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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMPILATION

OF VENICE COMMISSION OPINIONS AND REPORTS

CONCERNING COURTS¹

(revised in February 2026)

¹ This document will be updated regularly. This version covers opinions and reports/studies adopted up to and including the Venice Commission's 141st Plenary Session (Venice, 6-7 December 2024).

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I. INTRODUCTION

This document is a compilation of extracts taken from opinions and reports/studies adopted by the Venice Commission on issues concerning courts and councils of justice. It covers notably the establishment, structuring and composition of courts, the role of higher courts vis-à-vis lower courts, presidents and senior judges, remedies for excessive length of proceedings, the composition of councils of justice, their structure and working methods, and appeals against decisions of councils of justice. This compilation does not concern constitutional justice and organisation of prosecution system (these topics are presented in separate compilations).

The compilation is intended to serve as a source of reference for drafters of constitutions and of pieces of legislation on the judiciary, researchers, as well as the Venice Commission's members, who are requested to prepare comments and opinions concerning legislation dealing with such issues. When referring to elements contained in this draft compilation, please cite the original document but not the compilation as such.

Venice Commission reports and studies quoted in this compilation seek to present general standards for all member and observer states of the Venice Commission. Recommendations made in the reports and studies will therefore be of a more general application, although the specificity of national/local situations is an important factor and should be taken into account adequately.

Each citation in the compilation has a reference that sets out its exact position in the opinion or report/study (paragraph number, page number for older opinions), which allows the reader to find it in the opinion or report/study from which it was taken. In order to shorten the text, most of further references and footnotes are omitted in the text of citations; only the essential part of the relevant paragraph is reproduced.

The compilation is not a static document and will be regularly updated with extracts of recently adopted opinions by the Venice Commission. The Secretariat will be grateful for suggestions on how to improve this draft compilation (venice@coe.int).

II. CONSTITUTIONAL AND STATUTORY REGULATION

2.1 Provisions on courts and their structure

“The establishment and jurisdiction of courts, as well as the procedure before the courts, shall be specified by law.”

CDL-INF(1998)015, Opinions on the constitutional regime of Bosnia and Herzegovina, p.44

“It is important that the different types of court are provided for at Constitutional level.”

CDL-AD(2005)003, Joint opinion on a proposal for a constitutional law on the changes and amendments to the Constitution of Georgia by the Venice Commission and OSCE/ODIHR, §102

“Article 125 will be amended to provide that the network of courts and general jurisdiction is to be determined by law, and that the courts are to be established, reorganised and abolished through the law. The intention behind this provision is to prevent such changes being made by means of a decree. Parliament will be empowered (see Article 85) with the right to determine the structure of the court system (called ‘network’ in the Amendments), to establish, to reorganise and to abolish the courts upon the motion of the President of Ukraine. This solution seems to be reasonable and involves the co-operation between various organs. The Venice Commission welcomes that in the future the network will be defined by law.”

CDL-AD(2013)014, Opinion on the Draft Law on the amendments to the Constitution, Strengthening the Independence of Judges and on the Changes to the Constitution proposed by the Constitutional Assembly of Ukraine, §15

“It is a fact that alternative machineries for resolving conflicts are developing in many European states. The relationship between the ordinary courts and these alternative institutions certainly needs to be analysed and even regulated through legal norms. The Constitution is perhaps not the appropriate place to settle such problems, beyond a mere reference to the existence of the problem as such.

It is not necessarily correct that ‘the Constitution must define the individual elements of the court organisational structure’. [...] Only the general framework of the organisation of the court system deserves to be reflected in the Constitution itself.”

CDL-INF(1996)002, Opinion on the regulatory concept of the Constitution of the Republic of Hungary, p. 32

“[...] [A] new provision states that the administrative adjudication is to be organised in two instances encompassing the Administrative Court of First Instance and the High Administrative Court. It seems not very logical to refer expressly to a named first instance court in relation to the administrative law when in the previous paragraph the Constitution provides that first instance courts shall be set up by law. [...] It would be preferable if the rules in the Constitution concerning the administrative courts mirror those concerning the ordinary courts, i.e., to make a specific reference to named courts only in relation to the higher courts, leaving it to organic law to organise all courts of first and second instances. [...]”

