicial representatives and the representatives of the executive and legislative branches, but this does not mean that they all vote uncritically uniformly. It performs all its constitutional and statutory tasks efficiently and transparently, and communication with judges and court presidents on personnel issues has improved significantly. All meetings are open to the public (with one statutory exception), streamed, and an automated transcript of all outputs and statements made by all members at the meetings is provided and published in addition to the minutes and resolutions, over and above the law.[45]

Members of the Judicial Council and the judges of the Slovak Republic also face various forms of political pressure and criticism from politicians and members of the National Council of Slovakia, even extremely offensive attacks from the former Minister of Justice, Mária Kolíková, to which the Judicial Council regularly responds by rejecting attacks and attempts by political representatives to interfere in the decision-making processes of the courts, because it considers this to be unacceptable and at the same time it undermines public confidence in the judiciary.

The Judicial Council responds regularly, through adopted opinions and press releases published on the Judicial Council's official website, to discrediting and insulting attacks on judges, calls on all public officials to respect constitutional principles and preserve the culture of public discourse in the exercise of their functions; it stresses that such statements undermine public confidence in an independent judiciary, weaken the rule of law and threaten the separation of powers, which is a fundamental principle of a democratic society. It points out that it fully respects the right to criticise judicial decisions and judges; however, such criticism must be professional, factual and must not take the form of intimidation, coercion or any other form of influence on the decision-making of judges.

The inappropriate influence of the media on the decision-making activities of judges, as well as the increasingly frequent personal attacks by the media on specific judges in connection with their decision-making activities, can be identified as a particularly significant problem, which is why the Judicial Council permanently adopts resolutions at its sessions, calling on the media to exercise restraint and stressing that any attack on a particular judge as a representative of one of the three powers in the state is an attack on the entire judiciary and a very dangerous phenomenon, capable of seriously jeopardising the independence of the judiciary and, at the same time, can be a direct threat to the lives of judges and their families.

The resolutions of the Judicial Council were adopted in these contexts at virtually every meeting in 2025[46].

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

The procedure for amending the Constitution, which started in October 2023, was suspended in February 2025, and it remains unclear whether it will continue. The idea was to amend several provisions of the Constitution in the sub-chapter on the judiciary, including on the composition of the Judicial Council and on the nominating body of the non-judicial members of the Judicial Council. The amendments were to include the transfer of the power to appoint first-time judges from the Parliament to the President of the Republic, while retaining the power of the Judicial Council to nominate candidates for judicial office. There is a consensus within the legal profession regarding the rationale for this last amendment; however, within the Constitutional Commission, a specialised working body of the National Assembly, there was insufficient support for the part of the draft constitutional act that regulated the modalities of the transition to the new constitutional arrangement. The Judicial Council strongly opposed the change in its composition, primarily due to the politicisation of the nomination procedure in the National Assembly, which envisaged removing this competence from the President of the Republic and transferring it to political parties.

The Judicial Council Act has been amended. The conditions for posting a judge to the **position of Secretary-General of the Judicial Council** have been tightened, as the office may now be held only by a judge with at least five years of judicial service. The Judicial Council advocated for the possibility of appointing a non-judge candidate to the position of Secretary-General, following the model applicable to the Secretary-General of the Supreme Court. Interest in the position of Secretary-General of the

[46] https://www.sudnarada.gov.sk/ospravedlnenie-prislo-po-styroch-rokoch/
https://www.sudnarada.gov.sk/an-apology-came-after-four-years/
https://www.sudnarada.gov.sk/sudna-rada-nie-je-sucastou-politickeho-boja/
https://www.sudnarada.gov.sk/the-judicial-council-is-not-part-of-the-political-battle/
https://www.sudnarada.gov.sk/sudnictvo-nesmie-byt-zneuzivane-na-zvysovanie-klesajucich-preferencii-politickych-stran/
https://www.sudnarada.gov.sk/the-judiciary-must-not-be-used-to-boost-the-declining-preferences-of-political-parties/
https://www.sudnarada.gov.sk/zasah-do-rozhodovania-sudov-je-nepripustny-aj-pre-sudnu-radu/
https://www.sudnarada.gov.sk/interference-in-the-decision-making-of-courts-is-unacceptable-even-for-the-judicial-council/

Judicial Council is, in fact, quite limited. The amendment to the Judicial Council Act also deleted the provision that allowed the Secretary-General, while assigned to the post, to stand as a candidate for managerial positions within the judiciary.

The procedure for the election of **members of the Judicial Council** is regulated in greater detail, and a system of legal protection in electoral disputes is introduced, with the Administrative Court acting as the competent authority. Until now, members of the Judicial Council were permitted to serve a renewed term of office, although not immediately after the expiry of the previous one; however, the amendment limits members of the Judicial Council to a single term. Two additional grounds for the termination of office have also been introduced: the appointment of a member who is a judge to a higher judicial position (unless the member was elected from the list representing all judges), and the appointment of a member as president or vice-president of a court.

The **competence to appoint judges of the Supreme Court** has been transferred from the National Assembly to the Judicial Council, insofar as candidates already hold judicial office (previously, all Supreme Court judges were elected by the National Assembly, meaning that candidates who were already judges were elected anew). The Judicial Council has also been entrusted with some additional competences, namely: deciding on the suspension from office of court presidents and vice-presidents, and on the suspension from judicial service of the President and Vice-President of the Supreme Court. The Council no longer has the competence to initiate disciplinary proceedings against a judge, thereby remedying the unconstitutionality identified by the Constitutional Court in its decision of year 2021.

Certain provisions governing the **procedure before the Judicial Council** have also been amended. The grounds for exclusion have been expanded to include family ties between a member of the Judicial Council and the president of the court providing an opinion in the procedure, thereby preventing such a member from taking part in the deliberation and vote. The amendment also introduces new rules specifying in which types of proceedings the Judicial Council must hold a mandatory oral hearing, as well as the conditions under which such a hearing may be conducted in the absence of the summoned persons.

Some of the amendments are such that their practical effect will depend on how the relevant provisions are interpreted, particularly as regards whether they will operate to diminish the independent role of the Judicial Council by narrowing its discretion in judicial appointment procedures.

The Judges Act removes from the Judicial Council the competence to decide on the posting of judges to positions at the Supreme Court and transfers this power to the President of the Supreme Court. This introduces a dual system of judicial postings, as the Judicial Council will continue to decide on all other postings. The Judicial Council opposed any withdrawal of its competences, stressing that maintaining an institutional balance in judicial appointments requires preserving the powers that enable it to perform its constitutional and statutory functions independently. Meanwhile, the Courts Act substantively defines the conditions for the reassignment of a judge to another legal field or subfield or to another internal organizational unit. Procedurally, it **remedies the unconstitutionality in the appeals process against the reassignment of a judge**, as determined by the Constitutional Court's decision of 2024.

- **General Council of the Judiciary (CGPJ) of Spain**

As already indicated in the previous questions, the political and parliamentary situation in Spain has prevented the approval of some relevant laws for the fulfilment of some of the recommendations made by the Commission in its 2025 report. Therefore, no changes of any kind have been made to the

structure, composition, powers or manner of appointment of the members of the Board. In any case, there is no legislative initiative that proposes any modification in the aspects requested.

With regard to the functioning and efficiency of the CGPJ, throughout this first year of the VIII mandate of the Council, renewed in July 2024, its activity has been normalised, the different commissions and working groups carry out their functions in accordance with the legal provisions. Almost all of the pending appointments have been made, both in terms of jurisdictional positions appointed by the Council and the internal posts that are envisaged in the institution.

Throughout 2025 and with a projection in 2026, the processes of reviewing, updating and improving the different regulations, competence of the CGPJ, referring to the organization and operation of the non-jurisdictional aspects of the courts, including those that affect the internal structure of the Council, will culminate.

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

- **Conseil Supérieur de la Justice/Hoge Raad voor de Justitie/High Council of Justice of Belgium**

The lack of progress in realising the autonomy of the management of the judicial system leads to continuing uncertainty about the competences and roles of the various actors (High Council, College of Courts, College of the Public Prosecution Service, Directing Committees of the judicial entities, FPS Justice, Minister of Justice, etc.). This dispersion of roles and competences was also highlighted during our 25th anniversary symposium. The High Council will continue to reflect on its own role and competences, and its relationship with other actors in the justice system, in the context of the development of its new strategic plan.

The Government agreement links the further implementation of the autonomy of judicial management to an adjustment of the evaluation and discipline of magistrates. The High Council is currently preparing an opinion on a preliminary draft law concerning evaluation and discipline. The draft bill appears to be motivated, at least in part, by a distrust of judges and a desire for a more effective internal control over the functioning and the professional ethics of judges.

In the spring of 2025, several far-reaching actions were taken that led to a serious deterioration in relations between the three powers. The Supreme Court then took the initiative to start a dialogue between the three powers, calm tempers and create a constructive and collaborative attitude (see above).

- **State Judicial Council of Croatia**

In the reference period there were no specific relations with other state powers.

In accordance with proclaimed and factual independence of the Council and judicial power no challenges occurred in that period.

- **Supreme Council of Judicature of Cyprus**

The other state powers adhere to the doctrine of the Separation of Powers and they respect the independence of the judiciary.

- **The Danish Court Administration**

There have been no challenges from other branches of state power during the reference period, and judicial independence remains robust. This is complemented by constructive cooperation with the Ministry of Justice where appropriate.

- **Conseil Supérieur de la Magistrature of France**

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

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

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

The Council met with the President of the Republic on 10 November 2025 at the Elysée Palace to present him with the new code of conduct and report on the Council's activities.

-2- The Minister of Justice is met on a regular basis.

Following the resignation of the previous government and the appointment of a new one in December 2024, the Council met with the new Minister of Justice at the end of January 2025.

It met with him again on 26 June 2025 (for the record, in context: the Minister's comments were deemed problematic regarding the convictions handed down in connection with the riots that followed PSG's victory in early June). A press release was issued following this meeting (see below).

Another meeting was held on 4 November 2025 at the Council to discuss the ongoing attacks against judges and prosecutors (particularly following the deliberations in the Sarkozy case) and the Minister's visit to Mr Sarkozy in detention.

A final meeting took place on 4 December 2025 to present him with the code of conduct.

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

- Appointment of members: four of the eight external members are appointed by the legislative authority via the presidents of the assemblies. The hearings prior to these appointments are an opportunity for members of parliament to take an interest in the operation and missions of the Council; (no new appointment in 2025).

- The discussion on the annual finance bill is also the occasion of a meeting between the legislative power and the Council. Each summer, during the examination of the future finance law, the Council answers the parliamentary questionnaire drawn up by the rapporteurs, whose objective

is to give a qualitative and quantitative overall picture of its action. The two presidents of the Council are also heard by the Law Commission of the Senate on this subject.

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

Therefore, in January 2025, the Council met the President of the Senate and the Chair of the Senate Law Committee. It met the President of the Senate again in November 2025 to present him with the code of conduct.

In April 2025, it met the President of the National Assembly and the Chairman of the National Assembly Law Committee. It met the President of the Senate again in December 2025 to present her with the code of conduct.

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

-4- The Conseil, in its constitutional role as guarantor of the independence of the judiciary, has reacted publicly through press releases, outside the context of any referral. It reacted four times in 2025:

- 31 March 2025 – Reactions to the ruling handed down by the Paris Court of Justice on the same day in the case known as “the RN parliamentary assistants”[47]

The High Council for the Judiciary has once again expressed its concern about the virulent reactions to the decision handed down in the case known as the Front National parliamentary assistants case. These reactions are likely to seriously undermine the independence of the judiciary, the foundation of the rule of law, of which the High Council for the Judiciary is the constitutional guarantor.

Preserving this independence requires that judicial proceedings take place in a calm atmosphere, allowing magistrates, as dictated by their status and code of ethics, to base their decisions solely on the evidence in the case, which is debated in a contradictory manner during the hearing.

Thus, personal threats against the magistrates in charge of the case, as well as statements by political leaders on the merits of the prosecution or conviction, particularly during deliberations, cannot be accepted in a democratic society.

The High Council for the Judiciary has reiterated that, in accordance with the principle of legality, compliance with which is guaranteed by the exercise of legal remedies, only penalties that are exhaustively listed by law, and therefore voted on by the national parliament, may be imposed by judges.

The High Council for the Judiciary therefore called for restraint in comments made regarding the decision.

- 27 June 2025 – Meeting with the Minister of Justice[48]

During a very constructive exchange on 26 June 2025, the Council was able to remind the Minister of its deep concerns following the recent multiple public challenges to court decisions, particularly by

[47] Communiqué du 31 mars 2025 | Conseil Supérieur de la Magistrature
[48] Communiqué du 27 juin 2025 | Conseil Supérieur de la Magistrature

individuals holding important institutional positions within our democracy, even though some of these decisions were made in the context of serial offences, some of which had not yet been tried.

The Council reaffirmed that judicial independence, which is essential to guaranteeing rights in a democratic society, requires that judges be able to exercise their discretionary power, within the limits of the law and with the guarantee of legal remedies, without fear that the meaning of their decisions will be subject to public attack.

Finally, the Council expressed its expectations regarding the reaffirmation of the fundamental values of the rule of law in public statements and its need for support in the essential effort to educate citizens in order to raise awareness and understanding of the role of judges.

- 22 August 2025 – Support for judges of the International Criminal Court[49]

The High Council for the Judiciary, which guarantees the independence of the judiciary in France, has lent its support to the judges of the International Criminal Court, including French judge Nicolas Guillou, who are facing US sanctions because of their judicial decisions. As the only permanent international criminal court, the International Criminal Court is responsible for prosecuting and judging war crimes, genocide and crimes against humanity, which cannot be done without the court being completely independent of states, something that these sanctions clearly undermine.

- 27 September 2025 - Condemnation of personal attacks and threats against magistrates following the decision handed down by the Paris Court of Justice on 25 September 2025[50]

The High Council for the Judiciary strongly condemned the threats and personal attacks aimed at undermining the impartiality of the judges sitting on the panel in the case known as the Libyan financing of Nicolas Sarkozy's campaign.

The Council expressed its deep concern about the widespread nature of such attacks, which seriously undermine the foundations of our democracy.

Indeed, while freedom of expression allows for commentary, and even criticism, of court decisions, invective against judges and their decisions cannot be tolerated when it seeks to undermine the independence and legitimacy of the judiciary and compromise the peaceful conditions in which it operates.

- **Supreme Judicial Council for Administrative Justice of Greece**

Relations of the Council with the other State powers are relatively smooth.

In the context of a recent political confrontation, an MP referred to an alleged favorable treatment of a sitting judge in the context of the promotion procedure before the SJC. The matter was addressed by means of a press release issued by the Judges' Association of the Council of State.

- **National Judicial Council of Hungary**

The National Judicial Council's (OBT) relationship with the National Office for the Judiciary (OBH), which is responsible for the central administration of the courts, remains smooth and uninterrupted. Following the declaration of invalidity of the so-called "four-party agreement" concluded in November 2024, the National Judicial Council's (OBT) relationship with the Ministry of Justice has, in practice, ceased. There is no dialogue between the National Judicial Council (OBT) and the Ministry of Justice,

[49] Communiqué du 22 août 2025 | Conseil Supérieur de la Magistrature
[50] Communiqué du 27 septembre 2025 | Conseil Supérieur de la Magistrature

which represents the executive branch. We have not received any substantive response to the National Judicial Council's (OBT) proposals for legislative amendments; nor has the National Judicial Council (OBT) been meaningfully involved in the legislative drafting process.

- **Judicial Council of Ireland**

The relations between the Council and other State powers continued to be good in 2025. The staff of the Council and its Chief Executive are kept informed of developments and, usually, of intended changes in the law. The Minister for Justice throughout 2025 had been a practising lawyer until his appointment as Minister and, as such, he has had appropriate professional and social contacts with judges throughout his career. He understands the separation of powers as he has worked as a member of the independent Bar. The Council and judges have a good relationship with the Executive arm of Government in that there is mutual respect for the separation of powers and there were no direct challenges to or interferences with the independence of the judiciary in that period. There have been robust exchanges between the relevant bodies and their senior representatives from time to time in 2025 as in the previous years. This applies particularly to the Courts Services which body administers the courts and employs court staff and also to the Department of Justice. While most disputes relate to resources there are occasional disputes about responsibilities and duties. None of these issues has led to any crisis or serious issue between the relevant bodies and the Council in 2025.

- **Consiglio Superiore della Magistratura of Italy**

During 2025, there was an intense debate between the C.S.M., the Government, the Minister of Justice, and Parliament regarding the content of the Constitutional reform (constitutional law approved in the second vote by an absolute majority, but less than two-thirds of the members of each chamber, containing "rules on the judicial system and the establishment of the Disciplinary Court," and published in the Official Gazette of the Italian Republic on October 30, 2025). The reform will be subject to a popular referendum (in March or April 2026) and will only come into effect if the outcome is positive.

In particular, the C.S.M., with an opinion dated January 8, 2025 — before the final approval by Parliament — issued an opinion on the constitutional bill. This opinion has assessed the four aspects of the reform (career separation, dual High Council, one for judges and one for prosecutors, composition and electoral system of the two High Councils, establishment of a High Disciplinary Court). The CSM criticized the entire framework of the law as it is likely to affect the independence and autonomy of the judiciary. Despite this opinion, Parliament decided not to amend the text of the constitutional reform.

- **Consiglio di Presidenza della Giustizia Amministrativa of Italy**

Relations with the other branches of the State are institutionally maintained by the President of the Council for Judiciary, who has not been informed of any initiatives by other branches of the State during the reference period.

At present, therefore, the Council has nothing to report regarding the independence of the administrative judiciary.

- **National Courts Administration Finland**

Among the executive State powers, the National Courts Administration has the most collaboration with the Ministry of Justice. The relations and cooperation are working well and there are no problems regarding the Ministry respecting the independence of the Courts Administration or the judiciary. The need for sufficient funding for the judiciary is naturally a factor causing challenges. The financial needs

of the judiciary are transmitted to the state budgeting process only through the filter of the Ministry of Justice, and this can be seen as a structural problem emphasized especially in a weak state economy.

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

The Judicial Council's relations with other branches of government in 2025 were optimal and constructive, however, challenges were observed. In this review, we would like to highlight several examples:

- ✓ In 2025, the Cabinet of Ministers introduced the draft law "Law on Special Pensions for Judges and Prosecutors", which, in essence, aims to reduce the amount of pensions for judges and prosecutors and to tighten the eligibility criteria for receiving them. Currently, judges are eligible to retire at the age of 65, and prosecutors at the age of 50, provided they have completed at least 20 years of service, including 10 years in the respective position. Under the proposed amendments, the minimum retirement age for prosecutors would be gradually raised to 65 years.

  The draft law introduces two substantial changes that effectively reduce the amount of special pensions for judges and prosecutors. First, it extends the period for calculating the pensionable salary from the current five years to ten years. Since salaries in earlier years were generally lower, this change leads to a reduction in the average salary used for pension calculations, thereby decreasing the final pension amount. Second, the draft provides for a reduction in both the minimum and maximum thresholds of the pension, further limiting the potential pension amount that can be granted to judges and prosecutors.

  The Judicial Council has called on the Saeima (parliament) not to rush the legislative process and not to link the proposed pension reform with the 2026 budget package. It urged the legislature to ensure a balanced approach and high-quality deliberation on the matter.

  Throughout the legislative process, the Judicial Council has repeatedly expressed objections to the hasty advancement of the draft law and the lack of meaningful financial and social impact assessments regarding the proposed reforms. The Council has emphasized that no reliable data has been presented to substantiate the consequences these changes may have on the social security of judges and prosecutors. The Judicial Council has underscored that insufficient social guarantees pose a serious threat to judicial independence and may undermine the ability of the judiciary to ensure fair and impartial adjudication.

  Despite these concerns, the Saeima has thus far disregarded the position of the Judicial Council, prioritizing fiscal savings over the long-term stability and independence of the judiciary. At present, it appears that the final version of the draft law may be adopted in early 2026. The Judicial Council has expressed concern that, if adopted in its current form, the law could give rise to significant litigation risks before the Constitutional Court, particularly due to its potential to undermine the guarantees of judicial independence and the adequacy of social security for judges and prosecutors.

- ✓ At its meeting on October 17, 2025, the Judicial Council reviewed the budget requests of the Supreme Court, regional courts, and district (city) courts for 2026. The Judicial Council expressed objections that the process of drafting the state budget did not ensure that the views of the judiciary were fully heard and in accordance with regulatory enactments. Similarly, no justification was provided for the exclusion of the priority measures of the judicial institutions from the draft budget. The Judicial Council emphasized that any state budget drafting process relating to the judiciary must not be a mere formality, but must be based on

guarantees of judicial independence, as stipulated in the Law on the Judiciary and the Law on Budget and Financial Management. The Chairman of the Judicial Council has expressed criticism in several media outlets regarding the shortcomings of the judicial budget formation process, stating that "the legislature has the right to control the executive, the legislature sets its own budget, the executive has the right to allocate the budget to government institutions, but the judiciary's budget is influenced by anyone who is not too lazy to do so, and that is not fair."[51]

- ✓ In 2025, a case attracted attention within the judicial system when the Judicial Selection Committee forwarded the candidacy of an attorney with the highest rating for approval by the Saeima, but the Saeima Legal Commission discovered information about his activities on social media (inappropriate comments about legal policy and a Constitutional Court ruling). In this situation, the Saeima did not make a decision itself, but sent a request to the Judicial Council to assess the situation. Consequently, the case was referred to the Judicial Ethics Commission, which issued a negative opinion (not to nominate the person for appointment as a judge). A.Strupišs stated that “in this case, there was a meaningful and respectful dialogue between the judiciary and the legislature”.

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

Cooperation with constitutional and institutional partners. The Judicial Council places great emphasis on cooperation with constitutional and institutional partners. Regular meetings are organised with the aim of finding solutions to the issues related to the funding of the judiciary system. However, so far this remains a painful and sensitive area. Solutions ensuring the independence of the courts have not yet been found.

On 10 January 2025, members of the Judicial Council met with representatives of the Prosecutor General’s Office of the Republic of Lithuania. During the meeting, the key issues of inter-institutional cooperation were discussed, with the aim of ensuring efficient and high-quality administration of justice. One of the key issues of the meeting was the quality of work. During the discussion, the importance of a consistent practice and ensuring accountability for decisions taken was emphasised. The meeting also touched upon the issues of examination of cases by electronic means and the compatibility of the information systems of the Lithuanian courts and the prosecutor’s office. This is particularly important in order to avoid distortion of documents and ensure smooth process management. Another important aspect of the discussion was the prosecutors’ remote participation in hearings. Members of the Judicial Council drew attention to the benefits of in-person participation in hearings and emphasised that, in criminal cases at first instance, all participants in the proceedings should attend in person, as this allows the court and the parties to assess more effectively the known circumstances of the case. It was decided that resolution of emerging issues through inter-institutional cooperation, and holding more frequent face-to-face meetings to discuss arising issues, are essential in order to ensure smooth process management, consistent practice, and more effective administration of justice.

On 12 February 2025, the Judicial Council met with the Speaker of the Seimas of the Republic of Lithuania. During the meeting, the Judicial Council presented the decision adopted by the General Meeting of Judges, “On the Judicial Council’s Right to Apply to the Constitutional Court”[52] and the resolution “On Closer Cooperation between State Authorities on Matters Concerning Judicial

[51] Aigars Strupišs: Budžeta stāsts ir pēdējā laika krāšņākais piedzīvojums attiecībās ar izpildvaru. (The budget story is the most spectacular adventure in recent times in relations with the executive branch). https://www.youtube.com/watch?v=PLfTGx2_xF0

[52] https://www.teismai.lt/lt/teismu-savivalda/visuotinis-teiseju-susirinkimas/sprendimai/168/2024-10

Activities"[53]. The parties also discussed the judicial system funding model, the security situation in courts, and court staff remuneration issues. The importance of cooperation with constitutional partners, particularly with institutions of the legislative branch, was emphasised, and the expectation was expressed that such meetings should take place regularly, as this would enable more prompt resolution of key issues facing the judicial system. During the meeting, the expectation was reiterated regarding the decision adopted by the General Meeting of Judges – namely, the Judicial Council's right to apply to the Constitutional Court on matters within the Council's remit. Attention was also drawn to funding matters: the judicial system will not be treated as an equal branch of state authority until a cooperation model has been properly discussed and agreed. Low salaries of judicial assistants, psychologists and court hearing secretaries were highlighted as an issue requiring review, taking into account working environment conditions. The infrastructure and security of court buildings were also discussed. It was emphasised that court buildings must reflect the status of the institutions they house; however, this is not something that can be said at present. In addition, the Judicial Council expressed the aim of ensuring that court security is provided by police officers and that additional screening measures are introduced in courts. The Judicial Council hopes that this meeting will mark the beginning of a stronger dialogue and will help strengthen cooperation between state authorities, in order to ensure the effective and independent functioning of the judicial system.

On 21 February 2025, the Judicial Council met with the Lithuanian Bar Association. During the meeting, in addition to discussing cooperation and the organisation of more frequent meetings, the issue of security within the justice system was addressed. The parties discussed the possibility for advocates to inform judges about potential threats and individuals who might pose a risk during legal proceedings. The topic of professional solidarity was also discussed, as well as closer cooperation between existing committees. The meeting also considered the possibility of organising joint training sessions or discussions, and addressed the interoperability of information systems. The topic of work efficiency was examined in the context of protracted proceedings, considering the extent to which the role of advocates may influence this process. The meeting also considered the grounds for the recusal of judges from hearing cases, the quality of cassation appeals, and the psychological preparedness of judges and advocates. The principles of anonymisation of high-profile cases and aspects of communication with the media were also discussed.

On 25 February 2025, the leadership of the Judicial Council met with the Prime Minister. The meeting emphasised important issues of cooperation and court funding. Representatives of the institutions discussed possibilities for the modernisation of court buildings, aspects of the physical safety of participants in court proceedings, and the need for sustainable systemic funding required both to ensure competitive remuneration for court staff and the attraction of qualified specialists, as well as to provide appropriate working conditions in courts regardless of whether they are located in major centres or in the regions.

On 21 March 2025, the Judicial Council met with the Association of Judges of the Republic of Lithuania (LRTA). The LRTA presented possible areas of partnership and cooperation with the Judicial Council. It was agreed to further expand the involvement of the LRTA members in working groups established by the Judicial Council to address matters relevant to judges and courts, and to involve the LRTA members as broadly as possible in legislative processes when considering issues related to the work of courts and judges. Both institutions emphasised the need to unite efforts to strengthen judicial independence, both through monitoring the public domain and through creating systemic mechanisms to safeguard independence. In order to ensure consistent and long-term cooperation, the Judicial Council and the LRTA agreed to organise regular meetings at least once or twice per year. This will help to further strengthen the partnership and ensure the effective service of administration of justice.

[53] https://www.teismai.lt/lt/teismu-savivalda/visuotinis-teiseju-susirinkimas/sprendimai/168/2024-10

On 1 April 2025, the leadership of the Judicial Council met with the Minister of Justice. The discussion addressed opportunities for inter-institutional cooperation in examining issues related to judges' workload, team formation, the required number of judicial assistants, and the remuneration of court staff. The implementation of comprehensive solutions would make a significant contribution to the smooth functioning of the courts. In order for the judicial system and the quality of justice administration services to meet public expectations, it is necessary to address issues in a comprehensive manner, including, *inter alia*, matters relating to the remuneration of court staff and ensuring security in courts. Consistent and sustainable modernisation and renewal of court buildings would undoubtedly contribute to ensuring that every recipient of justice administration services in courts feels respected and safe.

On 26 May 2025, a meeting took place between representatives of the Judicial Council and the Minister of Finance. The meeting discussed important matters concerning the funding of the judicial system – from competitive remuneration for court staff and the attraction of qualified specialists, to the long-term modernisation of court infrastructure and sustainable planning of the courts' budget. Systemic solutions in the area of public finance are an essential condition for ensuring the smooth functioning of the courts and a high quality of justice services. Strengthening the judicial system is in the interest not only of the rule of law but of society as a whole; therefore, greater inter-institutional cooperation will be pursued in addressing pressing issues related to ensuring the functioning of the courts.

Following changes in the composition of the Government of the Republic of Lithuania, meetings were again organised and matters relevant to the court community were discussed anew.

On 6 October 2025, the leaders of the Judicial Council met with the Minister of Justice to discuss current issues affecting the judicial system and opportunities for further cooperation. The meeting focused primarily on the working conditions and remuneration of judges and judicial assistants, as well as ongoing measures to ensure court security. The leaders of the Judicial Council pointed out that funding for court staff, staff safety and the modernisation of court buildings remain among the most important challenges. The Ministry of Justice stated that it was prepared to seek solutions to ensure that the judicial system operates efficiently and that the quality of justice administration meets public expectations.

On 20 October 2025, the leaders of the Judicial Council met with the Prime Minister of the Republic of Lithuania to discuss issues relating to the funding of the judicial system and priorities for the coming years. The discussion focused mainly on competitive remuneration for court and NCA staff, the modernisation of old court buildings, the upgrading of information technologies and cybersecurity, and ensuring physical and psychological security in courts. The leaders of the Judicial Council stressed that the quality of justice is inseparable from the working conditions of those who administer it. Decent pay, appropriate infrastructure and a safe environment are essential conditions for courts to remain an attractive employer and to ensure high-quality administration of justice throughout the country. It was agreed during the meeting that the Government and judicial self-governance bodies would continue to cooperate in order to address judicial system funding issues in a consistent manner, ensure sustainable infrastructure, and strengthen public trust in justice institutions.

On 12 December 2025, members of the Judicial Council met with the President of the Republic of Lithuania and discussed the most strategically important issues for the judicial system, including cooperation, communication, court funding and security. During the meeting, the Head of State emphasised that joint work with the Judicial Council was proceeding smoothly, that the number of legal professionals taking the judicial oath and joining the judiciary was increasing, as was the number of judges pursuing career advancement. The results of court reform in the regions were also discussed separately, as were Lithuania's achievements mentioned in the 2025 Rule of Law Report published by the European Commission. Meetings with the President of the Republic of Lithuania are becoming a

tradition, providing an opportunity to share insights into achievements made over the year and the challenges ahead. The Judicial Council appreciates the constructive dialogue with the Head of State and the opportunity to express its position on key strategic issues, which, among other things, directly contribute to ensuring that the administration of justice is in line with the expectations and trust of the public in the courts.

The Judicial Council continues to cooperate actively with constitutional and institutional partners in order to address issues relevant to the judicial community.

Insufficient funding of courts. In 2025, the human, financial and material resources of the Lithuanian judicial system remain insufficient, and the appropriations allocated ensure only the minimal continuity of the system's operations, but do not create the conditions for addressing structural issues related to understaffing, uncompetitive remuneration, physical security in courts, or the deterioration of infrastructure. In 2025, the ratio of funding for the Lithuanian judicial system to gross domestic product (GDP) continued to decrease and stood at approximately 0.16%, whereas in 2024 it amounted to 0.18%. It should be noted that, under the adopted state budget for 2026–2028, this ratio will remain at around 0.16% of projected GDP in 2026, will decline to 0.15% in 2027, and to 0.14% in 2028, thereby further entrenching the lag in judicial system funding in comparison with the country's economic growth.

In 2025, courts continued to face a significant shortage of human resources, particularly in forming judge's team, and this issue has been consistently deepening over the past five years. More than 10% of approved posts remained vacant, the majority of them being posts of judicial assistants and court hearing secretaries: the share of vacant judicial assistant posts increased from 5.3% in 2021 to 10.9% in 2025, and the share of vacant court hearing secretary posts increased from 4.6% to 10.4%. Despite the fact that most judicial assistants possessed high legal qualifications, staff turnover remained extremely high, and the largest share of those leaving employment are specialists with less than five years' work experience. Competitions for vacant posts often fail due to a lack of candidates or insufficient interest in the working conditions offered. As a result, courts continually face the need to train new staff, which negatively affects the stability of court operations, the efficiency of processes, and the duration of proceedings.

Insufficient funding for remuneration also contributed to this situation. In 2025, funding for remuneration in the courts amounted to only around 89.9% of actual needs (a need of EUR 122.4 million, with EUR 110 million allocated in the budget). Although in 2025 the wage fund increased by approximately 1.9%, the additional funding was allocated only to judicial assistants and amounted, on average, to about additional EUR 106 per month per FTE (gross, before tax). Overall growth in the wage fund remained limited and was largely linked to horizontal decisions in the public sector; therefore, the pay of court staff continues to lag behind national and public sector averages. In the medium term, no fundamental change is foreseen either, as in the 2026–2028 budget, remuneration growth is planned essentially only as a result of horizontal decisions, which does not create the conditions for addressing structural issues related to attracting and retaining qualified employees.

Average wage in the country is growing rapidly – by around 70% since 2020. Due to insufficient funding, court staff remuneration is falling behind the national average wage (both in the private and public sectors): the average salary of judicial assistants amounts to about 0.85 of the public sector average wage, while that of court secretaries does not even reach 0.7 of the public sector average wage.

Further uncertainty for wage planning in the judiciary system was created by amendments to the legal regulation governing the setting of the basic amount of the official salary, adopted at the end of 2025 while the state budget was already under consideration. Instead of the previous model, under which wage growth could be linked to indexation of the total wage fund, the new regulation establishes a

uniform increase in the basic amount of the official salary for all employees. Such a decision removes flexibility to differentiate pay increases according to the specifics of posts, competences or performance results, and limits the ability of heads of institutions to address pay disproportions in a targeted manner.

According to the adopted decisions, the basic amount of the official salary in 2026 is to increase by only around 0.7%, while at the same time the statutory minimum monthly wage is to increase by more than 10%. As a result, the gap between unskilled and highly skilled work continues to narrow, and the existing structural issues of remuneration in the judicial system are not only not being resolved, but are deepening. It should be noted that judges' salaries were last amended and increased in July 2023, and from January 2026 they are to increase by only 0.7%, whereas inflation from July 2023 to November 2025 has amounted to 5.5%. Thus, judges' salaries are in practice consistently decreasing (due to the depreciation of money as a result of inflation), which raises the risk of a breach of the principle of judicial independence.

It should also be noted that, notwithstanding the commitments set out in clause 521 of the Government programme "to ensure the professionalism and independence of the courts by strengthening the corps of judicial assistants", these objectives are not reflected in the adopted state budget for 2026–2028. The appropriations allocated are limited to horizontal decisions in the public sector, and no targeted funding aimed at strengthening the corps of judicial assistants and increasing the professionalism of the courts was provided for; therefore, this restricts the implementation of this Government programme objective and may have a negative impact on the stability and independence of the judicial system.

In the area of material resources, funding is also lacking: although in 2025 certain modernisation and renovation projects for court buildings continued, the overall level of infrastructure funding remained insufficient. Some court buildings are outdated and require major repairs and security measures; however, limited appropriations do not allow these issues to be addressed in a timely manner. This affects both staff working conditions and access to court services, as well as the safety of participants in proceedings.

Funding was also not allocated to courts for the implementation of new cybersecurity requirements under Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive).

In summary, it should be noted that in 2025 the changes implemented in the area of judicial system resources were limited and largely horizontal in nature. They did not resolve structural issues related to shortages of human resources, uncompetitive remuneration, and the deterioration of infrastructure. Insufficient and insufficiently predictable funding continues to pose risks to the efficiency, quality and long-term stability of the judicial system.

Reforms of the remuneration system in the judicial system have been implemented in stages since 2023. In 2023, the legal regulation governing judges' salaries was amended and judges' salaries were increased – they were recalculated under a new model for the basic amount of the official salary. In 2024, new legal regulation on remuneration for civil servants and employees of budgetary institutions entered into force, under which the coefficients of official salaries for court staff were also recalculated. In 2025, the basic amount of the official salary was not changed.

It should be noted that at the end of 2025, a new initiative was also launched to amend the Law on the Civil Service, under which the remuneration regulation for civil servants, including employees of the judicial system, is being reviewed. These amendments are expected to enter into force from 1 July 2026; however, following the coordination procedures, the revised version of the draft law has not

yet been registered in the Legal Acts Information System. No additional appropriations were provided for in the 2026 state budget for the implementation of these proposed amendments. In view of this, no additional targeted decisions were adopted in the 2026 state budget that could be regarded as a continuation of the implementation of remuneration reforms in respect of the judicial system.

- **Conseil National de la Justice Luxembourg**

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

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

The Council for the Judiciary represents the interest of the courts in the political arena and in (national) administration and government, especially with the Minister of Justice and Security. It coordinates the judiciary but does not administer justice. The Council is independent and not under the Minister's authority, reflecting the principle of judicial impartiality enshrined in the Judicial Organisation Act. The Netherlands' high-trust system means that the Minister typically accepts candidates in appointment procedures proposed by the Council without intervention. The Council aims to strengthen the Judiciary's independent position by recommending a binding judicial nomination process, excluding government involvement, better aligning with the separation of powers. As mentioned, the Council advocates explicitly enshrining safeguards for judicial independence in law, giving the Council for the Judiciary a constitutional position, and abolishing the Minister's role in appointing its members.

It is important for the executive and legislative branches of power to take responsibility for societal issues, to adhere to their own rules, and to ensure that implementing agencies can perform their tasks adequately. In recent years, we have seen what happens when solutions are lacking or rules are disregarded: the courts are then regularly forced to correct the government in individual cases based on the law, and are criticized by other branches of power for doing so. This undermines public trust in the (institutions of the) democratic constitutional state and leads to increasing anti-institutional sentiment. Moreover, the judiciary is often portrayed as an obstructive force blocking solutions, rather than as the constructive, necessary third branch of power that it actually is and aims to be.

On the other hand, in a number of situations, solutions to societal issues seem to be sought in limiting access to justice. A two-instance system in the judiciary has long been the uncontested standard. Limiting the right to appeal to solve today's urgent problems may result in inadequate legal protection tomorrow. It is often suggested to limit the right to appeal in socially pressing cases—such as housing and migration. It is important to realize that these are rules for the government concerning the legal protection of people in much weaker positions. Of course, judicial procedures must be conducted as quickly as possible, and in this area the Judiciary undeniably has a responsibility. But we must be careful that the understandable political desire to solve problems does not come at the expense of people's legal protection.

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

The Commission notes that in the asylum and migration proposals at the end of 2024, the Dutch government departed from the usual Dutch practice of consulting stakeholders through online consultations by carrying out only limited consultations within very short timeframes. For advisory bodies such as the Council to fulfil their advisory functions and for civil society at large to be able to voice their opinion on legislative proposals, transparency and the application of reasonable deadlines is of the utmost importance. Reasonable deadlines for consultations on legislative proposals are also important from the perspective of quality, effectivity and practicability of legislation. Last year, we indicated that we assumed this was a one-time incident that would not occur again. Although the deadlines in subsequent consultations weren't as tight as in the specific consultation reported previous year, deadlines are still frequently short and do not always take into account national holidays, thus making meaningful consultation a greater challenge. In the exceptional case that an amendment is the object of a consultation, deadlines can be very tight indeed.

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

During the reference period, relations between the CSM and the other State powers, in particular the Government and the Assembly of the Republic, were institutionally correct and marked by regular cooperation. The CSM was systematically consulted on major justice reforms, including the revision of the statutes of judicial magistrates, the reform of access to the magistracies and the CEJ, and legislative changes on electronic case distribution and complex criminal proceedings, providing technical opinions focused on their impact on judicial independence, court functioning and career management.

At the same time, the Council has continued to draw attention to structural problems that depend on political decision, such as the long-pending revision of Law No 36/2007 on its organisation and functioning, chronic underfinancing of courts and of the CSM, serious shortages of support staff and the very poor state of many court buildings and equipment. These concerns have been reflected both in formal reports on court infrastructure and equipment and in public statements by the President of the Supreme Court (and, ex officio, of the High Council for the Judiciary), notably at the openings of the judicial year. In those interventions, the President emphasised that systematic underfunding and inadequate material conditions hinder courts' effective functioning, called for stronger financial autonomy for the judiciary, and underlined that public confidence in justice depends to a large extent on transparency and meaningful scrutiny of the courts' activity.

No direct interference by the political powers in individual judicial decisions or disciplinary cases was observed. The challenges identified by the CSM concern, rather, structural vulnerabilities: the repeated dissolutions of Parliament, which lead to the early termination of the mandates of the seven members elected by the Assembly and thus affect the stability and perceived depoliticization of the Council; and the budgetary and operational dependence of courts and councils on executive-controlled structures, particularly in matters of IT and infrastructure, which is seen as limiting the effective autonomy of the judiciary. In response, the CSM has insisted, in its dialogue with the political authorities and in international fora, on the need to strengthen the institutional guarantees of judicial independence and the autonomy of judicial councils.

- **Superior Council of Magistracy of Romania**

In 2025, the Superior Council of Magistracy has been actively involved in issues concerning the judicial authority, in accordance with the regulations concerning the judiciary and in direct cooperation with the other powers of the rule of law, and has constantly reacted to attacks by political factors, the

media and civil society against the independence of the judiciary and the proper functioning of the rule of law.

In fulfilling its constitutional role as guarantor of the independence of the judiciary, the Superior Council of Magistracy has promptly and assumed a position towards the attitudes manifested from the outside towards justice in general and magistrates in particular, including regarding the service pension regime of judges and prosecutors.

The Council reacted publicly whenever it was necessary, by issuing press releases and sending them to the media for dissemination in the public space, by sending official addresses and by participating in meetings with representatives of the executive power. The public positions expressed in the course of 2025 can be found on the Council's official website, under the heading 'What's New'.

The most important public positions expressed by the Superior Council of Magistracy on these issues during 2025 can be found in this footnote.[54]

In 2025, both the leadership of the Council and several elected members had multiple public appearances, giving extensive interviews in the media, regarding all the issues circulated in the public space based on which the judicial system was attacked during the year, dismantling all this disinformation with legal and factual arguments.[55]

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[54] https://www.csm1909.ro/PageDetails.aspx?FolderId=12480
https://www.csm1909.ro/PageDetails.aspx?FolderId=12467
https://www.csm1909.ro/PageDetails.aspx?FolderId=12465
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https://www.csm1909.ro/PageDetails.aspx?FolderId=11769
https://www.csm1909.ro/PageDetails.aspx?FolderId=11739

[55] https://www.youtube.com/watch?v=sHYG0qhl3g0
https://www.youtube.com/watch?v=fsi22BITSc4

The relations of the Superior Council of Magistracy with the Romanian Parliament have mainly materialized in the endorsement or expression of points of view on several legislative proposals under parliamentary debate. Relevance for the issue of the independence of the judiciary presents the negative opinion granted by the Plenum of the Superior Council of Magistracy, by Decision no. 60/15.04.2025, regarding the Legislative Proposal on the amendment of some normative acts in the field of service pensions, submitted by the Chamber of Deputies.

Regarding the *relationship of the Superior Council of Magistracy with the President of Romania*, this was circumscribed to the provisions of Article 134 of the Romanian Constitution, republished, of Law no. 305/2022 on the Superior Council of Magistracy and of Law no. 303/2022 on the status of judges and prosecutors. Thus, the decisions of the Sections of the Superior Council of Magistracy regarding the proposals for appointment and release in/from the positions of judge and prosecutor were submitted to the President of Romania.

As a particularity for 2025, it should be noted that after the new President of Romania took office, respectively after 26.05.2025, there was a blockage in the procedures for signing the retirement decrees of judges and the decrees of appointment to the position of judge. Considering that the procrastination, without any explanation, of these procedures was likely to generate negative consequences in the activity of the courts, on 07.07.2027 the Superior Council of Magistracy addressed the President of Romania, Mr. Nicuşor Dan, through an open letter, requesting to order the necessary measures for the completion of the procedures, as well as to the Minister of Justice, Mr. Radu Marinescu, for institutional support in order to quickly resolve the this situation. Although starting with 20.06.2025 the Superior Council of Magistracy has transmitted to the Presidential Administration a considerable number of decisions issued by the Section for Judges in order for the President of Romania to issue the decrees of appointment to the position of judge and the decrees of release from this position, the decrees were signed only starting with 01.08.2025.

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

Another important component of these relations refers to the notifications sent to the Ministry of Justice through the Plenum or its specialized committees, in the context of cooperation between these institutions and the need to ensure a good functioning of the judicial authority. Also, at the request of the Ministry of Justice, the specialized commission of the Superior Council of Magistracy sent a series of points of view regarding the adoption, modification or completion of some normative acts.
Regarding the collaboration with the executive power, the Superior Council of Magistracy also expressed points of view at the request of some ministries (other than the Ministry of Justice) or other public authorities. In this respect, relevant to the issue of the independence of the judiciary is the fact

https://www.juridice.ro/798495/claudiu-dragusin-actuala-reforma-vizeaza-subjugarea-sistemului-de-justitie-pe-drept-cuvant-108-video.html
https://www.qmagazine.ro/judecator-csm-ceea-ce-se-incearca-nu-e-reforma-e-preluare-prin-destabilizare/

that by Decision no. 158/27.11.2025 the Plenum of the Superior Council of Magistracy gave a negative opinion to the Draft Law on the modification and completion of some normative acts in the field of service pensions, sent by the Ministry of Labour, Family, Youth and Social Solidarity.

At the same time, it is worth mentioning the participation of the Council's representatives in the work of the various interinstitutional working groups set up at the level of the Superior Council of Magistracy, the Ministry of Justice or at the level of other institutions, on issues related to the judicial system. Also, representatives of the Superior Council of Magistracy participated in several working meetings organized by the Ministry of Justice.

In continuation of the aspects specified in 2024, regarding the ***centralization and management of the IT infrastructure of the courts by the Ministry of Justice***, the Council continued the dialogue with the Ministry of Justice for the implementation of the provisions of Decision no. 1519 of 5 September 2024 of the Section for Judges of the Superior Council of Magistracy.

Following the technical meeting held on February 25, 2025 at the headquarters of the Ministry of Justice, it was necessary to provide the Special Telecommunications Service with an architecture that the Council considers compatible with the principles underlying the adoption of Decision no. 1519 of September 5, 2024.

In this context, the Special Telecommunications Service (STS) communicated that, based on art. 1 of Government Decision no. 1213 of October 5, 2005, STS currently provides support to the institutions of the judicial system for the administration, configuration and security of the private VPN network that interconnects their headquarters.

Also, the Special Telecommunications Service saw the existence of certain technical solutions that lead to compliance with the provisions of Decision no. 1519 of September 5, 2024 of the Section for Judges of the SCM**,** in which sense several technical recommendations were proposed.

At the same time, the Special Telecommunications Service also communicated that, temporarily, until the necessary funds are provided for the implementation of the instante.ro domain at the SCM headquarters, this infrastructure could be hosted by the existing virtualization infrastructure at the Ministry of Justice, at the same time as the implementation of the measures recommended in this address. Subsequently, after the implementation of the cloud solution through the PNRR project, the infrastructure of the instante.ro domain will be migrated either to the CSM headquarters or to the infrastructure that provides cloud services for the courts.

Therefore, the Special Telecommunications Service confirmed the viability of the technical solution proposed by the SCM regarding the transfer to the Superior Council of Magistracy of the competences in the IT field that directly concern the activity of the courts.

As a result of these analyses, at the level of the Ministry of Justice's own apparatus, it was concluded that the separation of the courts' domain from that of the ministry brings all the benefits of a unitary architecture and preserves the autonomy of the courts in the management of IT resources. Also, the Ministry of Justice, at a technical level, considered that this architecture complies with ***constitutionality and legal standards***.

In view of all these considerations, the Superior Council of Magistracy considered that it is necessary *to notify the Strategic Management Council (COMS), in order to analyze the current situation and adopt concrete measures to guarantee the respect and protection of the independence of justice from the perspective of IT governance***.**

Within this framework, it was proposed that the following should be discussed and agreed at COMS level:

- agreeing to the idea of principle that the judicial system must have in management and control the data produced and managed by the courts, excluding the risk of interference from outside;
- agreeing on the principle that the optimal way to preserve the independence of the judicial system, in this respect, is the one that the Ministry of Justice has already agreed in the case of prosecutors' offices, thus rendering the technical aspects.
- In the absence of financial resources to ensure the solution from the previous point, temporarily, until the necessary funds are provided for the implementation of the instante.ro domain at the SCM headquarters, this infrastructure should be hosted by the existing virtualization infrastructure at the Ministry of Justice, at the same time as the implementation of the measures recommended in this address. Subsequently, after the implementation of the cloud solution through the PNRR project, the infrastructure of the instante.ro domain will be migrated either to the SCM headquarters or to the infrastructure that provides cloud services for the courts.
- establishing at the level of the technical teams of the Superior Council of Magistracy and the Ministry of Justice, a realistic timetable for the implementation of the temporary solution, taking into account the technical and financial needs.