CDL-AD(2015)045, Interim Opinion on the Draft Constitutional Amendments on the Judiciary of Albania, §39

2.2 Provisions on the Councils of Justice

“While the new arrangements proposed by the draft Law are important and far-reaching, it is important to ensure their stability. It would be counterproductive to the goal of restoring confidence in the judiciary if the statutory rules could be changed at the next change of government. It therefore appears to be advisable to enshrine in the Constitution itself the method of election of the NCJ members, the security of their tenure, the main functions of the NCJ, and the forms of participation of civil society. The matter of the joint term of the members of the NCJ and the composition of the NCJ alongside European standards (and best practices) could also be addressed on this occasion.”

CDL-AD(2024)018, Poland - Urgent Joint Opinion on the draft law amending the Law on the National Council of the Judiciary of Poland, § 76.

“Because of their primary role as guarantors of the independence of the whole judiciary, the security of tenure and functional immunity of the members of the CJP should be set out in the Constitution. The Constitution should refer to the law for the establishment of clear and limited grounds for disciplinary actions and possibly dismissal, which should not relate to the exercise of their functions as members of the CJP. The legislation should also ensure all appropriate / necessary procedural safeguards, in line with the Constitution.”

CDL-AD(2024)041, Türkiye - Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members, § 63.

“[...] It is positive that the draft Law will be adopted as a law, and not as a decree-law (as the current Decree-Law no. 150/1983). However, certain basic parameters of the composition and powers of the Supreme Council of Magistracy (SCM) should be entrenched in the Constitution, in order not to expose the system of judicial governance to the imperatives of the prevailing politics. Otherwise, any new political majority could be tempted to change the system, which may be detrimental to the independence and efficiency of the judiciary. While a constitutional reform may not be currently on the agenda, if it is to be envisaged in a foreseeable future, the Venice Commission would strongly recommend entrenching some basic rules on the judicial governance at the constitutional level. Procedures before the SCM, discipline and performance evaluations, administration of the judicial process, etc. may be regulated by the ordinary legislation.”

CDL-AD(2022)020, Opinion on the draft law on the independence of judicial courts of Lebanon, §22

“An appropriate method for guaranteeing judicial independence is the establishment of a judicial council, which should be endowed with constitutional guarantees for its [...] powers and autonomy.”

CDL-AD(2007)028, Report on Judicial Appointments by the Venice Commission, §48

“There are various models of functioning of supreme judicial councils, but the fundamental legal status of each apex state institution, including the judicial council, should be embedded in the Constitution. [...]”

CDL-AD(2018)003, Opinion on the Law on amending and supplementing the Constitution (Judiciary) of the Republic of Moldova, §56
See also CDL-AD(2012)014, Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina, §84

“Given their crucial role in appointing judges, the composition of the Supreme Council [of the Judiciary], as well as their appointment or election, should be defined in the Constitution.”

CDL-AD(2005)003, Joint opinion on a proposal for a constitutional law on the changes and amendments to the Constitution of Georgia by the Venice Commission and OSCE/ ODIHR, §102

See also CDL-AD(2019)003, Opinion on the proposed revision of the Constitution of Luxembourg, §108; CDL-AD(2014)008, Opinion on the draft Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, §24

“As stated in previous Venice Commission opinions, what is also very important is to have a well-balanced council, not only between the judicial and non-judicial members, but also among the judicial members so that they represent different types of judges and levels of the judiciary, while ensuring balance between the regions, gender balance etc. This can be difficult to achieve, particularly on a body which if it is to be effective should not have too many members. It is sufficient that the Constitution expresses the principle, while the specific procedures and criteria for a balanced representation of all levels of courts should be regulated in law.”