On 04.11.2025, the COMS meeting took place, but on this occasion a decision was not adopted on the approval of concrete measures to guarantee the respect and protection of the independence of the judiciary from the perspective of IT governance, establishing the need for subsequent bilateral discussions, from which point the issue of IT governance was not resumed.

In this regard, it should be noted that, at the COMS meeting, the only opposition to the Council's proposals was expressed by the Ministry of Justice, which invoked the existence of legislative impediments, considering the need to amend the legislation in order to transfer the entire responsibility of the administration to another institution in the judicial system. The other votes were in favour of the proposal of the Superior Council of Magistracy because, although the Prosecutor General did not have a position, an architecture like the one requested by the Council is implemented at the level of the Public Ministry.

However, the Council's analysis confirms that no legislative changes are required to carry out this transfer, an aspect previously supported by the Ministry of Justice in its own analysis, as well as by the fact that, currently, under the same legislation, the databases are already under the management of the courts.

As a result, given that there are no technical or legislative impediments, the Council considers that a strengthening of the IT competences related to the activity of the courts of law to the SCM has not yet been achieved, most likely as a result of the absence of a consensus at the level of the decision-making factor within the Ministry of Justice.

Regarding the status of judges, on 29.08.2025, the Romanian Government assumed its responsibility before the Parliament (a legislative procedure pursuant art. 114 from the Constitution of Romania) on *the draft law for the amendment and completion of some normative acts in the field of service pensions*, a draft law that had as its object the radical modification of the service pension regime of judges and prosecutors.

For this revision there was no **consultation of the judiciary**. The draft was not even sent to the Council before being made public at a press conference on July 29, 2025[56], amid the corruption scandal targeting the deputy prime minister[57]. On August 22, 2025, the Ministry of Labor officially requested the Council's opinion — but did not ask for the accelerated granting of the opinion. Despite the legal deadline of 30 days for response, the Government completely ignored this, and 7 days later, on August 29, 2025, it sent the law to Parliament, which adopted it on September 4, 2025, using a special, urgent procedure for assuming responsibility for the Government.

The law was challenged before the Constitutional Court by the High Court of Cassation and Justice, and by Decision no. 479 of 20.10.2025**, the Constitutional Court admitted the objection of unconstitutionality** and found that the Law on the amendment and finalization of certain normative acts in the field of service pensions as a whole is unconstitutional, the main reason for admitting the objection being the very lack of the Council's opinion om the law.

Subsequently, respectively on 02.12.2025, the Romanian Government again assumed its responsibility before the Parliament on *the draft Law for the modification and completion of some normative acts in the field of service pensions,* which has an almost identical form to that of the previous draft. Currently, it is pending before the Constitutional Court, for carrying out the *a priori review* of constitutionality, following the notification filed by the High Court of Cassation and Justice, the date for resolution being 11.02.2026.[58]

At this point, **it is clear that the decision of the Constitutional Court no. 479 of 20.10.2025 sanctioned the lack of consultation with the Superior Council of Magistracy**, reaffirming the need for a real and honest inter-institutional dialogue between the powers of the state, so that any action of the legislative and executive powers regarding the judicial authority is carried out with the effective consultation of the judiciary, ensuring full respect for judicial independence and the others constitutional values that ensure the premises of justice in the interest of citizens.
These clear principles on the need for fair and honest consultation of the judiciary have been reaffirmed by international associations such as the ENCJ, [59]MEDEL[60] and EAJ.[61] All these institutions spoke out against the lack of real consultation on the amendment of the Magistrates' Statute and

[56] https://romania.europalibera.org/a/premierul-ilie-bolojan-anunta-masuri-de-reforma-a-pensiilor-speciale-avem-o-urgenta-cu-pensiile-speciale-/33486830.html
[57] https://romania.europalibera.org/a/companiile-lui-dragos-anastasiu-au-platit-8-ani-mita-unui-inspector-anaf-vicepremierul-a-recunoscut-fapta-dar-a-scapat-de-urmarire-penala/33483790.html
[58] DLDC
[59] Declaration of 22 August 2025, https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-
[60] Statement of 25 August 2025, https://medelnet.eu/medel-statement-on-romania/
[61] Resolution of 12 October 2025 on the defamatory campaign against magistrates and the new law on the modification of the service pensions of Romanian magistrates https://www.iaj-uim.org/iuw/wp-content/uploads/2025/10/EAJ-Resolution-on-Romania_Baku-2025.pdf

against the frequent changes to the Magistrates' Statute (the 10th substantial amendment to the Statute in 2018 and the third amendment to the pension regime in 2022) which, among other things, inevitably leads to instability and lack of attractiveness of the profession.

However, after the Constitutional Court's decision, the prime minister and other officials of the ruling coalition publicly stated that the law, in its current form, could simply be sent to the Council and that it would be enough to wait for the 30-day deadline or ask the Council for a quick opinion within 24 hours.

There was no availability for an institutional dialogue on the content of the law and especially on the substantive vulnerabilities mentioned in the objection of unconstitutionality invoked by the High Court of Cassation and Justice. The public discourse of government officials suggested that a proper consultation of the judiciary would be just a procedural subterfuge invented by the Constitutional Court to delay the entry into force of an otherwise perfect law. The consultation was treated as a mere formality — waiting for a specified time for the Council's opinion, but with the public statement of the intention to completely ignore that opinion, as an institutional dialogue on issues of social fairness is not justified.

Thus, one can note a constant approach of force of the executive against the judiciary, given that the SCM was not only not included in the institutional dialogue to amend the magistrates' statute, but the mandatory procedure for obtaining the Council's opinion was either completely ignored or ticked exclusively formally.

Even more serious is the fact that the legislative procedure used in this case, namely the assumption of responsibility of the Government (art. 114 of the Romanian Constitution) is an accelerated procedure by which the Government engages its responsibility before the Parliament (Joint Chambers) on a draft law, without debate, and if a motion of censure submitted in 3 days is not voted, the draft becomes law automatically, with an excessively limited parliamentary impact. The procedure is even more restrictive compared to emergency ordinances, which have long been criticized including in the Cooperation and Verification Mechanism, since the ordinances, after their adoption by the government, are subject to subsequent parliamentary control.

This way of legislating in the field of magistrates' status through the instrument of assuming of responsibility of the Government can be considered an unlimited power of the executive, which is a central feature of absolutist and dictatorial systems according to the latest rule of law rules, adopted by the Venice Commission in December 2025.[62]
More recently, the government has extended the intention to amend the legislation of all of the justice laws, in apparent response to a press material invoking certain irregularities in the act of justice in some specific cases. The invoked irregularities also concerned alleged illegal changes to the panels of judges, which led to the readministration of the evidence in question, as a consequence of the Cutean case against Romania and subsequently leading to the intervention of the statute of limitations of criminal liability. Although these irregularities invoked in the press material have not yet been verified, the material itself has had a very high impact on society, being made in the form of a professional film, with musical and visual effects to amplify the emotional impact.

[62] https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2025)002-E

The Council decided to notify the Judicial Inspection to carry out verifications in relation to the aspects reported in the press material.

The Judicial Inspection published a preliminary report[63] showing that in the records of the Judicial Inspection were identified works related to part of the aspects reported in the press material and will carry out additional verifications in the next period, in accordance with the provisions of Law no. 305/2022.

At the same time, the Bucharest Court of Appeal, which is mentioned in the press material, communicated an extensive material in which it responds punctually to the accusations in the material.[64]

Against the background of the public emotion maintained including by organizing coordinated protests on social networks, the Romanian Government, without analyzing the content of the institutional reactions already mentioned and without resorting to an initial institutional dialogue, by Decision 574/19.12.2025[65] of the Prime Minister of Romania established the "**Committee for the analysis and revision of the legislation in the field of justice**". The Committee is composed of representatives of the Prime Minister's Chancellery and the Ministry of Justice and is headed by a representative of the Prime Minister's Chancellery.

Although the declared objective of this Committee is the revision of the legislation in the field of justice, its composition does not include the Superior Council of Magistracy as a permanent participant, nor representatives of other fundamental institutions of the judicial system, namely the High Court of Cassation and Justice or the Public Prosecutor's Office attached to the High Court of Cassation and Justice. Representatives of the judiciary may participate only as guests, exclusively at the invitation of the Prime Minister (Art. 1 para. 4 of the Decision).

As regards representatives of other relevant public or private entities, in the country and abroad, the Decision provides for their participation 'as guests', which makes it possible to interpret that their invitation may be made by any participant in the Committee. Under these circumstances, the institutions of the judicial system end up participating in the debates on the amendment of the laws on justice under less favourable conditions than other entities governed by public or private law (Article 2(2) of the Decision).

Nor can it be omitted that the Committee's work is foreseen to start from the debate of the opinions formulated by the representative associations of judges and prosecutors, as well as by non-governmental organizations, on the organization and functioning of justice and on the implementation of the act of justice (art. 3 letter b). In this way, the Decision establishes an unbalanced framework, which gives a significantly greater weight to the governmental and non-governmental factors, with a diminishing institutional role and the perspective of the judiciary in this process.

[63] https://inspectiajudiciara.ro/sitewebservice/Resources/Comunicate-de-presa/inflJ22122025.pdf
[64] https://www.cab1864.eu/wp-content/uploads/2026/01/Informare-publica-Recorder-5012026-.pdf
[65] Published in the Official Gazette on 19 December 2025.

Similarly, public communication of the Committee's work is reserved exclusively to the Prime Minister (Art. 5 para. 3). Taking into account the confidentiality obligations specific to the judicial system, which can only express itself through formal institutional communication, as well as the fact that the Decision establishes a genuine monopoly of public communication, the premises for a control of the public message are created. This situation is accentuated by the wide willingness of non-governmental organizations to communicate publicly, including indirectly, through members or affiliated entities, which makes the representatives of the judiciary practically deprived of the possibility of reacting even at the declarative level.

According to Article 5 of the Decision, the Committee adopts recommendations by consensus of its members, and in the absence of consensus, the options are forwarded to the Prime Minister on the basis of a comparative analysis. Given that the Decision does not provide for a clear number of participants, does not establish a quorum and does not establish the obligation to invite all entities expressing divergent opinions on a certain topic, it follows from the combined interpretation of Articles 1, 2 and 5 that recommendations can be adopted either exclusively by consensus of the permanent members – i.e. a strictly governmental consensus –, or through a consensus obtained together with ad hoc selected entities, excluding those who express opinions that do not lead to the desired consensus.

The decision also creates the premises for circumventing the legislative procedure provided by the legal norms in force, given that art. 5 para. 2 provides for the communication of recommendations directly to the competent authorities, in order to initiate the draft normative acts or the administrative measures necessary for their implementation. Thus, the recommendations of a Committee with no basis in the primary legislation on the functioning of justice or the legislative procedure, once filtered by the Prime Minister, may create an obligation on the public authorities to initiate legislative changes in the sense indicated by it. In this logic, even the Superior Council of Magistracy could be forced to initiate amendments to secondary legislation in its areas of competence, with a serious impairment of its institutional independence.

Participation in the work of this Committee also led to dissension between the Council's sections, as indicated in the first point.

This unique approach to the initiative to amend the justice laws continues, in fact, the series of legislative changes made in the absence of real consultations, including at technical level, with the judiciary as a whole and with the Superior Council of Magistracy in particular.
This is given that, by the Venice Commission Opinion no. 1105/2022 on the amendment of the justice laws of 2022, the conclusion was expressly formulated that all relevant actors of the judicial system in Romania – judges, prosecutors, the Minister of Justice and the President of Romania – must collaborate in a spirit of loyal cooperation, in order to ensure the proper application of the justice laws.

Also, the OECD Public Governance Committee Report for Romania of 25 April 2024 confirmed the progress made in recent years and made recommendations aimed at continuing efforts to implement justice laws, with a focus on the proper functioning of the system and the career of magistrates. In this regard, the report proposed the establishment of a working group made up of representatives of

the Ministry of Justice, the SCM, the HCCJ and the PHCCJ, with expertise and decision-making capacity, to formulate concrete proposals to the COMS on the implementation of the eight recommendations, within two months of their establishment.

In the context in which one of the recommendations was aimed at strengthening the institutional capacity of the COMS, this body met, analyzed the proposals, adopted a concrete action plan and monitored its implementation. However, on the occasion of each amendment to the justice laws initiated by the Government, the role of the COMS has been completely ignored, resorting, as in this last example of the Decision of December 19, 2025, to *ad hoc* or publicly undisclosed advisory forums.

Have challenges been identified regarding the Council of the Judiciary (its functioning/independence, etc.) or have recommendations been made through the 2025 Rule of Law Report, have they been addressed by the other powers of the state or by the Council?

The challenges to the independence of the Superior Council of Magistracy are integrated into the set of challenges to the independence of the judiciary, which in 2025 were represented in particular by the attacks on the service pension regime of judges and prosecutors.

During 2025, the justice system in Romania faced an unprecedented campaign of disinformation of citizens and defamation of the body of magistrates, a campaign orchestrated and maintained by the political factor and the media, in the context of the elaboration and adoption by the Government of the draft law on the modification of the magistrate's statute in the components related to the amount of the service pension and the retirement age.

An atmosphere of public hatred has been artificially and undeservedly created around the justice system, through public statements by politicians from the parties that form the ruling coalition, as well as by journalists who usually replicate their message, and who go beyond the margin allowed for reasonable, acceptable and even necessary criticism in a democratic society, reaching the false, aggressive, limitless description of the justice system as incompetent, corrupt, decoupled from reality.

There have been disqualifying attacks by journalists and politicians against the justice system in general and, individually, against members of the Superior Council of Magistracy who have taken a public position in defense of the judicial system. These magistrates have become the target of a campaign of personal discredit, orchestrated with an intentional virulence, meant to channel the hatred of citizens against the justice system.

This campaign flagrantly defied any acceptable limit in a state of law: calls for the public execution of magistrates were promoted, explicitly or by insinuation, contexts were created that encouraged verbal and physical aggressions on the street against magistrates by citizens instigated in this way, which has happened.

Such actions could no longer be treated as mere slippages of opinion, they represent a direct threat to the personal safety of magistrates and, more seriously, to the independent functioning of justice.[66]

[66] SIPRM

In fulfilling its constitutional role as guarantor of the independence of justice, the Superior Council of Magistracy has promptly and assumed taken a position towards the attitudes, often hostile, manifested from the outside towards justice in general and magistrates in particular, including regarding the service pension regime of judges and prosecutors.

At the same time, on 03.09.2025, the Superior Council of Magistracy informed the public that it notified the Prosecutor's Office attached to the High Court of Cassation and Justice (PHCCJ) about the commission of the crime of public instigation provided for by art. 368 of the Criminal Code, requesting investigations into several public messages through which users of social networks instigated the commission of serious crimes against magistrates and their family members. At the same time, similar reactions were identified from other individuals, users of social networks, including after sending private messages to magistrates.[67]

The Prosecutor General's Office has publicly announced that it has started the criminal investigation against 3 people following the notification made by the Superior Council of Magistracy.

Slippages of opinion were also formulated from the top of the Romanian Government, by a deputy prime minister who publicly stated that magistrates take money from children's mouths, and the status of the magistrate in the component related to the service pension is similar to a pyramid system of the "Caritas" type – this system being in the history of Romania one that robbed the population's savings and was criminally sanctioned. As a result of these statements, the Council notified the criminal investigation bodies in order to carry out verifications on the commission of the crime of incitement to hatred provided by the provisions of art. 369 of the Criminal Code.

In the same period with the statements made by the Deputy Prime Minister of Romania, mentioned above, the Deputy Mayor of Timisoara publicly made serious, unproven accusations that violate the dignity of women judges and discriminate, stating that most women judges in Romania are controlled in terms of the decisions they pronounce by pimps/loverboys. In this situation too, the Council took the necessary measures and notified the National Audiovisual Council, as well as the National Council for Combating Discrimination.[68]

Also, in fulfilling its constitutional role as guarantor of the independence of the judiciary, it gave a negative opinion to the Legislative Proposal on the amendment of some normative acts in the field of service pensions (Decision of the Plenum of the Superior Council of Magistracy no. 60/15.04.2025) and the Draft Law on the amendment and completion of some normative acts in the field of service pensions (Decision of the Plenum of the Superior Council of Magistracy no. 158/27.11.2025), stressing, in essence, that they are liable to affect the stability of the regulatory framework and to have serious consequences for the work of the judiciary, in breach of the principles of judicial independence, legal certainty, legitimate expectations and predictability, as well as the case-law of the Constitutional Court.[69]
It should be noted that there was no legitimate concern about magistrates' pensions, since the revision of the pension system for the judiciary — age, seniority requirements, pension formula —

[67] DLDC
[68] SIPRM
[69] DLDC

had already been fully resolved by Law no. 282/2023, adopted in consultation with both the judiciary and the European Commission in the context of Romania's National Recovery and Resilience Plan.

Currently, according to Law no. 282/2023, the retirement age of magistrates is set at 60 years old, with a transition period regulating the gradual increase of this person.

Magistrates recruited in the last three years (about 1,600) will no longer be eligible to retire until they reach at least 56 years of age, with the vast majority of them becoming eligible to retire only at the age of 59–60.

There are approximately 4,000 magistrates who will meet the retirement conditions established by the transitional formula in Law no. 282/2023. Of these 4,000 magistrates, approximately 1,600 fall into the category for which the transitional scheme according to Law no. 282/2023, although applicable, effectively pushes the retirement age to the range of 58–60 years, depending on the individual situation of each person, making the transitional period practically irrelevant.

The European Commission's March 2025 assessment, which concluded that Milestone 215 was no longer satisfactorily met, did not concern the new retirement conditions for magistrates. The Commission's concern focused only on a technical issue: Decision no. 724 of the Constitutional Court of 19 December 2024, which annulled the additional taxation of certain service pensions — in particular military pensions — because it applied a special regime that does not apply to all public pensions.

At the same time, the Section for Judges, respectively the Section for Prosecutors, decided to convene the General Assemblies, in order to express a point of view on the draft normative act on the modification of service pensions communicated by the Ministry of Labor and to take the necessary measures in order to protect the status of magistrates and the independence of justice (Decision no. 1885/21.08.2025 of the Section for Judges[70], respectively Decision no. 596/21.08.2025 of the Prosecutors' Section[71]).[72]

In October 2025, the Constitutional Court declared unconstitutional the draft law on the amendment of the magistrate's statute in the component relating to the retirement age and service pensions of magistrates, the main reason being precisely the lack of the opinion of the Superior Council of Magistracy, therefore the lack of any form of loyal institutional cooperation and the lack of consultation of the judiciary regarding the reform of the statute. The decision was followed by numerous publicly formulated political statements that had the ability to polarize society against the body of magistrates, presenting it as greedy for financial privileges. These had the effect of street protests against the leaders of the justice institutions, namely the president of the High Court of Cassation and Justice and the president and members of the Superior Council of Magistracy, demanding their change outside any legal procedures.

[70] http://old.csm1909.ro/csm/linkuri/22_08_2025__121763_ro.pdf
[71] http://old.csm1909.ro/csm/linkuri/22_08_2025__121759_ro.pdf
[72] SSPLS

The Romanian Government drafted a new law after the adoption of the Constitutional Court's decision on October 20, 2025, which was also challenged at the Constitutional Court, and a decision is pending for February 11, 2026. In the process of drafting this bill, again, many political leaders have made public unrealistic statements regarding the average retirement age of magistrates or the average income received by a magistrate. These have further fueled the campaign of denigration against the professional body of magistrates and have polarized society, on a social background already marked by the increase in taxes in Romania, creating a real wave of hatred from a segment of society that has been falsely induced the idea that magistrates have undeserved financial benefits even greater than in other European countries, unreal aspects to a simple analysis of comparative income that was carried out within the CEPEJ studies.[73] These denigrating aspects against magistrates were supported by a good part of the press.

The Council has publicly stated its deep concern about the irresponsible attitude of political factors who, instead of a technical consultation, have unleashed a war for the destruction of the image of the justice system, as well as for the lack of loyalty in the interaction between the powers of the state. This whole campaign was constantly supported by a part of the media. As shown Previous, the Government has again assumed responsibility for a similar version of the draft legislation, the request for the Council's opinion being only formal, publicly and directly affirming this vision assumed by the executive.

This concern has been affirmed in all the public interventions of the Superior Council of Magistracy, either through press releases or through interviews given by the President and Vice-President of the Council, as well as those given individually by members of the Council, drawing attention each time that in this way the image of justice is affected with the consequence of deteriorating citizens' trust in the justice system and in its ability to defend their fundamental rights and freedoms.

This false campaign of incitement to hatred by society against magistrates may be reflected in the future in surveys on citizens' and companies' trust in the judiciary and in the independence and efficiency of justice, as well as in terms of the safety of magistrates.

Against the background of statements made in the media in December 2025, including by magistrates, the Section for Judges of the Superior Council of Magistracy decided to notify the Judicial Inspection to carry out verifications in relation to the aspects reported in the press material.

The Prosecutors' Section of the Superior Council of Magistracy has also decided on several notifications to the Judicial Inspection to carry out verifications in relation to the issues reported in the press material

At the same time, the Section for Judges invited the representatives of the professional associations of judges, as well as the representatives of the Ministry of Justice to debate the current issues in the context generated by the recent events concerning the judicial system and also started a broad consultation of the professional body of judges on the current issues in the judicial system, through

[73] https://commission.europa.eu/document/download/1b1efa85-ec36-40f2-ae4b-fddbc43b66a0_en?filename=Part%202%20-%20Country%20fiches%20for%20each%20EU%20Member%20States.pdf (page 1164)

an internal online questionnaire, to which the judges of all The courts in the country responded anonymously.

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The questionnaire was addressed to all judges in office at all levels of jurisdiction and was available from 16 to 21 December 2025, with 2583 judges participating in the consultation process, representing 56.50% of the active body of judges. The level of participation recorded gives the questionnaire a high degree of representativeness, both in relation to the absolute number of respondents and in terms of their significant weight in the entire judicial system.[74]

Representativeness is also confirmed from the perspective of the levels of jurisdiction, the respondent judges being evenly distributed on all levels of jurisdiction, in proportions close to the distribution of judges in office by levels of jurisdiction. Thus, the distribution of respondents reflects the real structure of the body of judges: 55.9% of judges come from judges, 24.8% of judges come from courts, 16.8% come from courts and 2.5% come from the High Court of Cassation and Justice.

Also, the respondent judges come from all subjects of law, 63.7% carrying out their activity exclusively in non-criminal matters, while 14.7% solve cases exclusively in criminal matters. At the same time, 21.6% of judges judge both criminal and non-criminal cases, especially in courts organized without separate sections

The consultation was carried out directly, online, being addressed directly to the judges in office, without being mediated by the management of the courts, the access to the questionnaire being able to be done from any device, and not only from the court.

The consultation tool offered the possibility of filling in anonymously, an option effectively used by respondents, 1315 questionnaires being initiated anonymously.

The questionnaire included a total of 20 questions, of which 17 allowed answers that can be centralised automatically, while for 3 questions they allowed open-ended answers (free text). [75]

[74] Details regarding the methodology of the completed questionnaire can be found at the following link: https://go.csm1909.ro/metodologie-chestionar-judecatori

[75] The questionnaire can be consulted at the following link: https://www.csm1909.ro/ViewFile.ashx?guid=5fd4554d-94d9-4a8f-88e4-93b69f72f821-InfoCSM

At the same time, it was not mandatory to fill in all the answers given that some hypotheses were not applicable to all judges, in relation to their specialization or the specific situations that were the subject of the questions.

According to preliminary results[76], in terms of public perception and institutional reactions to justice, 98.1% of judges answered that they had **felt a public campaign against justice in the last year**. Regarding the public reactions of the SCM to the public campaign carried out, 67% of respondents indicated agreement with these reactions, 25% expressed a neutral position, and 8% showed that they do not agree.

The data thus indicate that the public reactions of the SCM benefited from a high level of support among judges, the disagreement being a very low one in relation to the number of respondents.

In the same questionnaire, problems of the justice system **were evaluated by the judges**. To an overwhelming extent, the judges considered that the high volume of activity and the lack of standardization of the activity are real problems that directly affect the act of justice. Also, over 50% of the judges consider that the administrative practices of the public authorities that have the effect of inflating cases (e.g. the non-compliance by the pension funds with the mandatory decisions pronounced in appeals in the interest of the law) and the failure to implement some proposals to streamline the judicial activity (e.g. the SCM-UNEJ proposal on an exclusively electronic file for applications for the declaration of forced execution) are two other problems that affect the work of the courts.

With regard to human resources and infrastructure, judges overwhelmingly point out that insufficient judges and clerks schemes affect the work of the courts, given the high number of cases.

Equally, directly correlated with the aforementioned problem, the blocking of judicial recruitment competitions (admission to the judiciary and admission to the profession of clerk) for the years 2025–2026 is an additional problem, which significantly aggravates the existing situation.

Further, the lack of judges' assistants in a sufficient scheme for all levels of jurisdiction, the lack of adequate premises, accompanied by the related logistical support, and insufficient courtrooms are other shortcomings noted by over 60% of judges.

Aspects affecting **the organizational climate and the attractiveness of the profession**
It can be seen that the constant re-discussion of the status of the judge and the public discourse to discredit the magistracy and denigrate the profession of judge are real reasons that affect the organizational climate and decrease the attractiveness of the profession.

There has already been a steady decrease in the attractiveness of the judicial profession, an aspect reflected in the annual statistics related to the competitions for admission to the National Institute of

[76] The analysis can be found at the following link:
https://www.csm1909.ro/ViewFile.ashx?guid=b9044195-e4be-4ff2-be6c-da9ac705d2ea-InfoCSM

Magistracy. In the long term, this trend risks affecting the quality of justice, as graduates with top results from law schools turn to other legal careers.

Further, 1808 judges filled in the open questions that involved indicating up to three real problems of the judicial system that are insufficiently addressed, ordered according to importance and indicating the important issues for the independence of the judiciary that are erroneously or superficially presented by the media.

A detailed analysis and extensive classification will be carried out on these questions, taking into account all the nuances and particularities of the issues raised in the answers to the open-ended questions.

The problems reported in the media material published in December 2025.
In the chapter on issues related to **the continuity of the panel**, 8.4% of respondents (192) indicated that they were replaced from the panel, while 91.6% (2081) were not replaced. As such, the replacement of judges in panels is carried out only in case of necessity and has a legitimate character. It can be concluded, therefore, that, although the panels of judges have a dynamic character, there being numerous situations in which judges have been replaced in the panel as a result of objective reasons or reasons related to the specialization of judges, the cases in which these steps have been criticized from the point of view of legality or opportunity are isolated, even punctual, cannot be generalized or qualified as a systemic problem.

In the chapter on the assessment of the cases that contributed to the limitation **period of criminal liability,** the judges perceived as having a high or very high impact (ratings 4 and 5) in particular the following causes of the limitation period for criminal liability: the passivity of the Parliament. At the same time, the duration of the criminal investigation and the decisions of the Constitutional Court are significant causes. The judges perceived as the last reason regarding the illegitimate or unjustified changes brought to the composition of the panel, an aspect that reinforces the conclusion regarding the generalization and formation of a wrong perception among the public, a perception that has the effect of discrediting justice.

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The pressure exerted on the judicial system that can affect and distort the public's perception of the independence of the judiciary has been noted by several international organizations such as *the European Network of Councils for the Judiciary (RECJ), Magistrats Européens pour la Démocratie et les Libertés, (MEDEL)* or *the European Association of Judges (EAJ).*

On August 22, 2025, *the Executive Board of the European Network of Councils for the Judiciary (RECJ)*[77] issued a Declaration on the situation of justice in Romania, according to which "the ENCJ notes, with great concern, the recent developments regarding the Romanian judicial system. In the ENCJ's view, there are three separate issues, each of which has a negative effect on the independence of the judiciary and the rule of law: (1) an active negative media campaign against justice; (2) the absence of any meaningful consultation with judges on proposed legislation that directly affects the judiciary; and

[77] https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/RO%20Statement%20final%2022%20August%202025.pdf

(3) the instability of the status of magistrates, resulting from continuous significant changes in their basic conditions of employment and retirement."

The RECJ concluded that "the situation in Romania presents an unacceptable combination of attacks on justice, the processing of relevant legislation without proper consultation and the creation of repeated uncertainty regarding the status of magistrates. Either of these would require a statement from the ENCJ. Taken together, in the vision of the ENCJ, these factors constitute a situation of real danger for the rule of law in Romania."[78]

In the latest statement of the Executive Board of the European Network of Councils for the Judiciary (ENCJ) of 17 December 2025 on pressure and intimidation of judges via the media, the ENCJ noted "with concern the negative trends such as pressure on judges and even intimidation, including regular hostile media campaigns by political actors in several ENCJ members and observers" in several states, including Romania. [79]

Through the Declaration of August 12, 2025[80] *, Magistrats Européens pour la Démocratie et les Libertés (MEDEL)* "publicly condemned the current campaign of denigration against the judicial system in Romania, relaunched in July 2025 by the ruling parties under the pretext of reducing the budget deficit." MEDEL warned that "this climate of political hostility, led by high-ranking officials, not only threatens judicial independence, but also erodes public trust in the judiciary and its legitimacy, which is an essential component of the rule of law."

In the same sense is the Resolution of October 12, 2025[81] of the *European Association of Judges (EAJ)* on the defamatory campaign against magistrates and the new law on the modification of the service pensions of Romanian magistrates.
EAJ noted the "extremely aggressive and unprecedented public campaign against justice" but also the fact that "politicians and high-ranking officials blame magistrates - only judges and prosecutors - for all the country's financial problems. Encouraged by this aggressive campaign, a wave of hatred against magistrates was stirred up among the general population." The EAJ noted that this campaign served as a context for the introduction of significant changes to retirement conditions.

- **Judicial Council of the Slovak Republic**

The Judicial Council cooperates intensively with the Ministry of Justice in the preparation of legislative intentions, e.g. on 18 November 2025 Resolution No. 349/2025[82] was adopted at the meeting of the

[78] Also in its conclusions, the ENCJ made "an appeal to Romanian politicians and media to support the judicial system. At the very least, the unfounded attacks on the judiciary and the spread of disinformation about individual judges must stop."
The ENCJ also requested "the Romanian government to carry out an appropriate consultation with the Superior Council of Magistracy on all aspects of the proposed legislative amendments, carefully considering the opinion of the judiciary."
[79] https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/17%2012%202025%20Statement%20of%20the%20ENCJ%20Executive%20Board.pdf
[80] Statement of 25 August 2025, https://medelnet.eu/medel-statement-on-romania/
[81] Resolution of 12 October 2025 on the defamatory campaign against magistrates and on the new law on modification of the service pensions of Romanian magistrates https://www.iaj-uim.org/iuw/wp-content/uploads/2025/10/EAJ-Resolution-on-Romania_Baku-2025.pdf
[82] https://zasadnutia.sudnarada.gov.sk/stanovisko-sudnej-rady-slovenskej-republiky-k-predlozenym-tezam-navrhu-zakona-o-justicnych-cakateloch/?csrt=16753751447411186193

Judicial Council, which supported the basic theses proposed by the Ministry of Justice of the Slovak Republic on the institution of the trainee judge, as well as the need to develop a draft act on trainee judge, with the Judicial Council of the Slovak Republic being ready to participate in this legislative process, also referring to point 9 of Resolution of the Judicial Council of the Slovak Republic No. 95/2025 of 28 February 2025. On 13 August 2025 the Judicial Council approved the opinion on the initiating proposal of the Ministry of Justice of the Slovak Republic to amend the Administrative Procedure Code and instructed the President of the Judicial Council of the Slovak Republic to submit the opinion to the Ministry of Justice of the Slovak Republic for further action by Resolution No. 283/2025. The Ministry of Justice of the Slovak Republic also involves the members of the Judicial Council in its legislative activities by including a member of the Judicial Council elected by the Judicial Council as a participant of the working group on the proposed legislative plan.

By signing the Memorandum of Cooperation [83]also with the Slovak judges' professional organisation - the Association of Slovak Judges in November 2024 - the Judicial Council intensified its cooperation and, for example, on 14 October 2025, by Resolution No. 354/2025[84] the Judicial Council supported the proposal of the Association of the Slovak Judges to include amendments to certain judicial acts in the legislative plan of the Ministry of Justice of the Slovak Republic for 2026 and instructed the President of the Judicial Council of the Slovak Republic to inform the Ministry of Justice of the Slovak Republic about the support for the proposal of the Association of Slovak Judges in the approved items for 2026 and also requested support for this proposal.

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

The adoption process of the new judicial legislation dominated most of 2025. In the context of several years of expert coordination, the Judicial Council cooperated primarily with the Ministry of Justice, which drafted the legislative proposals. In February 2025, agreement was reached on the key solutions intended to ensure a balance between judicial efficiency and respect for judicial independence. The Judicial Council invested considerable effort in aligning the amendment to the Judicial Council Act, its core statute, as the draft amendment was frequently modified in ways that narrowed the Council's discretionary powers in appointment procedures and increased the influence of court presidents. Upon the submission of the legislative proposals to the National Assembly, the Judicial Council noted with regret that the texts prepared by the Ministry of Justice diverged significantly from the solutions previously agreed upon. During the subsequent parliamentary procedure, when the independent and autonomous position of the Judicial Council was seriously jeopardised by the amendments tabled and adopted, the Council was likewise unable to fully prevail with its reasoned objections to certain problematic solutions.

The position of the judiciary is increasingly undermined by staffing difficulties, for the resolution of which there appears to be little institutional willingness. The Judicial Council assesses that the Ministry of Justice and the judiciary face an urgent need to overhaul the system of training for judicial professions, as the challenges in selection procedures for certain areas of law—particularly criminal and family law—are becoming acute due to a lack of suitable candidates. The Supreme Court is experiencing a shortage of applicants for judicial traineeships, and all courts struggle to find candidates for positions of judicial advisers, which raises concerns about the functioning of the judicial

[83] https://www.sudnarada.gov.sk/memorandum-o-spolupraci/
[84] https://zasadnutia.sudnarada.gov.sk/navrh-zdruzenia-sudcov-slovenska-na-zaradenie-zmien-niektorych-justicnych-zakonov-do-legislativneho-planu-ministerstva-spravodlivosti-slovenskej-republiky-na-rok-2026/?csrt=13732067719467391437
https://www.sudnarada.gov.sk/legislativna-cinnost-sudnej-rady-slovenskej-republiky/

system once the current generation of judges retires in large numbers in the coming years. An even greater challenge is the shortage of judicial support staff; due to an uncompetitive pay system, there is virtually no interest in positions such as court clerks and typists, and many public calls for applications conclude without a single applicant. As a result, many judges must perform a substantial share of non-judicial tasks themselves. The judiciary is also losing technical staff (e.g. IT specialists) to better-paid positions elsewhere, which has slowed down numerous court digitalisation projects—already significantly delayed. Under these circumstances, the number of unresolved cases is increasing, and case-processing times are becoming longer.

The Judicial Council and the judiciary have been unsuccessfully alerting the executive branch to the spatial constraints and security issues in the courts for more than a decade. In particular, the courts in Ljubljana are dispersed across numerous small and inadequate locations for which the Ministry of Justice pays rent. Courts must be provided with appropriate premises, adequate equipment, and uniform and effective security measures. Despite the high rental costs, the idea of constructing a new courthouse in Ljubljana remains only at the planning stage.

- **General Council of the Judiciary (CGPJ) of Spain**

The Spanish political situation is complicated, the confrontations and tensions between the different political parties have not diminished. There are different criminal proceedings that have affected or affect relevant positions of political parties and members of State institutions, autonomous communities and municipalities.

In this context, although the institutional relationship between the CGPJ, the government and the Cortes Generales runs through correct channels, complying with the legal mandates, there are, however, moments of tension given that from some political instances, the actions of some courts are questioned, those that deal with those judicial procedures that affect relevant positions, cases that have affected the Attorney General of the State, former members of the Government of the nation or other areas of the State, as well as relevant politicians, both for public responsibilities and for behaviors that affected their private sphere.

These manifestations of lack of partiality or lack of diligence in some actions have generated situations of tension and have led to demands, especially by the president of the CGPJ, in her public interventions, respect for the judicial proceedings in progress, so that these comments or criticism do not undermine the independence of judges and magistrates in the exercise of their functions.

Consiglio Superiore della

Magistratura

2026 Rule of Law Report - targeted stakeholder consultation

Part 1. Rule of Law Report – Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable)

In 2025, the digital system of the criminal procedure was implemented through actions aimed at overcoming the critical issues encountered during the operational phase and also highlighted in the recommendations received in the 2025 Rule of Law Report.

Although Legislative Decree no. 150 of 10 October 2022 had already introduced a system-wide regulatory framework based on the digital form of procedural acts, electronic filing, and the electronic case file, over the years the actual digitalization has slowed down, not only due to hardware or, more generally, infrastructural shortcomings, but above all because of structural problems with the software (the browser known as "APP" – *Applicativo Processo Penale*) used to support digitalization. In practice, poor and/or inadequate design of workflows and user-side usability was observed, resulting in APP's failure to comply with the provisions of procedural law and affecting its usability and, ultimately, slows down the work of judicial offices; as well as due to hardware or, in any case, infrastructural problems.

The C.S.M. intervened on these issues, as it is responsible for ensuring that the current functioning of the telematic process management program is neutral with respect to judicial activity, avoiding in any way influencing the magistrate's work in the interpretation of rules and in procedural and substantive choices.

In 2025, among the measures adopted to resolve these operational difficulties, the following stand out:

- a) the adoption of a new application (called APP 2.0), which is enabling a more effective approach to the digitalization of criminal proceedings.

- b) the timeline for the transition from a mixed system (digital and analogue) to an exclusively digital system, in order to resolving technical problems already encountered or that may gradually arise.

In this regard, during 2025 electronic filing of acts, documents, requests briefs/pleadings by authorized internal and external parties became mandatory in the following proceedings for the Public

Prosecutor's Office at the ordinary court, for the European Public Prosecutor's Office, for the Divisions of the judge for preliminary investigations of the first instance court, for the first instance court, and for the Prosecutor General's Office at the Court of Appeal (limited to avocation proceedings):

- from January 1st, 2025, in the trial phase and in the pre-trial hearing;

- from April 1st, 2025, in abbreviated proceedings, summary proceedings, immediate proceedings, and for the registration of crime reports pursuant to Art. 335 of the Code of Criminal Procedure.

Implementation has continued and will continue in the same offices in 2026, according to the following timelines:

- from January 1st, 2026, in the preliminary hearing, in plea bargaining (application of the penalty upon request of the parties), in proceedings by criminal decree, in suspension of proceedings with probation, in dismissal proceedings pursuant to Articles 408, 409, 410, 411, and 415 of the Code of Criminal Procedure, as well as in the reopening of investigations pursuant to Art. 414 of the Code of Criminal Procedure; for proceedings concerning precautionary measures (excluding appeals);

- from April 1st, 2026, in proceedings for appeals against precautionary measures, as well as those relating to appeals in matters of evidentiary seizure;

- from July 1st, 2026, for the interception of telephone, computer, or telematic communications, as well as in-person communications.

In 2027, implementation will be completed, by the introduction of mandatory electronic filing in proceedings before the Court of Cassation, the justice of the peace, and the courts of appeal, as well as for international cooperation proceedings and for the enforcement of criminal sentences.

Both interventions (the new APP 2.0 application and the timelines for the mandatory nature of electronic filing) were carried out by the C.S.M. in cooperation with the Ministry of Justice.

In particular:

- the **STO ("*Struttura Tecnica per l'Organizzazione*" = Technical Structure For Organization),** with the support of a specifically created working group, continuously monitored the digitalization of criminal proceedings, presenting three reports: the "STO Report" of January 12, 2025, the "Report on the Dissemination of the Criminal Procedure Application" of March 29, 2025, and the "Report on the Dissemination of the Criminal Procedure Application" of September 15, 2025;

- the C.S.M., having taken note of the critical issues highlighted in the reports, proposed some corrective measures to the Minister of Justice with the resolution of January 22, 2025 ("Critical issues relating to the APP application identified by judicial offices. Update as of 12 January 2025") and with

the resolution of 9 April 2025 (“Critical issues relating to the APP application identified by judicial offices. Update as of 1 April 2025”);

- the Ministry of Justice adopted the C.S.M.’s indications with the DGSIA resolution of March 8, 2025 (“Update and Integration of the Time Schedule of Interventions on the APP application”). The Ministerial Decree no. 2026 of December 31, 2025, subsequently amended the “Regulation introducing further amendments to Decree no. 217 of December 29, 2023, to online criminal trial” resetting—as already noted—the deadlines for the transition to the digital-only system.

A: Independence

Question 1: **Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)**

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

With reference to the rules governing access to the judiciary, on November 5, 2025, the High Council for the Judiciary approved a resolution concerning psychological and behavioral assessment tests for access to the judiciary, as provided for by Article 5 of Legislative Decree No. 44/2024.

This provision amended the examination procedures for the competition for access to the judiciary, introducing, for candidates admitted to the oral examination, an assessment concerning the "lack of unfitness condition for judicial functions, as identified by the High Council for the Judiciary." To this end, specific tests and a psychological and behavioral assessment interview during the oral examination are conducted by the President of the Examination Board with the assistance of an expert psychologist.

In order to implement the statutory provision, the Sixth Commission of the High Council for the Judiciary carried out a comprehensive preliminary work, including hearings of numerous experts in psychology, psychiatry, psychometrics, and occupational medicine, with the aim of identifying suitable instruments for fit assessment to perform judicial functions, as well as defining the structure of the tests and the related evaluation methodologies.

The High Council for the Judiciary considered the assessment to be focused on the cognitive abilities specifically required for the exercise of judicial activity—namely, reasoning skills, learning speed, problem-solving abilities, and adaptability—while excluding the use of personality tests, which were considered to have limited predictive value and to be easily susceptible to falsification.

As a preliminary step, it was deemed necessary to identify the conditions that constitute cognitive ability, an activity to be carried out with the contribution of individuals possessing in-depth knowledge of the specific skills required of magistrates; only thereafter will it be possible to define the assessment tools and the criteria for expressing the judgment.

In order to develop and validate a test specifically calibrated to judicial functions, the resolution provides that this task be entrusted to the Sixth Commission, with the support of four experts in psychology and psychometrics.

Finally, pursuant to Article 8 of Legislative Decree No. 44/2024, the new provisions concerning the competition for access to the judiciary will apply to competitions announced after December 31, 2025.

Again, with reference to access to the judiciary, by resolution of the High Council for the Judiciary of January 22, 2025, an amendment was approved to the Circular concerning the rules governing the appointment of university professors and lawyers as counsellors of the Court of Cassation for distinguished merit. In particular, the provision requiring applicants to submit a certificate of physical and mental fitness was removed, in accordance with statutory provisions that eliminated the need for such documentation; moreover, the reference to the primary legislation governing the technical committee responsible for assessing scientific capacity and the ability to analyze legal provisions was updated.

Question 2: Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

There are no new developments on this point.

Question 3: Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

By resolution of the C.S.M. of January 15, 2025, an amendment was approved to the Consolidated Text on Judiciary Management, which had just entered into force (C.S.M. Resolution of December 3, 2024, which was extensively addressed in the Rule of Law 2025). In particular, Article 29, paragraph 5, which regulates the relevance of some secondment positions as a primary aptitude indicator, is completed by adding to the list of such positions those of Deputy Head of Cabinet, Deputy Head of the Legislative Office, Deputy Head of the Inspectorate, and Deputy Head of Department of the Ministry of Justice, it being necessary to align their legal regime with that of the corresponding top-level positions. The amendment also applies to the calls for applications approved by resolution of December 4, 2024.

Question 4: Allocation of cases in courts

5000 character(s) maximum

The C.S.M. approved, by resolution of October 8, 2025, the amendments to the Circular entitled "*Provisions on temporary replacements, assignments, secondments and magistrates of flexible district staffing plans to ensure the regular performance of the judicial function in the presence of organizational difficulties*" – plenary resolution of June 20, 2018, and subsequent amendments).

While keeping the structure of the provisions unchanged, a partial revision of the text was carried out along three main lines: first, certain corrective measures were introduced that proved necessary to resolve concrete issues arising from interpretative uncertainties encountered in the Council's practice. In addition, a need emerged to harmonize the provisions of the Circular with the significant innovations introduced in matters of judicial organization by Law no. 71 of June 17, 2022 ("*Delegation to the Government to reform the judicial system and to adapt the military judicial system, providing also for rules on legal, organizational and disciplinary matters, on eligibility and redeployment of magistrates and on establishment and functioning of the High Council for the Judiciary*"). The so-called *Cartabia Law* and the implementing legislative decree of 28 March 2024, no. 44, as is well known, significantly reformulated the rules contained in Article 7-bis of Royal Decree no. 12 of January 30, 1941 concerning the organizational working plans of Courts, and those contained in Article 1, paragraph 7, of Legislative Decree no. 106 of February 20, 2006 concerning the organization of the Public Prosecutor's Office, introducing important innovations, in the first case, with regard to the procedure for approving the working project and the duration of the plan, and, in the second case, with regard to the "chart planning process" in adopting the organizational project. The important organizational reform implemented in 2024 made it necessary for the High Council to intervene to adapt the circulars on the formation of organizational tables of Court offices (by resolution of June 26, 2024, and subsequent amendments) and on the organization of prosecutors' offices (by resolution of July 3, 2024, and subsequent amendments). Considering these innovations, it was deemed appropriate to adapt the present Circular as well to the recently introduced organizational reform. Finally, in addition to these revisions, some purely terminological changes were introduced to clarify the meaning of certain institutions governed by the Circular.

Question 5: Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e. g. Council for the Judiciary)

5000 character(s) maximum

By resolution of January 8, 2025, the CSM delivered its opinion on constitutional bill no. 1917/2024 concerning "rules on the judicial order and the establishment of the Disciplinary Court" (widely illustrated in the 2025 Rule of Law Report); the opinion examines the four areas into which the proposed reform is articulated: separation of careers, splitting of the High Council, composition and electoral system, establishment of the High Disciplinary Court.

With reference to the splitting of the High Council, the composition of the two new bodies, and the electoral system for their formation, the CSM noted the following.

The splitting of the self-governing body represents the most innovative and constitutionally incisive aspect of the intervention, as it is not a necessary consequence of the mere separation of careers, which could also have been implemented within the current framework.

Although there is continuity as regards the powers assigned to the two new Councils, the duplication of the self-governing body alters the overall balance of the system: the autonomy and independence of the judiciary are safeguarded by two distinct constitutional bodies, holders of overlapping powers and operating in mutual autonomy.

According to the CSM, this exposes the system to a risk of fragmentation of the governance of jurisdiction, since organizational rules and assessments concerning prosecutorial and judicial offices could develop along sectoral lines, unsuited to a system founded on constant interaction between the two functions.

Similar critical issues arise regarding advisory activity on draft legislation, which could result in separate and potentially divergent opinions, not stemming from a shared reflection of the judiciary. In addition, there are organizational and implementation issues (support structures, decentralized bodies, honorary magistracy, coordination of competences) entrusted to the ordinary Legislature, as well as the risk of institutional conflicts between the two Councils in the absence of coordination mechanisms, with possible consequences on the guarantor role of the President of the Republic, who is called upon to chair both Councils.

Regarding the composition, the reform preserves the essential elements of the constituent framework (presidency vested in the Head of State, a 2/3–1/3 ratio between judicial and lay members,

a vice-presidency entrusted to a lay member, incompatibility with enrollment in professional registers), introducing as a main difference the reduction of *ex officio* members from three to two, limited to the top offices of the Court of Cassation (First President and Prosecutor General), within each relevant Council.

The opinion emphasizes that the original balance also included a further decisive element: the elective legitimacy of judicial and lay members, understood not only as a selection technique but as a means of incorporating pluralism within the judiciary and civil society, and as a prerequisite for the active role of the President of the Republic in bringing together the different perspectives present within the body.