CDL-AD(2023)039, Opinion of the Draft Amendments to the Constitution of Bulgaria, §48

“The constitutional text should stipulate what to do if the 2/3 majority in the NA required to elect lay members is not reached. The Commission reiterates that without an anti-deadlock mechanism this rule entrenched in the Constitution may become an obstacle to the proper operation of the two councils. [...]”

CDL-AD(2023)039, Opinion of the Draft Amendments to the Constitution of Bulgaria, §50

“The lawmaker should consider including in the Constitution provisions guaranteeing independence and impartiality of individual members of the [Judicial Council] and of the [Judicial Council] as a whole. [...]”

CDL-AD(2014)026, Opinion on the seven amendments to the Constitution of “the former Yugoslav Republic of Macedonia” concerning, in particular, the judicial Council, the competence of the Constitutional Court and special financial zones, §77

“The Montenegrin authorities have decided to propose two separate draft laws in the area of the judiciary: the Draft law on courts and the law on rights and duties of judges and on the High Judicial Council. To adopt two separate laws on this field seems, however, not to be the best solution, as both issues are closely connected. [...]”

[...] ‘[A] single law would make the regulations more coherent and understandable’.”

CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §§13, 14

“The Venice Commission reiterates that the proper functioning of the HJC and the HPC may require creation of sub-bodies [...]; this possibility should be at least mentioned at the constitutional level, while the composition of those sub-bodies and their competency may be described in the implementing legislation.”

CDL-AD(2016)009, Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) of Albania, §20

III. COURTS

3.1 Establishment, structuring and composition of courts

“[...] While it is obviously appropriate that questions pertaining to appeals and the procedure before the various courts are determined in the various codes of procedure, it may be preferable, under the specific conditions of a country newly establishing a judicial system based on the rule of law, to have one comprehensive text covering all questions pertaining to the composition, organisation, activities and standing of the judiciary.”

CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system, p.2

“The most competent body for designing and changing the court network is the High Judicial Council (‘HJC’). The adoption of the network can of course be a competence of Parliament because such decisions have important budgetary implications. However, the initiative for such decisions should come from the HJC rather than the President.

“[...] While it is positive that the court network is established by the Rada, this should not be done through a resolution but through the ordinary legislative procedure.”

CDL-AD(2013)034, Opinion on proposals amending the draft law on the amendments to the constitution to strengthen the independence of judges of Ukraine, §§13-14

See also CDL-AD(2015)026, Opinion on the Amendments to the Constitution of Ukraine regarding the Judiciary as proposed by the Working Group of the Constitutional Commission in July 2015, §18; CDL-AD(2010)026, Joint opinion on the law on the judicial system and the status of judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe, §16

“It would seem that the territorial organisation of the court system under the draft would be based on the administrative structure of [a country], both as regards the local general courts of first instance and the establishment of [...] courts of appeal [...]. While the overriding criteria determining the territorial structure of the court system should be the needs of the court system itself and the facility of access by people to the courts, such a system is acceptable in principle. In a new democracy [...] it would however seem preferable to avoid such a link between administrative division and court organisation to make it more difficult for the administration to exert undue influence on the courts.”

CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system, p.4

“However, it would be preferable to leave the composition of the panels to the rules of procedure.”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §59

“[...] According to [the principle of the ‘lawful’ or ‘natural’ judge and/or panel], the composition of the panel examining a case should be defined in advance by a statute or at least by objective criteria based on the law. [...]

“[...] [T]he First President/Presidents of Chambers [of the Supreme Court] should not have an unlimited discretion in setting up panels, distributing cases amongst them and assigning judges (and lay judges) to the benches.”

CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §§87 and 88

“It would be desirable to avoid extensive involvement of the executive (Ministry of Justice) in adopting court rules for internal operation and procedure and delegate the adoption of the internal regulation and rules of procedure to the courts, within the limits set by the laws.”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §70
See also CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §§81, 82, 118 and 119; CDL-AD(2015)023, Opinion on the Rules of Procedure of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, §§12 and 13

“[...] There is no international standard on the number of judicial instances; the State is free to choose a model which best suits its needs and is compatible with the national legal traditions.”

CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §38

“The court system is rather complex [...]. There are four levels of jurisdiction [...]. It should be kept in mind that a very elaborate and complicated judicial system carries with it the risk of prolongation of proceedings. [...] Thus structural features in a legal system that cause delays are not an excuse under Article 6. Although the Supreme Court is apparently overloaded today, the solution in a longer term can hardly lie in the establishment of additional court levels but in the streamlining of the proceedings and making them more effective. [...] [T]he complicated system of judicial self-government may potentially deprive many judges of the time needed for the real judicial work. [...]”

CDL-AD(2010)003, Joint Opinion on the Draft Law on the Judicial System and the Status of Judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe, §§20-23

“[...] [I]f the President’s function of establishing and liquidating courts is to remain in the Constitution, the future constitutional reform should ensure that the ceremonial character of that function is clearly reflected. [...]”

CDL-AD(2015)007, Joint opinion by the Venice Commission and the Directorate of Human Rights of the Directorate General of Human Rights and the Rule of Law on the Law on the Judiciary and the Status of Judges and amendments to the Law on the High Council of Justice of Ukraine, §34
See also CDL-AD(2015)008, Preliminary Opinion on the Draft Law on amending the Law on the Judicial System and the Status of Judges of Ukraine, §34; CDL-AD(2011)033, Joint opinion on the draft law amending the law on the judiciary and the status of judges and other legislative acts of Ukraine by the Venice Commission and the Directorate of Justice and Human Dignity within the Directorate General of Human Rights and Rule of Law of the Council of Europe, §22

“The Venice Commission [...] consider that the appropriate body to make the ultimate assessment on the number of Supreme Court judges and of the need for more judges is usually the legislator or the High Council of Justice, given that the choice depends, inter alia, on the available budgetary means, which cannot be determined by the Supreme Court judges. It is nevertheless highly recommended that the legislator takes into consideration the opinion of the Supreme Court in the legislative process [...]”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §19

“[...] [I]t may be necessary to fix [in the Draft Code] [...] the number of judges of the Court of Cassation, to avoid ‘packing’ this court by new judges. By contrast, as to the lower courts, it would be better to provide in the Draft Code only general criteria for determining the number of judges and to entrust the SJC and/or Parliament with the power to determine the exact numbers and repartition of judges amongst the lower courts.”

CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §42

“Article 4(3) reads: ‘The total number of judges for each court shall be determined by the HJPC, on the elaborated proposal of the President of the Court and the express consent of the Ministry of Justice’. While the first part of the provision [...] is logical and not objectionable, it is less clear (1) why the proposal should be submitted by the President of the Court, and (2) when this should be done. It seems that since the total number of judges is to be determined for each Court, the President of each Court should make a proposal, but this needs to be clarified. Equally problematic is the requirement of the express consent of the Minister of Justice of BiH. The draft Law does not provide details on whether and in what case the Minister of Justice may refuse consent or what is to happen in such an eventuality, which has the potential to lead to deadlock.”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §25

“Article 4(2) provides that ‘the High Court shall have an equal number of judges from each of the constituent Peoples and the appropriate number of judges from the ranks of Others’. The Venice Commission understands that this provision aims to ensure the equitable representation of various peoples living in the territory of BiH. While such an effort is legitimate in the political sphere, for instance in setting the parameters of the voting system, it would be highly problematic to apply it within the judiciary. [...]

[...] [O]rganising courts along ethnic lines would be wrong, counterproductive and damaging to the credibility of the judicial institutions. [...]

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §§21 and 23

“[...] [S]everal provisions of the Draft confer to the Ministry of Justice powers over the judiciary. Article 47 imposes the obligation on the president of the court to deliver the activity report of the court to the Ministry of Justice, and, at the request of the Ministry of Justice, to deliver specific or periodic reports which are necessary for the performance of tasks falling under their jurisdiction. These obligations seem to place the president of the court in a position of subordination to the Ministry of Justice.