Within this framework, the reform introduces a discontinuity of intensity by replacing the election of judicial members with a "pure" lottery among judges and prosecutors and providing for lay members a "tempered" lottery drawn from a list previously drafted by Parliament.

This affects the basis of legitimacy of self-government more than any modification regarding the electoral system within the elective principle.

For the judicial members, moreover, the reference to the "various categories" disappears, with the risk that representation between trial and legitimacy magistracy is left to chance in the absence of legislative correctives.

As to the rationale, the Report links the lottery to overcoming distortions of electoral competition and to the idea of self-government as a heritage of every magistrate; the CSM challenges this automatism, noting that judicial professionalism does not necessarily coincide with aptitudes and skills useful for governing the organization and for the guarantee function.

It follows that election allows specific capacities to be valued and the balance between pluralism and individual quality to be recomposed, a balance that the lottery tends to remove.

The rules provided for the appointment of lay members also are an issue, since they maintain a strong parliamentary imprint (lottery from a discretionarily selected list) and leave wide margins to the ordinary Legislature, with possible effects of substantial neutralization of the lottery and further uncertainties in applying it.

Ultimately, the choice of the lottery is deemed difficult to reconcile with a conception of the CSM as a constitutional guarantee body; it would lead to a specific outcome: a permanent collegiate body without being based on an elective principle.

Question 6: Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

By resolution of January 8, 2025, the CSM issued its opinion on Constitutional Bill no. 1917/2024 concerning "provisions on the judicial system and the establishment of the Disciplinary Court" (extensively discussed in the 2025 Rule of Law Report); the opinion examines the four areas addressed by the proposed reform: separation of careers, splitting of the High Council, composition and electoral system.

Regarding the establishment of the High Disciplinary Court, the CSM's opinion stated the following.

Numerous critical issues are highlighted in the model of the High Court outlined in the bill, particularly regarding its composition, the selection of its members, and procedural guarantees.

First, the choice to limit the "lottery-eligible" magistrates to those of the Court of Cassation raises substantial issues: the exclusion of trial judges deprives the body of recent and direct experience in first- and second-instance jurisdiction, particularly useful in judging functional offenses, and introduces an implicit "supremacy" of appellate judges over trial judges, contrary to the Article 107 of the Constitution, which distinguishes magistrates only by differences in functions.

Concerning the system for appointing judges, the CSM notes internal inconsistencies between models: a "pure" lottery for magistrates, appointment for presidential appointees, and a "tempered" lottery for parliamentary members.

The lottery for judicial members is entirely random, with no candidacies or declarations of willingness; the Report justifies this by invoking the idea that disciplinary functions, as the highest expression of autonomous governance, should be "widespread" and prerogative of every magistrate.

The opinion challenges this assumption: not all functions suit everyone, as inclinations and aptitudes are not necessarily uniform; this creates risks of inefficiency.

The opinion also contains some uncertainties regarding the presidency of the High Court: the law provides for the election of the President only from among presidential appointees or those drawn from the parliamentary list, excluding lottery-selected magistrates, and it does not clarify the term of

office nor provide a statutory reservation similar to that established for the Constitutional Court, allowing for internal regulation.

Regarding the term of office for judges (four years, non-renewable), it is observed that, as this is a judicial body external to the CSM, the appropriate comparison is with the rules governing Constitutional Court judges: in the case of early termination, the replacement would still serve a four-year term, resulting in a “turn over” composition.

Furthermore, there are no provisions on replacements, possible prorogation, and the term “non-renewable appointment” is ambiguous (does it mean only immediately non-renewable or permanently prohibited?), requiring clarification.

Regarding incompatibility, the rules follow Article 135 of the Constitution but disregard important incompatibilities (with Constitutional Court judges and, preferably, with members of the CSM), which should be addressed by ordinary law — a solution considered inadequate for bodies of constitutional significance.

The sharpest criticism concerns appeals: the bill removes the appeal to the Court of Cassation, providing for a single “internal” remedy before the same High Court in a different composition.

The CSM considers this choice problematic with respect to Article 111, paragraph 7, of the Constitution: disciplinary decisions are final judicial acts, and as such, there should be a possibility of appeal to the Court of Cassation for violation of the law.

The introduction of a double instance of merit concentrated in the same judicial office also presents issues: leaving it to ordinary law creates uncertainty about the nature of the appeal, making it necessary for the second-instance panel to be structurally more “authoritative” than the first-instance panel.

Finally, statutory reservations on offenses, sanctions, procedural forms, and functioning are safeguards, but the reservation on functioning of proceedings is defined as “open” and risky: the law does not regulate the number and composition of panels, nor does it require the presence of both judging and prosecuting magistrates. This could allow the Legislature to configure panels that do not respect overall proportions and different perspectives, with possible constitutional tensions and risks of undue influence, contrary to European standards of independence.

Question 7: Independence/autonomy of the prosecution service

5000 character(s) maximum

By resolution of January 8, 2025, the CSM issued its opinion on Constitutional Bill no. 1917/2024 – "Provisions on the judicial system and the establishment of the Disciplinary Court" – (extensively discussed in the 2025 Rule of Law Report); the opinion examines the four main aspects around which the proposed reform is structured: separation of careers, splitting of the High Council, composition and electoral system, and establishment of the High Disciplinary Court.

Regarding the separation of careers, the CSM notes that first and foremost such separation would imply an almost complete rewriting of the judicial system.

Among the main issues left to ordinary legislation is the access to the judiciary: the bill does not mandate separate competitions for judges and prosecutors, leaving the choice to the Legislature between a single competition with a subsequent option or separate competitions with a "pre-selection" choice. In the case of separate procedures, examinations and content would need to be redefined, including the new psycho-aptitude test.

There is also the issue of participation in competitions: prohibiting a prosecutor from competing for judicial functions (or vice versa) could raise equality concerns regarding access to public office, and the logic of incompatibility due to previous "participation as a party" could logically extend to lawyers as well, producing paradoxical outcomes.

In relation to this is the regulation of the School for the Judiciary: it would be necessary to decide whether to differentiate pre-competition training, initial internship, and ongoing training for the two careers, since a strict separation of careers and governing bodies could appear inconsistent if accompanied by essentially unified training.

The reform would also impact mobility and transitional arrangements, requiring rules for the "crystallization" of functions for magistrates in service, a point also highlighted by the Constitutional Court (ruling no. 58/2022), which stressed the need for transitional measures to avoid immediate blockages and dysfunctions.

A specific issue concerns access to functions of legitimacy: separation would prevent prosecutors from accessing judicial functions in the Court of Cassation and judges from accessing prosecutorial functions in the Court of Cassation. However, the bill introduces a one-way exception through the amendment of Article 106, paragraph 3, of the Constitution, allowing prosecutors with at least fifteen years of service to be appointed Cassation judges "for outstanding merit".

The opinion highlights three critical points: the provision, originally intended for the entry of external candidates (professors/lawyers), would also become the only mechanism for career crossover; the exception operates only from prosecutor to judge, without an immediately

understandable rationale; and it would require an in-depth revision of the implementing regulations (Law no. 303/1998), both quantitatively (quotas and reservations) and substantively, since the concept of "outstanding merit" is modelled on external professional paths and is difficult to apply to prosecutors, making comparisons with professors/lawyers challenging, except with differentiated quotas.

Separation would imply a turning point toward a strict specialization, abandoning approaches that value a common "jurisdictional culture" and cross-experience.

The opinion also notes possible effects on other constitutional bodies, particularly regarding the composition of the Constitutional Court for the quota elected by the Court of Cassation (Article 135 of the Constitution and Law no. 87/1953): separation could make it necessary to reconsider reservations and election procedures (single or separate college for judges and prosecutors).

Among practical consequences, even the issue of logistical proximity between prosecutorial and judicial offices is raised, which could affect the "appearance" of impartiality emphasized by the reform.

At a systemic level, the reform would create two autonomous subsystems, not only due to the irreversibility of the initial choice (except for the "outstanding merits" exception in Cassation) but mainly because every career decision would be assigned to separate self-governing bodies.

Although formally maintaining the constitutional guarantees of prosecutorial independence (Articles 104, 109, 112 of the Constitution), the opinion emphasizes that pre-constitutional experience shows that mere membership in the judiciary is insufficient without additional safeguards: the split could produce a specialized and self-referential prosecutorial body, subject to executive oversight, with potential pressing on the prosecutorial independence, which would impact the protection of rights and equality.

Finally, it is noted that creating two separate Councils would alter the constitutional unity of the judiciary, promoting not only functional but also institutional and cultural separation.

Question 8: Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

No significant updates to report.

Question 9: Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

No significant updates to report.

B. Quality of Justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Question 1: ***[single market relevance]*** Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

During 2025, two measures were introduced that affected legal aid.

- With Law No. 181 of December 2, 2025, "Introduction of the crime of femicide and other legislative measures to combat violence against women and to protect victims", legal aid without income limits (pursuant to Article 76, paragraphs 4-ter and 4-quater, of Presidential Decree No. 115 of May 30, 2002) was extended to victims of attempted femicide and attempted assault, as well as to minor children or adult children who are economically dependent and left orphaned by a parent as a result of the new femicide offense under Article 577-bis of the Criminal Code, for the relevant criminal proceedings and for all civil proceedings arising from the offense, including enforcement proceedings.

- Furthermore, with the Ministry of Justice Decree of April 22, 2025, the income thresholds for accessing legal aid were increased, now set at €13,659.64.

Question 2: Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Regarding human resources, the following competitions, concluded or ongoing, are noted.

By Ministerial Decree of October 22, 2025, a competition by examination was announced for 450 ordinary magistrate positions; the written exams will take place from June 22 to 26, 2026.

As for competitions currently underway, the situation is as follows:

- Competition for 400 ordinary magistrate positions announced by Ministerial Decree of December 10, 2024: the competition commission appointed by the Council is currently marking the written tests drawn by the candidates;

- Competition for 400 ordinary magistrate positions announced by Ministerial Decree of April 8, 2024: oral exams are ongoing;

- Competition for 400 ordinary magistrate positions announced by Ministerial Decree of October 9, 2023: the ranking of 339 successful candidates was approved by resolution on July 24, 2025; the winners are undergoing general internship and will choose their office destination in October 2026;

- Competition for 400 ordinary magistrate positions announced by Ministerial Decree of October 18, 2022: on December 16, 2025, 354 MOT winners of the competition selected their office destination, which serves as a pre-indication pursuant to Article 8 of Circular 13778 of July 24, 2014.

Competition under Ministerial Decree of December 1, 2021, for 500 positions: by plenary resolution of December 3, 2025, the assignment of functions and office destinations locations was arranged for 553 MOT.

In 2025, 1.270 MOT were selected and recruited, 553 among them are already assigned to offices and judicial locations.

Regarding the overall judicial staff, Article 8 of Legislative Decree 117/2025 provides for an increase of 58 positions in the professional judiciary to strengthen the surveillance courts. The Ministry of Justice may announce a competition to hire new magistrates starting from July 1, 2026.

Question 3: ***[single market relevance]*** Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

With Law No. 181 of December 2, 2025, "Introduction of the crime of femicide and other legislative measures to combat violence against women and protect victims," it is established that, in defining the guidelines on training proposed annually by the Minister of Justice to the School of the Judiciary, specific training initiatives on combating violence against women and domestic violence must be included.

This training must cover supranational conventions and directives on combating violence against women and domestic violence, including economic violence, human rights, judicial biases and stereotypes, the cultural roots of the phenomenon, and the promotion of interaction methods with victims that are suitable to prevent secondary victimization. It must take into account the severity of the trauma and respect the victims' personal conditions and age, as well as ensure effective and necessary collaboration with entities working in the prevention and combating of violence against women or domestic violence.

The training is multidisciplinary and must be provided by experts with proven knowledge in the relevant subjects. Participation in at least one of the specific training courses is mandatory for judges with substantive or appellate functions assigned, even on a non-exclusive basis, to handling cases concerning family matters, violence against women or domestic violence, or related areas.

The C.S.M. (High Council for the Judiciary) also expressed an opinion on this innovation, at the request of the Minister of Justice, through a resolution dated November 5, 2025. It noted that the legislative measure's rationale is fully consistent with the Council's approach, which strongly supports specialized training for judges handling gender-based violence cases. The Council submitted two warnings for the Minister's consideration: the Ministry must allocate the necessary resources to effectively implement the training; the reference to "related areas" to "family" or "violence against women or domestic violence" is too vague to be a clear basis for a mandatory training obligation for magistrates.

By the C.S.M. resolution of March 5, 2025, the guidelines for the training of ordinary magistrates, trainee magistrates, honorary magistrates, and judicial head of offices for 2025 were approved. These guidelines were then sent to the School of the Judiciary to define the training needs and corresponding training offerings for 2025. Specifically, the key contents to characterize training in 2025 were identified around the following core areas: judicial system; organizational culture; impact of technological innovations and use of new technologies; ethics; analysis of civil and criminal procedural issues (including, among others, the reasoning of judicial decisions, criteria for drafting

documents, alternative procedures, the office for the trial, protection of victims of gender-based and domestic violence, restorative justice); interdisciplinary training; international protection, immigration, and foreign minors; family and minors sector reform; corporate crisis; labor law; wiretapping; international judicial cooperation; training of managers; training of honorary judges; retraining courses.

By C.S.M. resolution of May 7, 2025, the directives for the internship of magistrates who won the competition for 400 positions, appointed by Ministerial Decree of April 4, 2024, were approved. The resolution indicates the objectives of initial training and the subjects for in-depth study. Specifically, during the general internship period, training is required on the role of the magistrate in society, ethics, relations with other professional categories, the judicial system, investigation, trial and decision-making methodology, and supranational law. For the targeted internship, in addition to specific training in the sector in which the magistrate will operate upon assignment of functions, the resolution identifies essential aspects such as work organization and case management topics.

Question 4: Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

With reference to digitalization, please refer to the point Part 1. Rule of Law Report – Justice System, since on this topic the CSM received recommendations in 2025 Rule of Law Report

Regarding AI, the Parliament has adopted the first implementing measure of European provisions (Law 23.10.2025 – Provisions and Delegations on Artificial Intelligence), which assigns (Art. 15, para. 2) to the Ministry of Justice the regulation of the "use of artificial intelligence systems for the organization of justice-related services, for the simplification of judicial work, and for ancillary administrative activities," while reserving to the magistrate "all decisions regarding the interpretation and application of the law, the assessment of facts and evidence, and the adoption of measures" in cases where AI systems are employed in judicial activity (Art. 15, para. 1).

The CSM (High Council for the Judiciary) adopted detailed “Recommendations on the Use of Artificial Intelligence for the Administration of Justice” (Resolution October 8, 2025), inspired by the principles of legality, transparency, proportionality, and decision-making autonomy, in order to guarantee fundamental rights as well as the independence and impartiality of judicial action.

The CSM notes that AI technologies offer revolutionary opportunities to support research, document analysis, and the organization of information flows. However, these potentials clash with the need to protect personal data, ensure algorithmic transparency, and — most importantly — maintain ultimate responsibility for judicial decisions. In a context where private tools are already accessible to magistrates, the CSM underscores the urgency of defining a framework of guidance and oversight to prevent the use of such technologies from compromising the fundamental principles of the rule of law.

The cornerstone established by the Council is that artificial intelligence must serve exclusively to support, and never replace, the decision-making activity of a magistrate, which remains an exclusively human function, subject to the magistrate's evaluative autonomy and the respect for adversarial proceedings and equality between the parties. Therefore, the introduction of AI is considered compatible with the legal system only if it guarantees transparency in processing and the possibility to verify machine-generated outputs.

Risk analysis is a very important part of the document. It states that AI is not a deterministic but a probabilistic technology: it selects the most likely response among several options. Among the most significant dangers are so-called "hallucinations," i.e., the creation of content without a factual basis, and "sycophancies," i.e., responses that tend to please the user rather than provide objective data. Such errors often stem from insufficient training data or biases embedded in the system by programmers, making AI never fully neutral. Confidentiality risks are also highlighted: data entered into applications could be transmitted to foreign servers or reused for profiling purposes not originally intended.

From a regulatory standpoint, the document refers to European Regulation 2024/1689 (AI Act), which classifies the justice sector as "high-risk." Strict standards for risk management, traceability, and human oversight are therefore imposed on system providers, and August 2026 is set as the date after which only tools with CE marking and registration in the official EU database may be used.

Pending this deadline, the CSM outlines the eligible activities: AI tools may be used for tasks that do not materially affect the outcome of proceedings, such as doctrinal research, summarizing already published rulings, or logistical work organization. Support in drafting "simple" cases of low legal complexity, comparison of accounting documents, and linguistic review of texts are also considered legitimate, provided every result undergoes human review. Conversely, the use of AI to autonomously select the "most relevant" case law is prohibited, as this would affect the interpretive phase reserved for the judge.

The CSM concludes by recommending that the Ministry of Justice develop an internal AI system based on controlled and secure models and establish a "regulatory sandbox" to experiment with new technologies in a protected environment. The importance of professional training for magistrates is also emphasized, so they can develop critical awareness capable of resisting "automation bias," i.e., the uncritical acceptance of technological solutions solely for convenience or numerical efficiency.

Question 5: Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

During 2025, the experimental phase regarding the national average performance standards continued. These standards constitute one of the indicators of the diligence parameter provided for by the current circular on professional evaluations.

In particular, with the C.S.M. resolution of December 18, 2024, the experimental phase was extended to June 30, 2025. The extension was necessary because the data collected during the first phase of experimentation were limited in number and unusable due to the manner in which they were submitted (completion of the relevant forms by hand and submission via photo): they were therefore neither sufficient nor suitable for a thorough and adequate analysis. In order to have a more substantial and varied set of data to analyze, an extension of the experimentation was necessary, and the Judicial Councils were requested to submit, in Word format, for each magistrate involved in the experimentation, both the forms related to the previous experimental period and those related to the new experimental period.

Therefore, the extension makes the C.S.M. resolution of November 8, 2023, concerning the determination of performance standards, still relevant. These standards, in implementation of Article 11 of Legislative Decree 160/06, will identify the minimum productivity threshold below which a single magistrate could present critical issues in professional evaluation, from a retrospective perspective of assessing the magistrate's work (whereas the "expected workloads" represent an a priori identification of a magistrate's work capacity considering the

office's situation). The identification of the standards was carried out taking into account the functions performed by single magistrates, based on statistical analysis conducted by sectors and homogeneous subjects, which — starting from the expected workloads identified by the Council with the resolution of October 25, 2023 — led to establishing the standards within a range oscillating from -30% of the median expected workload up to the median itself, for sectors and major subjects.

Based on these identified values, the Council resolved to initiate an experimental phase for courts, juvenile courts, and courts of appeal. As a result, magistrates under evaluation from February 1st, 2024 (and consequently the head of offices and Judicial Councils) must complete, without any impact on professional evaluation, a form indicating whether the performance standard has been met (or not) and any relevant causes. Based on the data thus collected, the Council will be able to refine standards and make the necessary amendments to the circular on professional evaluations.

Question 6: Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

The plenary resolution of March 19, 2025, analyzes the organizational impacts of the provisions of Legislative Decree 145/2024, which assigned to the Courts of Appeal the authority over the validation of detention measures for applicants for international protection; the CSM examined the scope of application of the new provisions, the statistical estimates regarding the expected increase in proceedings in this area, and the organizational measures adopted by the Courts of Appeal to manage the new responsibilities (assignment to the civil section, use of magistrates from the criminal sections, infra-district application by the specialized section of the Tribunal).

Question 7: ***[single market relevance]*** Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial cases.

5000 character(s) maximum

In the 2025 Rule of Law Report, it was noted that on September 17, 2024, the Government had preliminarily approved a draft legislative decree aimed at introducing supplementary and corrective provisions to Legislative Decree No. 149 of October 10, 2022, on civil and commercial mediation and assisted negotiation.

The draft was approved with Legislative Decree No. 164 of October 31, 2024 (Supplementary and corrective provisions to Legislative Decree No. 149 of October 10, 2022, implementing Law No. 206 of November 26, 2021, delegating powers to the Government for the efficiency of civil proceedings and the revision of the rules on alternative dispute resolution mechanisms, as well as urgent measures for the rationalization of proceedings regarding the rights of individuals and families and enforcement proceedings).

Regarding mediation, the legislative decree addresses both the conduct of proceedings in a digital format and remote participation in meetings — two different scenarios — as well as the seriousness requirements for mediation bodies and training institutions for the purpose of accreditation.

It is clarified that mediation in cases concerning condominium disputes, property rights, partitions, inheritance, etc., is a prerequisite for the admissibility of the initiating claim.

The decree also introduces an increase in the minimum duration of mediation proceedings from the current three months to six months.

Concerning court-ordered mediation, it is provided that mediation proceedings may be ordered by a judge up until the hearing for the referral of the case for decision is scheduled, and not only until the conclusions are specified.

Regarding assisted negotiation, the legislative decree also amends Decree-Law No. 132 of 2014, converted into Law No. 162 of 2014. Like the provisions for mediation, the legislative intervention distinguishes between digital negotiation and remote participation in meetings.

The legislative decree also addresses, in relation to both mediation and assisted negotiation, certain aspects of the rules on state-funded legal aid, introducing clarifications regarding the status of foreigners legally residing in the national territory, stateless persons, and entities or associations that are non-profit and do not engage in economic activity.

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Question 1: ***[single market relevance]*** Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

5000 character(s) maximum

In order to facilitate the achievement of the objectives set out in the NRRP by the deadline of June 30, 2026, Decree-Law No. 117/2025 “Urgent Measures in the Field of Justice” was issued and subsequently converted, with amendments, into Law No. 148/2025.

With D.L. 117/2025, the legislator introduced a series of exceptional measures aimed at achieving the only NRRP objective still pending: the reduction of the civil Disposition Time (DT) by 40% of the total DT (calculated as the sum of DT across the three levels of judgment) compared to the corresponding 2019 values.

These measures, although operating at different levels and having differentiated effects in first instance, appellate, and cassation courts, all contribute collectively to this goal. In particular, it was decided to employ for each office involved in the mission a specific tool: for first-instance offices, extraordinary remote assignment (Art. 3); for appellate courts, extraordinary transfer (Art. 2), along with the contribution of trainee judges (M.O.T., Art. 5); and for the Court of Cassation, the assignment of senior magistrates specialized in the case law (Art. 1). Simultaneously, the legislator assigned the CSM and the heads of the offices affected by these extraordinary measures a series of duties to ensure their implementation.

Specifically (Art. 1), until June 30, 2026, the assignment of senior magistrates of the Court of Cassation (in derogation of the required seniority and professional evaluation criteria) is allowed to perform civil jurisdiction functions beyond the numerical limits established by the relevant legislation, up to a maximum of fifty magistrates.

Article 2 of D.L. 117/2025 increases the staffing of Courts of Appeal that, as of June 30, 2025, have not achieved the NRRP objectives. In these offices, up to twenty magistrates who have obtained at least their first professional evaluation may be assigned. On September 3, 2025, the CSM identified eight Courts of Appeal to receive twenty magistrates via transfer. Following the publication of the corresponding calls for interest, 18 magistrates were transferred, leaving two positions without candidates.

Article 3 of D.L. 117/2025 regulates the remote assignment of ordinary magistrates up to a maximum of 500 units, assigned to first-instance offices identified due to the severity of the delay in

achieving the objective of reducing civil case duration. The aim of this measure is for each assigned magistrate to resolve at least 50 cases by June 30, 2026. By resolution of October 3, 2025, the CSM identified 48 courts to which will be appointed magistrates through remote assignments. Magistrates assigned to these offices may conclude their cases by scheduling remote hearings (Art. 127-bis - Code of Civil Procedure) or by replacing hearings with written submissions (Art. 127-ter - Code of Civil Procedure). It is also provided that "a magistrate assigned remotely participates in council chambers via the same audiovisual connections mentioned in the first paragraph" (Art. 3, paragraph 7, last sentence). The CSM resolution specifies that "a magistrate assigned remotely remains in service at their destination office, where they must continue to maintain adequate productivity, in any case not lower than the average of the section to which they are assigned." Following two calls for interest, a total of 220 magistrates were assigned remotely.

Article 5 of D.L. 117/2025 provides that trainee magistrates (MOT), appointed by Ministerial Decree of October 24, 2023, perform an eight-month session at the Courts of Appeal, participating in civil judicial activities, including council chambers.

Article 1, paragraph 3, of D.L. 117/2025 also temporarily extends the substitution of honorary magistrates to cover staffing vacancies.

Finally, by CSM resolution of October 22, 2025, a temporary derogation from the circular organizing tables of judicial offices was approved, allowing justices of the peace to handle cases concerning the verification of Italian citizenship. This provision is justified by the fact that many of these cases are repeated and usually do not involve particularly complex elements. Given the significant number of such procedures, their resolution by June 2026 is expected to positively impact on the achievement of the NRRP objectives.

Question 2: Any other developments related to the justice system - please specify

5000 character(s) maximum

The CSM adopted a resolution on November 12, 2025, which for the first time systematically analyzes the mobility of magistrates over a period of more than ten years, with the aim of creating a knowledge base to guide future policies in such matters. The goal is to achieve stable staffing levels, both in general to ensure the efficiency of the justice system, and specifically for less desirable offices, where the greatest staffing shortages have been recorded, such as small and medium-sized offices, juvenile offices, or probation offices.

On the proposal of the Third Commission, a resolution was therefore approved that analyzes the flows related to the mobility of ordinary magistrates.

In particular, the resolution examines:

- Data on incoming and outgoing flows, also in relation to the various types of offices.

- Overall data on retirements/terminations of service for other reasons. Regarding the latter, the resolution considers the regular announcement of new competitions necessary to compensate those who retire, also taking into account the increase in service terminations (particularly due to resignations) over the past year.

The mobility trends show that:

- Transfer flows follow the direction from southern offices to central and northern offices.

- There is a trend of low attractiveness for second-instance offices.

- The problem of low attractiveness affects juvenile and probation offices more intensely, also due to their smaller size.

- First-instance appellate offices suffer from serious staffing shortages because of the complexity of their transfer procedures, but at the same time are particularly in demand (although ultimately not fully representative of all territorial realities).

- There is a growing preference for larger offices.

- The number of function changes is low regarding the number of magistrates in service and is decreasing.

The resolution identifies the following potential solutions to mobility issues:

- Ensuring stable staffing levels through analysis of the critical issues linked to the low attractiveness of small and medium-sized offices and, if necessary, providing incentives for retention.

- Monitoring mobility flows in prosecutorial offices to identify potential critical issues, also in view of upcoming reforms.

- Identifying tools — including training initiatives — to encourage adequate staffing of juvenile and probation offices.

- Establishing a stable dialogue with the Minister of Justice to ensure coordination between the publication of vacant posts (first instance, second instance, appellate) and the subsequent transfer of the interested parties according to scheduled timelines.

Regarding transfer procedures for judging and prosecutorial offices of the first and second instance, from January 1 to November 30, 2025, nine announcements were made or published to fill 477 vacant posts, and following the completed procedures, the Third

Commission formulated 386 transfer proposals, which were approved by the Plenary Assembly.

Information within the competence of the Supreme Judicial Council, in connection with the preparation of the chapter on the Republic of Bulgaria of the seventh Rule of Law Report for 2026.

Information on Pillar I "Judicial System"

With regard to the appraisal and competition procedures in the judiciary, the 2025 Rule of Law Report contains a recommendation to take steps to adapt the relevant legal framework in order to avoid the long-term secondment of judges to fill vacant positions. The previous report for 2024 found that "some further progress has been made in avoiding the long-term secondment of judges to fill vacant positions in response to the recommendation made in the 2023 Rule of Law Report", including by taking "steps to adapt the relevant legal framework".
It should be noted that in 2025 and currently, the SJC continues to be institutionally active and committed, aimed at achieving rhythm and rapid completion of the competition procedures concerning the career growth of magistrates. Despite the efforts, long-term secondment continues due to the current regulatory framework concerning competitions and their longer duration.
Thus, as of 15.12.2025, the competitions for transfer to the civil and criminal departments of the district courts, as well as the competition for transfer to the administrative courts, were finalized by decisions of the Judicial College.
The competition for initial appointment to the administrative courts was also concluded.
As a result of this and the allowed preliminary execution of the decisions in various bodies, a total of 80 judges have taken office.
The competition for junior judges has also been completed, and the 38 candidates approved by the Judicial College are undergoing training at the National Institute of Justice.
Again, with a view to filling the competition positions more quickly, which is in the interest of the effective implementation of judicial activity, as well as in view of the findings contained in previous reports related to preventing the long-term secondment of judges as a risk factor for the independence of the judiciary, the administrative procedure for preliminary implementation of the decisions of the Judicial College was applied in most cases.
The work of the competition committees on the competitions for promotion and filling 21 positions in the district courts - civil department, 32 positions in the district courts - criminal department and 17 positions in the administrative courts is active, and their completion is expected in a short time.
The activities of the commission on the competition for promotion and filling 9 vacant "judge" positions in the Supreme Court of Cassation - Commercial Chamber also continue.

Information on Pillar I "Judicial System", Section A "Independence":

In connection with the deadline set for the start of the procedure for a new election of members of the SJC, pursuant to §17 of the Act on the Judicial and Prosecutorial Councils, published in the State Gazette, issue 6 of 2025, effective from 21.01.2025, the Plenum of the SJC (PJSC) in March 2025 discussed the procedures, methods and means for direct election from the professional quota. Subsequently, by decisions of the Judicial and Prosecutorial

Colleges, opinions were requested from the bodies of the judiciary and from the professional community. In May, the summarized opinions were discussed by the PJSC and submitted to the Minister of Justice. The same were published on the SJC website, and a special section was created for this purpose [85]. After a working meeting with the Minister of Justice, the PJSC at the end of May adopted a decision to vote in the upcoming election of members of the SJC from the professional quota by paper ballot. In July, Rules for Conducting Elections of Judges, Prosecutors and Investigators were also adopted [86], which guarantee the secrecy of voting with paper ballots.

The need for changes to the current rules in the JSA regarding the conditions and procedure for conducting direct elections for members of the SJC by judges, prosecutors and investigators, the optimization of the election process in terms of voting methods, the number and location of polling stations, the form of the election campaign of candidates and the profile of members of the SJC were discussed at a meeting of the Partnership Council. The adopted decision [87]supports both types of direct election voting – by electronic voting and by paper ballot. It specifies that in the event of impossibility within the deadline, according to §17 of the Amendments to the JSA Act, in force from 21.01.2025, the electronic information system for direct election of members of the SJC from the quota of the judiciary, implemented in 2017, shall be upgraded in accordance with the standards for electronic voting in European and national legislation and voting by paper ballot shall be used, with specific proposals given on the organization of the polling stations. It is recommended that, in the long term, a new electronic voting system for judges, prosecutors and investigators be developed and implemented.

Also in May 2025, the Supreme Judicial Council discussed the consequences of the decision of the Court of Justice of the European Union (CJEU) of 30 April 2025 in joined cases C-313/2023, C-316/2023 and C-332/2023 in connection with the exercise of the powers of the Supreme Judicial Council. Invitations were sent [88]to all habilitated lecturers in constitutional law and European Union law, who are registered in the national Register of Academic Staff at the National Center for Information and Documentation, to express a legal opinion on the consequences of the aforementioned decisions of the CJEU for the SJC. An invitation was also sent to the National Assembly of the Republic of Bulgaria to hold a joint discussion on the consequences of the decisions in these cases, as well as on the need to bring the regulatory framework into line with them.

On July 15, 2025, the Prosecutorial College (PC) united around the opinion that the mandate of Borislav Sarafov as Acting Prosecutor General continues after July 21, 2025, since the decision to appoint him was taken before the entry into force of Art. 173, para. 15 of the Prosecutorial Law, therefore the 6-month term for holding the position is inapplicable to his mandate.

In September 2025, in connection with a letter from Daniela Taleva - prosecutor at the Supreme Cassation Prosecutor's Office, performing the functions of a prosecutor for the investigation of crimes committed by the Prosecutor General or a Deputy Prosecutor General,

[85] https://vss.justice.bg/page/view/111654
[86] https://vss.justice.bg/root/f/upload/46/Pravila_izbor_chlenove-2025.pdf
[87] https://vss.justice.bg/root/f/upload/45/R01.pdf
[88] https://vss.justice.bg/page/view/111655

the PC adopted a decision establishing that Mr. Sarafov was appointed Acting "Prosecutor General of the Republic of Bulgaria" by virtue of an administrative act that entered into force - a decision of the PC under Protocol No. 21 of 16.06.2023, item 1. 1. The Board practically confirms the aforementioned decision, according to which Mr. Sarafov was appointed Acting Prosecutor General until the new Prosecutor General takes office and accepts that the provision of Art. 173, para. 15 of the JSA is inapplicable to the legal relationship that arose by virtue of its decision that entered into force.

In connection with the aforementioned provision, in July the Judicial College (JC) referred to the Plenum of the Supreme Administrative Court with a request to make a proposal for the appointment of an acting President of the Supreme Administrative Court (SAC). After the SAC Plenum refused to make a proposal in September, the JC sent an invitation by seniority to the judges of the SAC to express their consent to occupy the position. On 14.10.2025, the College appointed the Deputy President of the SAC, Marinika Cherneva, as the acting President of the SAC.

The Supreme Judicial Council has sent four of its representatives - two from each college, to participate in a committee for the selection of candidates for the position of European Prosecutor from the Republic of Bulgaria, established in implementation of a Decision of the Council of Ministers of 29.10.2025.

In the " Public Register of Cases of Encroachment on the Independence of the Judiciary" on the SJC website, four positions of the SC and two positions of the PC have been published, in connection with the infringement of the independence of magistrates and bodies of the judiciary. Since the establishment of the register in 2018, a total of 65 reactions have been published.

Panel of Judges

On February 25, 2025, [89]institutional support was expressed for Miroslav Petrov - judge at the Sofia District Court, regarding a report of a negative campaign related to a judicial act issued by him.

On March 25, 2025, [90]institutional support was expressed for Ivan Kalibatsev - judge at the Plovdiv District Court, in connection with pressure exerted against him during the consideration of an administrative case.

On September 19, 2025, [91]a position was announced regarding media publications, messages from representatives of parliamentaryly represented political parties, and reactions from civil society on court cases of high public interest.

On October 28, 2025, [92]a position was announced in connection with an attack on Ivo Iliev, a prosecutor at the Sofia City Prosecutor's Office.

Prosecutor's Office

On 05.02.2025, [93]a position was announced regarding the frequent cases of undermining the authority of the Prosecutor's Office of the Republic of Bulgaria and attempts to exert pressure on supervising prosecutors.

[89] https://vss.justice.bg/page/view/111427
[90] https://vss.justice.bg/page/view/111495
[91] https://vss.justice.bg/page/view/111910
[92] https://vss.justice.bg/page/view/112032
[93] https://vss.justice.bg/root/f/upload/44/PK-05.02.2025.pdf

On October 24, 2025, [94]a position was announced in connection with the attack against Ivo Iliev - prosecutor at the Sofia City Prosecutor's Office.

In October, in connection with a negative media campaign, clarifications were made [95]regarding the mechanism for determining the remuneration of the members of the SJC and the draft budget of the judiciary for 2026 proposed by the SJC.

Given the principle proclaimed by the Constitution of the Republic of Bulgaria that the independent budget is one of the main guarantors of the independence of the judiciary, the Judicial Council adopted and sent to the Ministry of Finance a series of opinions - on 11.12.2025, on 28.10.2025 and on 25.09.2025, with which it supports the approved parameters of the draft budget of the judiciary for 2026 and the updated budget forecasts for the period 2027 - 2028.

In connection with the 2025 budget procedure, the Judicial Council expressed its opinion in February that it maintained its decision of September 2024 on the approved parameters of the draft budget of the judiciary for 2025 and the updated budget forecasts for the period 2026-2028.

Over the past year, a trend has intensified and emerged for representatives of non-governmental organizations and lawyers to appear as hosts and commentators on podcasts and websites specializing in legal topics. Their opinions and positions influence public attitudes and sentiments, and through their promotion on social networks, the topics they support find development in traditional media. On this occasion, in October 2025, the Civil Council at the Supreme Judicial Council notified [96]the Ethics Commission of the Sofia Bar Association about public appearances by lawyers from the Justice for All Initiative and other colleagues, which are inadmissible under Art. 21 of the Bar Association Act. A position was also adopted [97]against inadmissible behavior in public space, in the person of political figures and lawyers, and public pressure on the work of judicial panels.

In connection with the public response to road injuries and minor victims of road accidents, members of the Supreme Judicial Council held two meetings, and in February the Judicial College heard from representatives of the Association "Angels of the Road", which unites relatives of disabled people or those who died in road accidents. The possibilities for accelerating the work on this type of cases, the rights of the victims and their relatives, and the strengthening of repressive measures against drivers who caused death after using alcohol and drugs were discussed.

The trends in the dynamics of crimes against transport and the new profile of the perpetrator, the legal framework and current case law were discussed by the Partnership Council of the Supreme Judicial Council, prosecutors and representatives of the European Center for Transport Policies. A decision was adopted [98]in support of cooperation between representatives of civil society, judicial authorities and representatives of the Supreme Judicial Council for better informing the public about the administration of justice, in the interest of increasing trust in the activities of the judicial authorities in their mission of legality and justice.

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[94] https://vss.justice.bg/page/view/112023
[95] https://vss.justice.bg/page/view/112042

[96] https://vss.justice.bg/root/f/upload/47/act-240-1-03.10.2025.pdf
[97] https://vss.justice.bg/root/f/upload/47/act-240-2-03.10.2025.pdf
[98] https://vss.justice.bg/root/f/upload/47/R02.pdf

A central role in the proactive communication of the SJC and the judicial authorities is played by the Educational Program of the SJC and the Ministry of Education and Science "The Judiciary - Informed Choice and Civil Trust. Open Courts and Prosecutor's Offices" [99], as well as the Information Campaign "Open Doors Day" [100]. The trend of high interest in the Program continues, with over 100 courts and prosecutor's offices permanently participating in it, and around 30,000 students across the country being covered.

In the course of these initiatives, meetings are held with representatives of vulnerable social groups, potential targets of crimes such as "allo" fraud, domestic violence, distribution and possession of narcotics, human trafficking, incl. migrants , etc. By participating in public events, initiatives, charity campaigns, discussions on important topics, they contribute to strengthening the role of magistrates in the local community.

Bulgarian judges participated in a survey on their personal independence, conducted within the framework of the project "Independence, Accountability and Quality of Justice" for 2024-2025 of the European Network of Councils for the Judiciary, through an anonymous survey [101]published on the website of the SJC.

Representatives of the SJC participate in the projects "Independence and Accountability and Quality of Justice" and "ENCJ Digital Justice Forum", as well as in the thematic groups for dialogue on disciplinary standards and "Judiciary and Media" of the ENCJ for 2025 - 2026.

In June 2025, the SJC received the prestigious first prize [102]of the European Network of Councils for the Judiciary for positive change. It was awarded to the Single Portal for e-Justice with the free mobile application " eCase ".

- Information under item 6 – Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (including judicial review)

With regard to "other significant developments" from January 2025 to the present, related to the disciplinary liability of judges, administrative heads of the court and their deputies, reference should be made to the judgment of 30.04.2025 of the Court of Justice of the European Union in Joined Cases C-313/23, C-316/23 and C-332/23, which ruled that "the second subparagraph of Article 19(1) TEU, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that the principle of the independence of judges precludes the practice of a Member State whereby the members of a body of the judiciary of that Member State - who are elected by its parliament for fixed terms and have the power to scrutinise the activities of magistrates in the performance of their duties, to carry out checks on the integrity and absence of conflicts of interest of magistrates and to propose to another body of the judiciary the initiation of disciplinary proceedings with a view to imposing disciplinary sanctions. penalties for magistrates - to continue to perform their functions after the end of the term of office established by the constitution of the said Member State and until the election of new members by that parliament,

[99] https://vss.justice.bg/page/view/6563
[100] https://vss.justice.bg/page/view/7165
[101] https://vss.justice.bg/page/view/111043
[102]https://vss.justice.bg/page/view/111696

where the continuation of the expired terms of office is not based on an express legal basis in national law containing clear and precise rules governing the performance of those functions, and where it is not guaranteed that such continuation is in practice limited in time.

The aforementioned decision raised questions regarding the compliance of our national legal framework with EU law, in particular with regard to the continuation by the members of the Inspectorate to the Supreme Judicial Council (SJC) of their functions after the expiration of their mandate (to date, the mandates of all ISJC members have expired in 2020 and the National Assembly has not elected new members). In addition, in its official position, published on the ISJC website, the ISJC announced that in view of the decision of 30.04.2025 of the Supreme Judicial Council, it will not exercise its powers under Art. 54, para. 1, items 6 and 8 of the Judiciary Act, i.e. it will not submit proposals to the relevant SJC panel for the initiation of disciplinary proceedings against magistrates, as well as to carry out inspections of magistrates to establish actions that harm the prestige of the judiciary.

In view of the decision of 30.04.2025 of the Supreme Court of Justice, as well as the position of the ISJC, taking into account the importance and role of the administrative heads of courts on the one hand as disciplinary bodies under Art. 314 of the JSA, and on the other - as bodies authorized to make proposals for the initiation of disciplinary proceedings for the imposition of disciplinary punishment, pursuant to Art. 312, para. 1, items 1 and 2 of the JSA, the Commission "Disciplinary Activity and Interaction with the ISJC" at the SC of the SJC, conducted in September 2025 training for administrative heads of courts in connection with the exercise of their powers under Chapter Sixteen of the JSA "Disciplinary Responsibility".

With a decision of 17.11.2025, which entered into force, rendered in adm . case No. 12075/2024, the Supreme Administrative Court of the Republic of Bulgaria accepted that as of the date of submission of the proposal to initiate disciplinary proceedings - 07.03.2024, the ISJC did not have the authority to make proposals to initiate disciplinary proceedings to impose a disciplinary penalty on a prosecutor, as well as to initiate proceedings to establish a conflict of interest in view of the decision of 30.04.2025 of the CJEU in joined cases C-313/23, C-316/23 and C-332/23.

The decision of the Supreme Court of Justice has no factual impact on the activities of the Prosecutorial College in imposing disciplinary sanctions for disciplinary violations committed by prosecutors and investigators. After the amendments to the Judicial System Act of 2016, together with the Inspectorate of the ISJC, a proposal for Initiation of disciplinary proceedings for the imposition of disciplinary punishment on a prosecutor and investigator, administrative head and deputy administrative head may also be made by the respective administrative head and a higher administrative head (as well as the Minister of Justice – Art. 312). A significant part of the incoming proposals for the imposition of disciplinary punishments are from administrative heads of the Prosecutor's Office in the performance of their managerial function in organizing the activities of the respective prosecutor's office and their powers under Art. 312 of the JSA.

In 2023, the Prosecutor's Office of The SJC has initiated 18 **(eighteen)** disciplinary proceedings against prosecutors and investigators - 10 (ten) proposals from the Acting Prosecutor General of the Republic of Bulgaria, 6 (six) are based on proposals from administrative heads and only 2 (two) are based on proposals from the ISJC (on one proposal a disciplinary penalty of "remark" was imposed and it entered into force, and on the other proposal a disciplinary penalty was refused and the case is pending before the SJC upon appeal by the ISJC).

In 2024, the Prosecutor's College initiated 12 (twelve) disciplinary proceedings - 6 (six) at the proposals of the Acting Prosecutor General of the Republic of Bulgaria, 5 (five) at the proposals of administrative heads and 1 (one) at the proposal of the ISJC. At the proposal of the ISJC, the PC refused to impose a disciplinary penalty. The decision of the PC has undergone two-instance judicial control and has been confirmed by the court.

In 2025, the Prosecutor's Office initiated 2 (two) disciplinary proceedings, 1 (one) at the proposal of the Acting Prosecutor General of the Republic of Bulgaria and 1 (one) at the proposal of an administrative manager.

For the period 2023 - 2025, 12 disciplinary sanctions of "remark" were imposed by the administrative heads of the Prosecutor's Office, 7 of which were confirmed by the Prosecutor's College.

The Commission "Disciplinary Activity and Interaction with the ISJC" at the Prosecutor's College of the SJC in 2025 decided to hold in 2026 training seminars for administrative managers in the Prosecutor's Office of the Republic of Bulgaria on disciplinary proceedings and the preparation of proposals for the imposition of disciplinary sanctions, insofar as resolving issues related to the disciplinary liability of prosecutors and investigators is one of the main powers of the Prosecutor's College of the Supreme Judicial Council, pursuant to Art. 130a, para. 5, item 3 of the Constitution of the Republic of Bulgaria and Art. 30, para. 5, item 3 of the Judicial Power Act and the manner in which it is exercised is of essential importance for the legal status of prosecutors and investigators and for guaranteeing their independence as a constitutionally enshrined value of the rule of law.

Information on Pillar I "Justice System", Section B "Quality of Justice" , item 11 Resources of the judiciary (human/financial/material) remuneration/bonuses/awards of judges and prosecutors, including observed changes (significant and targeted increase or decrease in the last year)

For the management of the building stock of the judiciary, construction and repair works for major and current repairs of court buildings are planned and implemented annually, including at the requests of the administrative heads of the judicial authorities, in order to ensure a suitable working environment for magistrates and court employees.

Information under Pillar I "Justice System", Section "C - Quality of Justice", Item 13 Digitalization (e.g. use of digital technologies, including electronic communication tools and artificial intelligence, within the judicial system and with court users, procedural rules, online access to court decisions)

1. Reform of the warrant procedure

In 2025, the reform of warrant proceedings in the Republic of Bulgaria, which began in 2018, will be completed, aiming not only at the comprehensive electronic processing of warrant cases, which constitute 40% of all court cases filed annually in the courts, but also at solving to a large extent the problem of the uneven distribution of the workload of district courts. The processes of globalization and concentration of the population in larger cities have led to a drastic difference in the workload of courts in cities outside the regional centers, which is why the differences in the workload of certain courts reach up to 7 times. On the other hand, the reform aims to accelerate warrant proceedings, as well as introduce a modern, functional and

centralized electronic system for managing warrant proceedings, which will serve as a model for other types of cases. In implementation of Recommendation No. 6 under the Cooperation and Verification Mechanism, the state has committed to identifying and implementing sustainable solutions to overcome the disparities in the workload of the courts, including by preparing a roadmap for reform of the judicial map through the development of e-justice.

At the beginning of its mandate, the Supreme Judicial Council (SJC) set as its priority the limitation of significant differences in workload between district courts. In early 2018, a number of steps were taken to implement a reform of the warrant procedure, which envisages the decentralization of warrant cases by ignoring the principle of local jurisdiction and the introduction of a centralized distribution of warrant cases in order to equalize the workload between district courts. At the proposal of the Commission "Court Record, Workload and Judicial Statistics" (CCJS), with a decision under Protocol No. 7 of 20.02.2018, item 9, the SC of the SJC adopted *a Concept for a System for Centralized Electronic Processing of Warrant Cases* and the same served as a conceptual framework for the projects **"Warrant Proceedings"** in implementation of Contract SRSS/SC2019/012, separate position 1, to the Structural Reform Support Service of the European Commission (EC) and **"Continuing Reform in Warrant Proceedings"** , implemented under Contract REFORM/SC2020/133 to the Directorate-General "Structural Reform Support" of the EC, implemented by Ernst & Young Bulgaria.

By decision under protocol No. 42/01.12.2020 of the SC of the SJC and decision under protocol No. 1/21.01.2021 of the Plenum of the Supreme Judicial Council (SJC), an expert working group was formed with the participation of judges, lawyers, representatives of the academic community and private bailiffs, led by Daniela Marcheva - member of the SJC. The working group was assigned to prepare specific proposals for amendments and supplements to the Civil Procedure Code (CPC) to implement the reform.

By decision of the Supreme Administrative Court under Protocol No. 16/28.04.2022, item 30, the Act on the Civil Procedure Code and the adopted report and annexes thereto on the activities of the expert working group within the framework of the project "Continuing Reform in the Order Procedure", implemented under Contract REFORM/SC2020/133 to the Directorate General "Structural Reform Support" of the EC, implemented by Ernst & Young Bulgaria, were sent to all parliamentaryly represented parties in the National Assembly (NA) and the Council of Ministers (CM) for the exercise of legislative initiative.