According to Article 50, ‘the performance of court administration tasks shall be supervised by the Ministry of Justice. [...]’. Article 52 further establishes the possibility for the Ministry of Justice to carry out inspections in courts, for example, in relation to the organisation of work in courts [...].

Article 50, para. 2 includes a specific provision which rightly sets out that ‘In exercising its supervision functions, the Ministry of Justice may not take actions that interfere with court’s decision issuance in legal cases’. However, it should be noted that no clear-cut boundary separates supervision of court administration from supervision of fulfilment of adjudicative tasks. [...] It should be considered whether the Judicial Council could be entrusted with the supervision of court administration as defined in Chapter IV of the Draft law on courts [...].

It should be considered to harmonize the two laws in this respect, limiting the supervisory role of the Ministry of Justice in a clearer manner. It is recalled in this context that Montenegro has a long history of risk of politicisation of the judiciary, and that, as proposed in the Draft law on rights and duties of judges and on judicial council, the Judicial Council will have a special (more balanced) composition to combat both this risk and the risk of too corporatist approach within the judiciary.”

CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §§33-36

“The Venice Commission accepts that lay judges may take part in the proceedings before the first instance courts. However, their participation at the level of the SC is, as a rule, ill-advised. [...]”

CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §70

3.1.1 Specialised courts

“[...] [I]t would seem *inter alia* desirable to state clearly that the general courts have residual jurisdiction, i.e. that they are competent to deal with all justiciable matters which are not specifically referred by law to the specialised courts within the overall system.”

CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system, p. 3

“Usually, the Venice Commission refrains from taking a definite stance on the establishment of separate administrative courts. Both models (having special administrative courts or keeping administrative cases within the jurisdiction of ordinary courts) are legitimate. While specialisation may be very useful in certain circumstances, it creates a risk of complicating the system and is not always cost-efficient, especially in small countries. That being said, ‘it is of course perfectly compatible with European standards to introduce administrative courts with specific jurisdiction standing beside the ordinary general courts’.

What may be problematic is where such a three-pillar system has no common highest instance, since the three different chambers remain separated within the Court of Cassation. It may give rise to two types of complications: jurisdictional disputes (disputes about which court is competent to hear a particular case) and inconsistent case law, especially between the civil and the administrative pillars. [...] If different branches of the judiciary are completely separate, there is a risk that they develop conflicting approaches to the same issues.

There are different solutions to this problem. One would be to have a joint chamber with a greater amount of judges, but with separate civil and administrative panels. Within this chamber it would be possible to develop case-management and case-distribution with provisions or routines that could support uniformity. [...]

Another solution would be to keep separate chambers, but provide for a regular (or *ad hoc*) common sitting of all three chambers of the Court of Cassation, which would resolve jurisdictional disputes and ensure coherence of the case law.”

CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §§44-47

See also CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§27-28; CDL-AD(2011)012, Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan, §17; CDL-AD(2002)026, Opinion on the Draft Law on Judicial Power and Corresponding Constitutional Amendments of

Latvia, §§6, 7; [CDL-INF\(2001\)017](#), Report on the Revised Constitution of the Republic of Armenia, §59; [CDL-INF\(1996\)006](#), Opinion on the draft Constitution of Ukraine, p. 15

“[...] The Venice Commission has previously pointed out the need to unify the system of ordinary courts and to transform the high specialised courts into sections within the Supreme Court, with the (possible) exception of the high administrative court. This could help to ensure the harmonisation of case-law and the uniform application of the law and avoid conflicts between courts and would diminish the bureaucracy. It would also reduce the length of the proceedings, which must be reasonable under Article 6 ECHR.”

[CDL-AD\(2015\)026](#), Opinion on the Amendments to the Constitution of Ukraine regarding the Judiciary as proposed by the Working Group of the Constitutional Commission in July 2015, §19.