At the same time, by Decree No. 157 of the Council of Ministers of 07. 07.2022 , the SJC was designated as the responsible institution for the implementation of investment C10.I1 with the project "Strengthening, further development and upgrading of the Unified Court Information System" from the Recovery and Resilience Plan of the Republic of Bulgaria (RPR). Activity 2 of the project also provides for the creation of a module in the EISS for centralized distribution and fully electronic processing of warrant cases.

By decision under protocol No. 27/15.09.2022, item 11, the PVSS established a working group in implementation of Activity 2 of the project, which, by 31.12.2022, is to prepare and submit to the PVSS a draft of the necessary additions and amendments to the by-laws, as well as to prepare a technical task for the design and construction of a module "Orderly Proceedings" in the EUIS.

, adopted and promulgated in the State Gazette, issue 11/02. 02 .2023, regulates the centralized distribution of warrant cases according to rules adopted by the SC of the SJC, in order to balance the workload of district courts by assessing the workload under the Rules for Determining the Workload of Judges (PONS). Avoiding the general principle of local jurisdiction and facilitating access to justice is achieved through a fully electronic form of warrant proceedings: all procedural actions, including issuing an enforcement order and writ of execution, are carried out in electronic form, and applications and attachments are submitted through the electronic form of the Unified Portal for Electronic Justice of the Republic of Bulgaria (EPEP). The postponement of the law was motivated by the need to ensure conditions for the reform - supplementing the by-laws and building the module for centralized distribution and electronic processing of warrant cases in the EISS.

According to Art. 410, para. 5 of the Civil Procedure Code, as of July 1, 2025, the electronic form becomes mandatory for certain categories of persons – credit and financial institutions, insurance companies, suppliers of energy, gas, water, postal and electronic communications services, notaries, private bailiffs, as well as for state institutions and municipalities. An exception is provided for applicants who are not traders or are not represented by a lawyer, who may submit applications in writing.

According to Art. 410, para. 4, second sentence of the Civil Procedure Code, when the application is submitted electronically, all subsequent procedural actions are carried out in electronic form, with the exception of actions to appeal acts under Chapter 37 and proceedings under Art. 422–424, in order to ensure access to justice and a smooth transition to full digitalization. Applications and acts submitted on paper are processed by the court administration in electronic form.

In implementation of § 20 of the Amendments to the Civil Procedure Code Act (promulgated in the State Gazette, issue 11/02. 02.2023), by decision under protocol No. 30/ 30.10.2023 , items 2 and 3, the Judicial Council adopted the Ordinance amending and supplementing Ordinance No. 5 of 01.06.2017 prepared by the working group on the organization and procedure for keeping, storing and accessing electronic cases and the manner of storing evidence and means of proof in cases, as well as the internal turnover and storage of other information processed by the judicial administration. The same decision also adopted an Ordinance amending and supplementing Ordinance No. 6 of 03.08.2017 on performing procedural actions and certifying statements in electronic form. The two ordinances were promulgated in the State Gazette, issue 93/07.11.2023.

Despite the signed Operational Agreement between the SJC and the "National Fund" at the Ministry of Finance (MF) for the implementation of investment C10.I1 under the project "Strengthening, further development and upgrading of the Unified Court Information System" by the Public Procurement Agency of the Republic of Bulgaria, for more than 10 months the executive branch did not provide funding for the investment to upgrade the Unified Court Information System. This served as a basis for the SJC SC to propose to the 50th National Assembly to adopt an amendment to the Civil Procedure Code, providing for the postponement of the reform in the warrant procedure to 01.07.2025, which was implemented by § 2 of the Act on the Civil Procedure Code (SG, issue 67/09.08.2024).

At its meeting held on 27.02.2024, the SC of the SJC, performing the functions of the Supreme Judicial Council, pursuant to § 23, para. 2 of the PZR of the ZID of the CJB (promulgated by the State Gazette, issue 106/22.12.2023), adopted the Technical Specification

for "Design, development and implementation in the EISS of a module "Centralized distribution and electronic processing of warrant cases", integrated with EPEP" in implementation of Activity 2 of the project "Strengthening, further development and upgrading of the Unified Information System of the Courts" by the PSU of the Republic of Bulgaria. Following a procedure under the Public Procurement Act (PPA), a contract was concluded with "Information Services" AD in May 2024, under which "IO" AD undertakes to carry out all actions related to the design, development and implementation in the EISS of the software product (module) for centralized distribution and fully electronic processing of warrant cases. In connection with the concluded contract and the deadline for implementation of the new module - 01.07.2025, by decision of the SC of the SJC under protocol No. 6/10. 10 .2024, item 17, a working group was established with the participation of judges, the majority of whom have been part of the process of implementing the reform of warrant proceedings for more than seven years. The members of the working group were assigned: providing opinions on the functional specification, system design, prototype, user interface, data models and technical architecture; preparation of a draft of rules and an algorithm for the distribution of warrant cases; testing of the developed functionalities and evaluation of the user interfaces; providing opinions on the readiness for acceptance of the modules and accompanying documentation; assistance in the implementation of the module integrated with EPEP, and user training, etc.

In implementation of Art. 30, para. 5, item 20 of the JSA (new - SG, issue 11 of 2023, in force from 01.07.2025), the SC of the SJC adopted by decision under protocol No. 46/10.12.2024, item 29, Rules for the allocation of cases pursuant to Art. 9, para. 3 of the JSA (the Rules) . The Rules govern the order for the allocation of applications for issuing an enforcement order - both those in which the principle of local jurisdiction is derogated from, and applications filed in compliance with this principle. Cases under Art. 417, para. 1, items 3, 6 and 10 of the Code of Civil Procedure, where applications are submitted in accordance with the rules for local jurisdiction, are registered and distributed through a module for centralized distribution and electronic processing of warrant cases, but only between the judges of the district court at the current address or seat of the applicant, and in the absence of a current address - at his permanent address.

All other warrant cases, exhaustively specified in Art. 410 and Art. 417, para. 1, items 1, 2, 4, 5, 7, 8 and 9 of the Code of Civil Procedure, in which applications are submitted in derogation of the principle of local jurisdiction, are automatically distributed, in the order of their receipt in the module for centralized distribution and electronic processing of warrant cases, among the district judges included in a common group for centralized distribution. This group is formed in accordance with the current internal rules of the relevant courts, and in the absence of such - includes all judges from the relevant district court. The rules also provide for the procedure for inclusion, exclusion and temporary suspension of judges from this common group.

The Rules detail an algorithm for the centralized distribution of warrant cases among district judges throughout the country, while adhering to the principles of randomness, equality, and equalization of the total workload of both district courts and district judges.

The central place in the distribution mechanism is occupied by the determination of the average total workload of the district courts. The leading criteria for calculating the average workload of the district courts include: 1. the actual number of judges serving in the courts (in view of the fact that in most district courts, for various reasons - secondment, maternity leave, promotion after a competition, etc., the actual number of judges is smaller than the formally

occupied staff); 2. the actual workload of the district courts, which includes the sum of the calculated weight coefficients (determined in accordance with the procedure of the PONS) of all cases received in the previous month in each district court, excluding the received warrant cases. The number of assigned warrant cases regulates the equalization of the total workload between the district courts, with low-load district courts being assigned a correspondingly significantly larger number of warrant cases compared to before July 1, 2025, and highly loaded courts such as the Sofia District Court not being assigned warrant cases.

At the beginning of each month, the algorithm calculates the average total workload of each district court, taking into account the weight coefficients of all cases received in the previous month (excluding warrant cases). Courts with a base workload above the average total workload are temporarily excluded from allocation, while courts with a lower workload are included as a priority.

District courts with a base workload below the average total workload receive warrant cases on all working days of the month. As the average total workload approaches, the volume of cases allocated to them gradually decreases, in proportion to the value of the base workload and the actual number of judges included in the centralized allocation group.

Once all district courts reach the average total workload, the algorithm switches to a proportional distribution of warrant cases according to the number of judges in each court.

At the end of each month, the achieved total workload of all district courts is monitored, taking into account the sum of the weight coefficients of all incoming cases and of the warrant cases distributed during the month. The aim is to monitor the convergence of workload between low and high-burdened courts and to ensure that no district courts remain below the average total base workload.

1. 1. Module "Centralized distribution and electronic processing of warrant cases, integrated with EPEP"

The technical aspect of the reform in the writ of execution procedure consists of the developed and implemented in the EISS module "Centralized distribution and electronic processing of writ of execution cases", created in the implementation of Activity 2 "Creation of a module in the EISS for centralized distribution and fully electronic processing of writ of execution cases" of the project "Strengthening, further development and upgrading of the Unified Information System of the Courts", C10.I1 of the PVP of the Republic of Bulgaria. The module ensures complete digitalization of the writ of execution procedure - from electronic submission of applications, through centralized distribution between courts, to the formation and electronic examination of writ of execution cases. Digitalization also extends to the enforcement procedure. After the issuance of the writ of execution and signing of an electronic writ of execution, an electronic account of the writ of execution protected by an access code is created. This process does not require additional actions from the judge or the applicant. The bailiff gains access to the account after the creditor provides him with a protection code generated by the court.

The module provides an interface for access through the electronic portal of the EIS, allowing for the completion and submission in a structured form of single or multiple applications for issuing enforcement orders and objections through a user interface, as well as through a program interface (API) through integration with the users' software systems of the applicants. The process is designed to be significantly easier and faster than the traditional one using paper documents.

The module brings concrete and measurable advantages for all participants in the order proceedings. For creditors, applicants and lawyers, it guarantees application, payment and provision of the service electronically with minimal geographical and technological restrictions:

- Applications can be submitted at any time, including weekends and holidays - 24/7 access. There is no need for the user to comply with the working hours of the courts.

- Filling in the data in the fields of the electronic form: for the parties to the proceedings, for the claim - type, currency, etc., the circumstances from which the claim arises, method and account for payment by the debtor and the claimed expenses, is carried out with fully intuitive functions for accessing the individual sections of the form.

- Interconnected logical checks are implemented depending on the content of completed fields and the display of warning messages when mandatory fields are not completed or their content does not meet the controls.

An important point is that the system automatically checks whether the application meets all formal requirements, whether the necessary documents have been attached, and whether the data has been filled in correctly.

- At the end, the possibility to attach the applications is provided, also the system automatically calculates with a calculated 15% discount the fee due. After filling out the form, it is signed electronically and submitted with a single click of a button.

- After signing the application, the fee can be paid at a virtual POS terminal with a card or by bank transfer to an account at any district court, by attaching a payment order.

- The user immediately receives a unique tracking number. A great convenience is obtaining automatic access to the filed case, without the need to submit a separate application for electronic access, as is the case with other cases.

For applicants outside the circle of persons obliged to submit applications only electronically (Art. 410, para. 5 of the Civil Procedure Code) it is a matter of choice whether to submit an application on paper or electronically. The Module has created functionality for a court officer to enter applications received in the court for issuing an enforcement order, by entering data from the application in specially designated fields (structured data) and attaching a file of the scanned electronic image of the original and the documents attached to it. Paper applications can be submitted to any district court.

- After completing the registration/digitalization of the application by the court officer, the module generates and assigns a unique entry number in the unified electronic register, reflecting the date, time and sequence of receipt of the application.

- Upon completion of the process of filling out and registering applications submitted through EPEP or at the court registry, they are automatically sent to the distribution module in the order of their receipt and are automatically distributed centrally, through random distribution to judges from across the country, regardless of the initial place of submission.

An option has been implemented to register accompanying documents filed in any district court, which can be linked to the relevant warrant case/cases.

1.2. The results regarding the workload in the period July 1-December 31, 2025. of the operation of the module for centralized distribution and electronic processing of warrant cases are as follows:

There is a sustained trend towards an unprecedented reduction in the existing disparities in workload between individual district courts.

- **July 2025:** the calculated average total workload of all district courts as of 01.07.2025 amounts to **14.36 workload units per judge** . **77 district courts** have workloads **below the average** base workload for the country, with the average value being **11.00 workload units per judge** , while **36 courts** have workloads above the average - with a value of **18.04 workload units per judge** . At the end of the month, the average workload of low-burdened district courts reaches **15.33 workload units per judge.** There is a process of convergence of workloads between low- and high-burdened courts and a gradual narrowing of the initial differences;
- **August 2025:** the calculated average total workload of all district courts as of 01.08.2025 amounts to **12.92 workload units per judge** . **78 district courts** have workloads **below the average** baseline workload for the country, with an average value of **9.73 workload units per judge** , while **36 courts** have workloads above the average – with a value of **15.96 workload units per judge** . At the end of the month, the average workload of low-burdened district courts reaches **14.05 workload units per judge,** which is very close to the average workload of high-burdened district courts and confirms the effect of the workload equalization mechanism;
- **September 2025:** the calculated average total workload of all district courts as of 01.09.2025 amounts to **11.66 workload units per judge** . **70 district courts** have workloads **below the average** base workload for the country, with the average value being **8.26 workload units per judge** , while **43 courts** have workloads above the average – with a value of **15.23 workload units per judge** . At the end of the month, the average workload of low-burdened district courts reaches **14.05 workload units per judge.** The process of convergence of workloads between low-burdened and high-burdened courts and a gradual narrowing of the initial differences continues successfully;
- **October 2025:** the calculated average total workload of all district courts as of 01.10.2025 amounts to **11.10 workload units per judge** . **76 district courts** have workloads **below the average** base workload for the country, with the average value being **7.91 workload units per judge** , while **37 courts** have workloads above the average – with a value of **14.58 workload units per judge** . At the end of the month, the average workload (formed as the sum of the average workload at the beginning of the month and the calculated coefficients of the distributed warrant cases as of 31.10.2025) of the low-loaded district courts reaches **12.57 workload units per judge,** which reflects the consistent application of the principle of directing warrant cases to less loaded courts, in order to equalize their workload with that of the high-loaded district courts;
- **November 2025:** the calculated average total workload of all district courts as of 01.11.2025 amounts to **13.29 workload units per judge** . **74 district courts** have a workload **below the average** base workload for the country, with the average value being **9.77 workload units per judge** , while **39 courts** have a workload above the average – with a value of **17.29**

workload units per judge . During the month, all district courts in the group reached the average workload value for the country. During the last days of the month, warrant cases were automatically distributed among all district courts according to the number of judges and the distance of the district courts from the average total base workload. As a result, at the end of the month, the average workload **of the low-loaded district courts reached 14.79 workload units** per judge, which shows that the applied mechanism leads to a reduction in the reported differences and maintenance of an even distribution of workload;

- **December 2025:** the calculated average total workload of all district courts as of 01.12.2025 amounts to **12.19 workload units per judge** . **77 district courts** have workloads **below the average** base workload for the country, with the average value being **9.02 workload units per judge** , while **36 courts** have workloads above the average – with a value of **15.85 workload units per judge** . During the last days of the month, warrant cases were automatically distributed among all district courts according to the number of judges and the distance of the district courts from the average total base workload. At the end of the month, the average workload of the low-loaded district courts reached **13.62 workload units per judge,** which confirms the sustainable nature of the applied model and its effectiveness in balancing the workload.

The data for the first six months show a steady and sustainable leveling of the overall workload of the district courts.

The functioning of the module for centralized distribution and electronic processing of warrant cases demonstrates successful implementation of the goals of the reform, leading to a fairer distribution of the judicial workload, acceleration of court proceedings and significant progress in the digitalization of the judicial system.

The results of the overall implementation of the reform of warrant proceedings and the functioning of the developed module for centralized distribution and electronic processing of warrant cases during the first three months of its implementation were presented at a meeting of the SC of the SJC with a report by Daniela Marcheva and Boyan Novanski - members of the SJC. The report was adopted by decision under minutes No. 29/21.10.2025 of the SC of the SJC and published on the SJC website [103].

Since the implementation of the module, the members of the working group, established in implementation of the decision of the Supreme Administrative Court under Protocol No. 6/10. 10.2024 , have been constantly monitoring its work and holding regular working meetings. At these meetings, all received inquiries and reported problems are considered, and the developer is provided with assistance in eliminating the identified difficulties and shortcomings. This activity continues to the present, monitoring the processes of case distribution, notifications, the functioning of individual modules and other related processes. To date, 15 new versions of the module have been implemented with the help of the working group after July 1, 2025 , aimed at developing basic functionalities and optimizing the process of electronic processing of warrant cases. In view of the fact that warrant cases are processed entirely electronically, the definition of standard notifications (internal system messages) necessary for the electronic management of cases was of particular importance. After the introduction of the module for centralized distribution and electronic processing, the processes were revised and the parameters for notifications were refined. The nomenclature of template

[103] **https://vss.justice.bg/page/view/112022**

forms for orders in writ proceedings was expanded with six more types: A functionality was developed and implemented that allows each judge to create, edit, store and use their own templates . The forms of the writs of execution under Art. 410 and Art. 417 of the Civil Procedure Code were optimized, with refinement of the text content. Text was also added regarding the presence of an electronic batch on the writ of execution . The possibility of preparing an act of obvious factual error (OFG) was implemented , which corrects more than one act. A calculator for statutory interest was implemented , based on the basic interest rate for the period 2015–2025. A screen for configuring the interest rate was developed for the global administrator. The following were added:

- validation of personal identifiers , including checks for: personal identification number, personal identification number, date of birth; UIC, BULSTAT; valid lawyer number entered in the lawyer register.
- nomenclature of types of documents when processing applications in the Centralized Registry;
- automatic download of an address from a previously submitted application;
- the applicant can use the QES to verify the conformity of all attached documents with the original ;
- payment of state fee to the bank account of the higher court upon appeal;
- a calculator for state fees for more than one application , with the system calculating the total amount due;
- possibility to submit a supporting document in cases to which the user is not granted access.

The feedback from the judges also proved to be significant, as the members of the working group held numerous meetings in the appellate regions of Plovdiv, Burgas, Varna, Veliko Tarnovo in October-December 2025, at which all the questions of the district judges regarding the work of the module were discussed. Many proposals were adopted for improving certain processes in the functionalities of the module. A meeting is also forthcoming in the region of the AC-Sofia.

2. "Mediation Module"

In implementation of Activity 2 "Upgrading existing functionalities and creating new functionalities in the EISS" of Reform C10.I1 "Strengthening, further developing and upgrading the Unified Court Information System" of the Recovery and Resilience Plan of the Republic of Bulgaria, in the period 30.09.-30.11.2025, a module for administering the mediations conducted in the cases was developed and implemented in the EISS .

The module provides comprehensive digitalization and automation of the judicial mediation process. The module is designed to facilitate communication between all participants in the mediation process and increase the efficiency of the judiciary by implementing modern technological solutions that optimize the management of mediation procedures and ensure transparency throughout the process.

The implemented mediation module is an integrated part of the EISS, which allows for the complete management of mediation procedures in court cases. The module is designed to cover all stages of the mediation process, from the initial identification of cases suitable for mediation to the final documentation of the results of the procedures. The module maintains

comprehensive information on all mediation centers registered in the system, including data on the coordinators of each center, as well as all mediators participating in the process. This provides centralized access to up-to-date information on available resources and specialists in the field of mediation, which in turn facilitates the process of referring cases to appropriate mediators with the necessary qualifications and experience.

The system provides full functionality for organizing and tracking mediation. It is possible to set a place, date and time for the scheduled information meeting to conduct mediation, and the module maintains detailed information about all subsequent meetings with the court coordinator and the mediator . This functionality ensures precise planning and coordination of all mediation sessions, while creating a clear chronology of events in each case. At each meeting, it is noted whether the parties were present in person or through an authorized representative, which is important for tracking the process and assessing the commitment of the participants. Detailed documentation of the presence and participation of the parties allows for an objective assessment of the mediation process and can serve as an important indicator in the analysis of factors affecting the success of the mediation.

At present, the mediation module of the EISS is actively functioning in the judicial system. A total of 241 mediators are registered in the system , who are distributed in 25 territorial divisions and judicial centers throughout the country. As well as the registered center coordinators, they actively work with the module, regularly noting the meetings held, entering information about the progress of the mediation procedures and attaching the necessary documents to the system. This systematic and consistent use of the module confirms its functionality and applicability in everyday practice, which can be used for analytical and statistical purposes when assessing the effectiveness of mediation as a tool for resolving legal disputes.

The main functionalities that includes " Mediation " module are :

- providing an opportunity, after the initiation of a case and its assignment to the relevant reporting judge, for a court officer or reporting judge to mark an indicator of whether the case is subject to mediation;
- maintaining a list of mediation centers and coordinators for each mediation center;
- maintaining an up-to-date list of mediators for each mediation center, which includes the following circumstances: 1/ the name of the mediator ; 2/ education ; 3/ main profession and professional experience ; 4/ the mediator 's experience in mediation in certain types of disputes; 5/ additional qualification of the mediator in the field of mediation for which he has submitted documents; 6/ the date of entry in the list; 7/ the date of expiry of the mediator 's mandate , as well as the extension of his mandate ; additional circumstances under items 2 – 5 (Art. 31, para. 1 and para. 2 of Ordinance No. 12 of July 28, 2025 on mediators and procedures in judicial mediation centers (adopted by the Supreme Judicial Council with a decision under protocol No. 21/28.07.2025. Promulgated - SG, issue 62 of 30.07.2025) ;
- maintaining the ability to enter information regarding a specific location, date and time of a scheduled information meeting for a mediation procedure or a meeting for a mediation procedure, as well as ensuring the ability to maintain information about all scheduled meetings in a mediation procedure;
- noting whether the parties were present in person or through an authorized representative;

- possibility for a court officer to record information regarding the duration of meetings held;
- an opportunity for a court officer to record the outcome of the mediation procedure, while respecting the principle of confidentiality, and the same shall be provided to the coordinator;
- possibility of reflecting an agreement reached between the parties as a result of mediation;
- possibility of generating monthly reports for statistical purposes regarding information meetings on mediation procedures and mediation procedures;
- opportunity for monthly generation on references for statistically goals regarding the activity on everyone mediator .

With a solution by protocol No. 29/21.10.2025 , item 18.4. and item 18.5. SC of the SJC approved sub nomenclature on statistically codes by civil , commercial and corporate deeds – subcodes on the affairs by Art . 140a, para . 1, items 1 – 11 of the Code of Civil Procedure and templates for statistical accountability on judicial centers by mediation , territorial divisions and mediators who were implemented in the module , which after successfully completion on the tests , okay implemented in the ENIS and worked in real environment and full functionality , considering from 30.11.2025 .

Statistical data regarding the information meetings and mediation procedures held after July 1, 2025 indicate that at this very early stage of assessing the consequences of the reform and with still unresolved material and living conditions and upcoming training of judges and court mediators , between 20-30% of the cases in which a mandatory information meeting was held have ended with an agreement.

Information on Pillar I "Justice System", Section "C – Quality of Justice", Item 14 "Use of assessment tools and standards (e.g. ICT systems, including those based on artificial intelligence for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)"

1. Progress on the system for measuring the workload of judges

The Rules for the Assessment of the Workload of Judges (PONS) regulate objective measures of the legal and factual complexity of court cases, called weight coefficients, and also regulate the procedure for determining the individual workload and the limits of the normal workload of judges in the various courts in the country. The assessment of the workload of the judge has the task of establishing an objective primary measure of workload based on the inherent time required for the consideration and completion of cases of different types according to a previously developed classifier of groups of cases. Each group of cases is given a certain weight/coefficient, which takes into account the time required for their consideration and completion.

In implementation of Art. 11, para. 6 of the PONS and given the need to update the case severity coefficients and the additional activities performed by judges, determined as a result of the empirical study conducted in the period 2014 - 2015, the Commission for the Evaluation of Caseloads at the SC of the SJC took the appropriate actions, by decision under protocol No. 14/16.12.2025, item 2 of the commission, a temporary working group of judges was formed

with the task of reassessing the case severity coefficients of civil, commercial and corporate cases and to specify the scope of the workload groups.

The reassessment aims to ensure **a more objective and up-to-date assessment of the weighted value of cases, taking into account both the legal and factual complexity, as well as the time required for their consideration and completion. By specifying the scope of the workload groups,** a fairer and **more even distribution of the workload of judges from the district courts who consider warrant cases will be achieved, ensuring** that **the centralized electronic distribution of warrant cases** is carried out with real consideration of the time and effort that judges put into considering the cases.

2. Progress regarding the upgraded functions of the EPEP in relation to the work of the module for the distribution of warrant cases:

In the period 01.07.-31.12.2025, an increase in the number of user profiles in EPEP was reported - **588 new profiles of legal entities** and **2,471 of individuals were registered** , which constitutes a growth of 215% on a monthly basis compared to the period before July 1, 2025.

The total number of applications for issuing enforcement orders submitted in the 6 months since the module was launched is nearly 70 thousand, registered in all 113 district courts and through the Unified Portal for e-Justice.

There has been a steady increase in the number of applications for issuing an enforcement order submitted through EPEP - from **83.0%** in July 2025 to over **99%** in December 2025, with in practice about **96%** of all applications being submitted electronically, which means that even persons who are not obligated use this service. For comparison, under the SJC project under OPDG - BG05SFOP001-3.001-0013-C01 " Further development and centralization of the portals in the Public Service for access of citizens to information, e-services and e-justice", in which a function for submitting applications under Art. 410 of the Civil Procedure Code has been implemented, for the entire period since the completion of the project (2022) and to date, the total number of electronically submitted applications under Art. 410 of the Civil Procedure Code amounts to only 18.

Total number of applications submitted under Art. 410 and Art. 417 of the Civil Procedure Code – **69,876** ;

- Applications submitted through EPEP are **66,700 pcs** .;
- Applications submitted through the Registry – **3,176 pcs** .;
- Electronically paid state fees – **8,426 pcs** .;
- State fees paid by bank transfer – **1,794 pcs** .;
- Number of electronic batches of execution orders – **38,416 pcs** .

65,900 enforcement orders have been issued for the enforcement cases initiated in the first 6 months since the module was launched , with nearly 70% of them being issued within 3 days, with the average time for issuance from initiation of the case for a total of over 65.9 thousand cases being 4 days . The total number of issued electronic enforcement orders is over 32 thousand. With regard to the first application for issuing an enforcement order since the module was launched, within the month there has already been a voluntary payment of the amount due. This means that the order was also implemented within a month . This process took months before the module was introduced. The total amount of payments reported in the electronic

accounts of enforcement orders in the module for issued enforcement orders is worth over 4.1 million leva.

- **in July 2025,** a total of 9,069 applications for the issuance of an enforcement order were registered, of which 548 were applications filed on the basis of Art. 417, para. 1, items 3, 6 and 10 of the Code of Civil Procedure (local jurisdiction), and 8,521 applications were centrally distributed among 77 district courts with a base workload below the average workload for the country. In the first month of the introduction of the centralized distribution of enforcement cases, 83.0% or 7,074 applications were registered through EPEP, while the remaining 17.0% were filed on paper at the registry;
- **In August 2025,** a total of 9,827 applications for the issuance of an enforcement order were registered, of which 515 were applications filed under local jurisdiction, and 9,799 applications were centrally distributed among 78 district courts with a base workload below the average workload for the country. During the month, the share of applications filed registered through EPEP increased to 95.5% of the applications filed;
- **In September 2025,** a total of 10,674 applications for the issuance of an enforcement order were registered, of which 510 were applications filed under local jurisdiction, and 10,610 applications were centrally distributed among 70 district courts with a base workload below the average workload for the country. In September 2025, the share of applications registered through EPEP reached 97.4%;
- **In October 2025,** a total of 13,349 applications for the issuance of an enforcement order were registered, of which 716 were applications filed under local jurisdiction, and 12,633 applications were centrally distributed among 76 district courts with a base workload below the average workload for the country. In October, only 133 applications (1.1 % of all registered applications) were filed on paper at the registry and 12,500 applications or 98.9% were registered through EPEP;
- **In November 2025,** a total of 12,829 applications for the issuance of an enforcement order were registered, of which 921 were applications filed under local jurisdiction, and 12,955 applications were centrally distributed among 74 district courts with a base workload below the average workload for the country. During the month, the share of applications registered through EPEP reached 99.1% of all applications for the issuance of an enforcement order;
- **In December 2025,** 12,932 applications for the issuance of an enforcement order were registered, of which 545 were applications filed under local jurisdiction, and 12,387 applications were centrally distributed among 77 district courts with a base workload below the average workload for the country. During the month, the share of applications registered through EPEP reached 99.7% of all applications for the issuance of an enforcement order.

3. Material support for digitalization in the judicial system :

In implementation of Activity 3 of Reform C10.I1 "Strengthening, further development and upgrading of the Unified Information System of the Courts" of the Recovery and Resilience Plan of the Republic of Bulgaria, the necessary equipment for the courts to work entirely online with the EISS has been provided through two public procurement procedures for the supply of 3,000 personal computer configurations for court employees and for the supply of 2,200 mobile computers (laptops) for judges. The project provides for a total financial resource of BGN

4,784,800, including: - BGN 2,697,000.00 for personal computer configurations and BGN 2,087,800.00 for mobile computers (laptops). The delivery regarding personal computer configurations was completed on 25.10.2024, respectively the delivery regarding mobile computers (laptops) was completed on 31.10.2024.

In implementation of Activity 4, the data centers have been upgraded through the delivery of hardware and software, which provide the necessary infrastructure for the full digitalization of court proceedings and cases, including the creation of an opportunity for citizens and businesses to access and exchange electronic documents with the judicial system entirely online /in electronic form/. **As a result of the upgrade, the SJC has two modern mirror data centers and one archive center.** The activity has a financial resource of a total amount of BGN 12,940,940.00 excluding VAT or BGN 15,529,128.00 including VAT - implemented on 16.08.2024.

Information on Pillar I "Justice System", Section "C - Quality of Justice", Item 15 "Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialization, in particular specific courts or panels within courts for dealing with fraud and corruption cases"

1. Court card

The reform of the warrant procedure constitutes a real and effective change in the judicial map, as well as the only alternative to a reform affecting the structure and number of courts in the country - a change that is undoubtedly highly debatable and practically denied by the interested public groups. The SJC does not have another, entirely dependent on the will of the council, option for reform of the judicial map. Undertaking serious legislative changes and in general any reform of the judicial map requires a clear and common vision of the other two branches of government - the legislative and the executive.

2. Specialization of courts, in particular specific courts or panels within courts to deal with fraud and corruption cases

In connection with the closure of the specialized justice system, with the adopted Act on the Judicial Service Act, promulgated in the State Gazette No. 32/2022 and in force from 28.07.2022, the jurisdiction in Article 35 of the Code of Civil Procedure of the General Court and the Sofia City Court as the first instance changed.

Cases of large-scale fraud, computer fraud and corruption are subject to the jurisdiction of a district court, and for the city of Sofia, to the Sofia City Court.

According to Art. 35, para. 4 of the Criminal Procedure Code, the Sofia City Court as the court of first instance has jurisdiction over cases of general crimes committed by judges, prosecutors and investigators, by other persons with immunity, by members of the Council of Ministers, as well as cases of crimes under Chapter One and Chapter One "a" of the Special Part of the Criminal Code , unless the special rules of Chapter Thirty-One apply - this category also includes the so-called "cases of corruption at the highest levels of power".

According to the provision of Article 35, Paragraph 5 of the Code of Civil Procedure, the Sofia City Court also has jurisdiction over cases within the competence of the European Public Prosecutor's Office.

Information on Pillar I "Justice System", Section "C" - "Effectiveness of the Judicial System, Item 16 "Length of Proceedings"

1. Reform 3 "Introduction of mandatory judicial mediation"

1. 1. Legal changes

The Supreme Judicial Council (SJC) and the Ministry of Justice (MOJ) are responsible institutions for the implementation of *Stage 227 - Reform 3 "Introduction of mandatory judicial mediation"* of the National Recovery and Resilience Plan of the Republic of Bulgaria (NRRP).

The reform has the potential to significantly reduce the workload of the courts and increase efficiency in the field of civil and commercial justice.

As a result of the joint efforts of the SJC and the Ministry of Justice, with the direct and key participation of the Minister of Justice - Mr. Georgi Georgiev, after the issuance of decision No. 11/01.07.2024 on constitutional case No. 11/2024, by which the Constitutional Court of the Republic of Bulgaria declared almost all provisions governing mandatory judicial mediation unconstitutional, a new bill was drafted, consistent with all the leading motives in the constitutional decision.

The Civil Procedure Code Amendment Act, which amends and supplements the Civil Procedure Code (CPC) and the Mediation Act (M), was adopted by the 51st National Assembly and promulgated in the State Gazette, issue 55/08.07.2025.

With the amendments to the Civil Procedure Code and the Civil Procedure Code, the emphasis was placed on the introduction of a mandatory information meeting for the mediation procedure in a certain range of civil and commercial cases.

Art. 140a, para. 1, items 1 – 11 of the Civil Procedure Code regulate the groups of cases in respect of which the court may oblige the parties to personally participate in an information meeting for a mediation procedure – contractual, family law , labor and commercial disputes. The essential point in the regulation is that the court's obligation to refer to an information meeting in these cases is linked to an assessment of whether the dispute is suitable for referral to mediation and whether there are obstacles to referral (Art. 140a, para. 2 and para. 3 of the Civil Procedure Code). The criteria are clearly and comprehensively stated.

The main goal is to ensure that the parties to certain legal disputes are realistically and objectively informed about the nature and principles of mediation, the procedure in which it is conducted, the role of the mediator , the consequences of reaching an agreement (e.g. return of part of the paid state fee), as well as the benefits of the mediation procedure (time, costs, preservation of relations), compared to the lengthy legal process. The parties voluntarily and jointly agree whether, after the information meeting, they agree to proceed to a proper mediation procedure, which can also be held in the court center.

The information meeting is conducted by a mediator at a court mediation center at the relevant court and within an appropriate period of time before the first open hearing in the case.

The legal amendments also introduce financial incentives for the parties who reach an agreement as a result of a mediation procedure - a refund to the plaintiff of 75% of the paid state fee when the court approves an agreement concluded in a mediation procedure and a refund of 85% of the paid state fee in the event of an agreement reached in a mediation procedure held in a court center after a mandatory information meeting.

The benefits for the parties are expressed in cost savings, time (the mediation procedure develops and ends significantly faster than court proceedings), control over the outcome (the

parties themselves achieve a solution to the dispute, maximally tailored to their interests, and not imposed by the court), and maintaining good relations (essential in family and commercial disputes).

By decision under protocol No. 21/28.07.2025, item 18.1., and in connection with the adopted Act on the Civil Procedure Code (promulgated , State Gazette, issue 55 of 2025), the Council of State for Mediation adopted Ordinance No. 12 of July 28, 2025 on mediators and procedures in judicial mediation centers (promulgated , State Gazette, issue 62 of 2025), as well as an Ordinance amending and supplementing Ordinance No. 11 of October 30, 2023 on the structure and organization of the activities of judicial mediation centers (promulgated , State Gazette, issue 94 of 2023; amended, issue 97 of 2023).

Ordinance No. 12 of July 28, 2025 on mediators and procedures in judicial mediation centers regulates the relations related to the holding of information meetings on mediation procedures and mediation procedures on pending court cases in judicial mediation centers, including the selection, status and training of mediators at these centers.

Ordinance No. 11 of October 30, 2023 on the structure and organization of the activities of judicial mediation centers (adopted by the SJC with decision No. 30/ 30.10.2023 , promulgated - SG, issue 94 of 10.11.2023, in force from 01.07.2024; amended, issue 97 of 21.11.2023, amended and supplemented SG, issue 62 of 30.07.2025) regulates the relations related to the structure and organization of the activities of judicial mediation centers, the status and obligations of the coordinator of the judicial center, as well as the collection of information and the coordination of the activities of the centers. The ordinance regulates the establishment of a Council on Mediation in Pending Court Cases ("Council"). The scope of competence of the Council includes: discussing the summarized statistical information on the activities of the judicial centers, the analyses prepared on its basis, as well as the inquiries and proposals received from the presidents of the courts to which judicial centers have been established, or from the coordinators of the centers in connection with identified problems or established good practices in the work of the judicial centers, proposing solutions to problems that have arisen, identifying positive or negative trends related to the activities of the judicial centers, and making proposals for improving the activities of the centers, proposing appropriate measures for this, including through necessary legislative amendments, as well as determining the communication strategy of the courts with regard to mediation carried out in the judicial centers. Judge Marin Marinov - President of the Appellate Court - Varna was elected as the Chairman of the Council, and the following members were elected: Daniela Marcheva - member of the Supreme Judicial Council; Alexander Angelov - judge at the Sofia City Court; Alexander Angelov - President of the Sofia District Court; Kalin Batalski - President of the District Court - Pernik; Mihail Aleksov – President of the District Court – Pernik; Veselka Zlateva-Kozhuharova – President of the Administrative Court – Pazardzhik; Desislava Zhekova – Judge of the District Court – Varna; Bilyana Gyaurova-Wegertseder – Director of the Bulgarian Institute for Legal Initiatives; Lilia Simeonova – Deputy Chairman of the National Legal Aid Bureau; Mihail Boyadzhiev – Attorney at the Sofia Bar Association; Yanita Toncheva – Attorney at the Sofia Bar Association; Albena Penova – Attorney at the Sofia Bar Association; Donka Avramova – State Expert at the Directorate "Legislation Council", representative of the Ministry of Justice; Desislava Moneva Petkova-Peneva – Representative of the Supreme Bar Council.

1.2. Building the infrastructure of judicial mediation centers

The most essential and significant in terms of time and financial resources is the activity of building mediation centers.

According to Art. 84a. of the JSA (New - SG, issue 11 of 2023, in force from 01.07.2024) a judicial mediation center with territorial divisions at the district courts shall be established at each district court, which shall organize the conduct of mediation procedures in pending court cases in accordance with Chapter Six of the Mediation Act. The possibility is provided for, by a decision of the Supreme Judicial Council, to establish independent judicial centers at individual district courts. The conduct of information meetings and mediation procedures at the judicial center shall be organized by one or more coordinators.

By decision under protocol No. 10/12.03.2024, item 17, the judicial college, performing the functions of the Supreme Judicial Council, approved the premises designated by the administrative heads of the relevant district and regional courts for the establishment of 28 (twenty-eight) judicial mediation centers.

Already in 2023-2024, large-scale actions were taken to provide material resources for the centers at all 28 district courts and their territorial divisions in 113 district courts, or a total of 141 mediation centers. centers in the country, including renovation/s and furnishing of existing and newly built centers, including provision of local premises in all district courts in the country or in other public buildings with a view to facilitating access for citizens.

The work on the implementation of this activity began with a functional analysis of the presence, respectively. lack of premises for mediation in the court buildings. In order to find suitable premises, members of the working group were assigned to conduct inspections of the court buildings. Reports were prepared on the results of the inspections by the project coordinators, appointed by decision under item 10.4. of protocol No. 27/15.09.2022 of the PVSS.

With the help of the administrative heads of the courts and the coordinators, an analysis was carried out, which showed that there were mediation centers for which the necessary premises could not be found. For this reason, assistance was sought from the central and local authorities in providing properties - state and/or municipal property.

Based on the summarized information from regional governors, mayors of municipalities and chairmen of courts, a detailed analysis was prepared of the necessary funds for the renovation and equipment of the premises intended for judicial mediation centers. Since the total cost significantly exceeded the amount of financial resources provided for the project, additional targeted funding was requested, which was denied by the Ministry of Finance.

After securing the necessary funds for the establishment of mediation centers in the regional cities, respectively for the district and regional courts to them, and given the identified shortage of financial resources, funds were allocated for the territorial divisions in all regional courts outside the regional cities. It was necessary to review the possibilities for financing and selecting the premises. It was established that the activity needed to be supported by a restrictive budget, which made it impossible to provide the full amount of funds necessary for carrying out construction and repair activities and purchasing equipment for the premises provided for the purpose.

In order to ensure the activity in the absence of resources, the following steps were taken: in some places, courtrooms in the district courts were initially used, taking into account the schedules of the scheduled sessions; for district courts for which it is objectively impossible to use courtrooms, funds were provided for repairs and equipment, and for others - only funds for equipment.

Despite the limited budget, active steps were taken to financially secure the centers. By decision under item 18 of protocol No. 17/09.04.2024 and decision under item 13, protocol No. 27/18.06.2024 of the SC of the SJC, adjustments were made to the budgets for 2024 of the SC of the SJC and the bodies of the judiciary for the construction of judicial mediation centers. In this way, funds were provided for the judicial centers in each regional city in which a district court and a regional court operate.

By decision under protocol No. 26/11.06.2024, item 56, the Judicial College of the Supreme Judicial Council, performing the functions of the Supreme Judicial Council, pursuant to § 23, para. 2 of the Amendment to the Act on the Judicial Council of the Republic of Bulgaria (promulgated in the State Gazette, issue 106/22.12.2023), approved the premises designated by the administrative heads of the relevant district courts for the establishment of judicial mediation centers, as well as funds in the total amount of BGN 230,190.99 from the earmarked funds in the budget of the Judicial Council, performing the functions of the SJC, for the implementation of Reform 3 "Introduction of mandatory judicial mediation" from the National Recovery and Sustainability Plan for the implementation of construction and repair activities, purchase of air conditioners and equipment.

At present, the work on the construction of judicial mediation centers continues. In the district and regional courts in the country, premises have been provided for holding information meetings on mediation procedures and mediation procedures. In some of them, such as the center of the Varna Regional Court, the premises are insufficient for the number of expected information meetings. The issue of providing suitable premises for the needs of the territorial divisions of the following regional courts remains unresolved: Regional Court – Elin Pelin, Regional Court – Etropole and Regional Court – Samokov .

It should be noted that for the needs of the Sofia District Court (SRC), Sofia City Court (SCC) and Sofia District Court (SOC), where the concentration of cases is greatest, premises are also planned on the 2nd floor of a building at 6 Dragan Tsankov Blvd. The expectations are that the construction and installation works in the building will be completed by the end of February 2026, after which the premises will be equipped and used for their intended purpose as soon as possible.

1.3. Procedure for selecting mediators and appointing court coordinators

By decision under protocol No. 14/26.03.2024, the Judicial College of the Supreme Judicial Council, performing the functions of the Supreme Judicial Council, opened, on the basis of Art. 7, para. 1 of Ordinance No. 10 of October 30, 2023 on the selection, status and activities of mediators in judicial mediation centers, 28 (twenty-eight) procedures for the selection of a total of 254 mediators , determining the number of judicial mediators at each judicial mediation center in a district court.

The motive of the Judicial College for announcing a smaller number of judicial mediators than initially proposed by the presidents of the district courts was the need to conduct a selection through no less than two consecutive procedures, thus ensuring not only the quality

training of the selected mediators , but also allowing them to participate in selection procedures for different judicial districts.

In implementation of the provision of Art. 11, para. 1 of Ordinance No. 10 of October 30, 2023 on the selection, status and activities of mediators in judicial mediation centers, by decision under protocol No. 14/26.03.2024, the Judicial College approved the Methodology for conducting a written test and evaluating candidates for judicial mediators .

Despite the lack of a regulatory requirement to draft a Methodology for conducting the oral interview and assessing candidates for judicial mediators , in order to ensure transparency of the selection procedures, built on the principle of equality and competition based on professional qualities, knowledge and skills, such a method was adopted by decision under protocol No. 22/14.05.2024. The Judicial College approved the Methodology for conducting the oral interview under Art. 12 of Ordinance No. 10/30.10.2023 on the selection, status and activities of mediators in judicial mediation centers.

As a result of the procedures conducted for the selection of judicial mediators, a total of 233 candidates were ranked.

The provision of Art. 20, para. 1 of the Mediation Law, in force until July 1, 2024, provided that only persons with a legal education could be court mediators . Subsequently, the requirement for legal education was dropped, and according to the current version of the said provision, a mediator at a court mediation center can be a person who meets the requirements of Art. 8, para. 1, has completed higher education and has undergone additional selection and specialized training in accordance with the procedure specified in an ordinance under Art. 25.

mediators in early 2026. In view of the above-mentioned legislative change, all mediators who have completed higher education have the opportunity to participate in the upcoming selection procedures.

The preparation for the upcoming selection also includes actions to ensure the participation of retired magistrates in the role of judicial mediators . This approach is widespread and strongly encouraged in a number of European countries, as the experience and reputation of retired magistrates will contribute to the credibility and effectiveness of the process. The general idea and main purpose of involving retired magistrates as mediators is to combine their in-depth knowledge of the legal system with the flexibility and neutrality of the mediation procedure. By participating in mediation procedures, retired magistrates support alternative dispute resolution by bringing authority and legal competence to the mediation process, without compromising the independence of the court.

Currently, Bulgarian legislation prohibits sitting judges from being mediators . According to the provision of Art. 4 of the Mediation Law, mediation is carried out by natural persons. These persons may associate for the purpose of carrying out the activity. Persons performing justice functions in the judicial system may not carry out mediation activities.

The idea of starting the judicial mediation reform with the active participation of retired magistrates in the role of mediators was presented to judges, prosecutors and investigators dismissed from office on the basis of Art. 165, para. 1, item 1 of the Judicial Mediation Act for the period 2015 - 2025. About 100 (one hundred) retired magistrates have expressed interest and opportunity to take part in this key reform for the judicial system.

The role of coordinators is also of key importance for the successful implementation of

the judicial mediation reform. By decision under protocol No. 35/31.10.2023, the SC of the SJC, on the basis of Art. 341, para. 1 of the JSA, supplemented the Classifier of positions in the administration of courts by including a new position in Section II. "Specialized administration", effective from 01.07.2024, "coordinator-judicial mediation center".

The position of "coordinator-court mediation center" has also been added to the Rules for administration in courts. The Rules provide for the possibility that when there is no appointed coordinator, the administrative head with an order assigning his functions to be performed by a court administrator, administrative secretary or another court officer.

Currently, in 27 (twenty-seven) of the district courts (excluding the District Court - Sofia) and 86 (eighty-six) of the district courts in the country, by orders of the administrative heads, court employees have been assigned to perform the functions of coordinator.

In 2026, the mandatory initial training of coordinators, provided for in Art. 12, para. 2 of Regulation No. 11 of 30.10.2023 on the structure and organization of the activities of judicial mediation centers, is to be conducted. The training will include familiarization with the mediation procedure and especially the specifics of coordinating and organizing a judicial mediation center, as well as with the judicial procedure, communication with the parties and their procedural representatives, collection of statistical information and information from the parties on the level of satisfaction with the information meeting or mediation procedure held, and keeping the records of the judicial center. The training will also include familiarization with the work of the "Mediation" module in the EISS.

Information under Pillar I "Justice System", Section "C" - "Efficiency of the Judicial System, "Length of Proceedings"

The procedural laws do not provide for statutory deadlines for the completion of proceedings. There are no standards for the duration or timeframe of judicial proceedings, but the criterion of “reasonable time” is required, within the meaning of the case law of the European Court of Human Rights (ECHR).

In order to statistically report the completion of cases, indicators have been introduced in the approved statistical reporting forms of the courts, which report the period within which cases are resolved, namely:

For civil and commercial cases of first instance, there are two reporting periods introduced - completed up to 3 months, completed from 3 to 6 months, and for appellate civil cases it is up to 3 months and over 3 months. For criminal cases of first and second instance, the reporting periods are two - completed up to 3 months and completed over 3 months. Administrative cases are reported under three categories - within 1 month, from 1 to 3 months and over 3 months. In this way, the statistical data make it possible to make an objective assessment of the duration of court proceedings and the extent to which the examination and conclusion of cases is carried out within the adopted reporting periods, as well as to outline the main trends in the work of the courts.

The summarized statistical data on the activities of the courts, publicly available on the website of the SJC, [104]show that over the past three years, over 80% of the cases completed in the regional, district, appellate, military and administrative courts have been concluded within 3 months. The trend with regard to first-instance civil, commercial and company cases and administrative cases, heard by a regional, district and administrative court, is that on average over 80% of the cases are heard and concluded within three months, with only about 7% being concluded within 3 to 6 months on average. The picture is similar in first-instance criminal cases, where the share of cases completed within 3 months is approximately 83%. The share of second-instance (appeal) civil cases, heard by a district and appellate court and cassation cases, heard by an administrative court, is on average about 70%.

These data show that the judicial system functions effectively, with the majority of cases being heard and concluded within the reported timeframes. Over 80% of first instance cases and around 70% of appeal and cassation cases are concluded within three months, demonstrating the ability of the courts to ensure swift and quality justice.

[104] https://vss.justice.bg/page/view/1082