See also [CDL-AD\(2013\)014](#), Opinion on the Draft Law on the amendments to the Constitution, Strengthening the Independence of Judges and on the Changes to the Constitution proposed by the Constitutional Assembly of Ukraine, §45

“The draft provides for a system of separate economic (arbitration) courts. Such systems exist in various countries and the need for judges to specialise in various areas of commercial law to efficiently deal with commercial disputes justifies dealing with commercial cases separately. It is however more common in Western Europe to use special panels of the ordinary courts for such matters, often providing for the involvement of merchants as lay judges. By contrast, the Ukrainian solution appears problematic since it is a simple continuation of the Soviet model which was based on different legal regulations for individuals and socially owned entities. The conceptual justification for this model does not exist in a market economy in which inter-enterprise relations are governed by private law.”

[CDL-INF\(2000\)005](#), Opinion on the draft law of Ukraine on the judicial system, p. 5

“[The law provides that Regional Courts shall have a Civil Case Panel and a Criminal Case Panel]. Ideally there should be the principle of rotation of the judges between panels from time to time. The same applies to the Supreme Court (having Senates) [...]”

[CDL-AD\(2002\)026](#), Opinion on the Draft Law on Judicial Power and Corresponding Constitutional Amendments of Latvia, §42

“[...] A system of granting jurisdiction to military courts for cases involving civilians and where there seems no need to have recourse to military judges is bound to produce violations of the Convention.”

[CDL-INF\(2000\)005](#), Opinion on the draft law of Ukraine on the judicial system, p. 5

“It is true that military courts exist in other countries and are not objectionable as such. The proposed system nevertheless goes beyond what is acceptable. In a democratic country the military has to be integrated into society and not kept apart. Democracies therefore generally provide for the possibility of appeals from military courts to civilian courts and a final appeal to a panel composed of military officers appears wholly unsatisfactory.”

[CDL-INF\(2000\)005](#), Opinion on the draft law of Ukraine on the judicial system, p. 4

“[...] The transfer of the power to adjudicate misdemeanour proceedings to the judiciary is to be welcomed. Under the current system, bodies in charge of misdemeanour procedure do not have the status of courts, although in such procedures sentence of imprisonment may be passed.”

CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §15

“The arguments for specialisation are notably weak when it comes to central matters of criminal jurisdiction. Measures against individuals suspected of having committed a crime are an important part of criminal procedure. In most countries, criminal judges take such decisions during the investigation phase and in Turkey, even after the establishment of the peace judgeships, criminal judges continue to do so during the prosecution phase. For this reason, all criminal judges must be fully competent to take decisions on such matters.

The creation of a specialist court to deal with pre-trial criminal matters does not appear to be a tradition of judicial systems in many European democracies. [...]”

CDL-AD(2017)004, Opinion on the duties, competences and functioning of the criminal peace judgeships of Turkey, §§59-60

“[...] [I]t is noted that the Republic of Moldova is a relatively small country where it might not be called for to have a judicial system with many different branches. Thus, even if the introduction of specialized courts may be considered to be successful in some countries, it is still necessary to assess the specific situation in the Republic of Moldova. [...]”

CDL-AD(2023)032, Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law on the Anti-Corruption Judicial System and on Amending Some Normative Acts of Moldova, §17

“In order to prevent the overlapping of the administrative jurisdiction with the jurisdiction of the ordinary courts, it is advised to specify that administrative courts will be entitled to consider cases emanating from administrative legislation. This could help to delimit civil, criminal and administrative disputes. Furthermore, it is recommended to address different types of administrative claims in different articles, including admissibility criteria for each type of claim and a specific time-limit for the court to check the admissibility of a complaint.”

CDL-AD(2024)006, Lebanon - Opinion on the draft law on the Administrative Judiciary, §46

3.2 Organisation of work within the courts

3.2.1 The role of the higher courts vis-à-vis the lower courts

“[...] Judicial decisions should not be subject to revision outside the appeal process. [...]”

CDL-AD(2013)035, Opinion on the draft Code on Judicial Ethics of the Republic of Tajikistan, §8

“[...] Th[e] internal judicial independence requires that they be free from instructions or pressure from their fellow judges and vis-à-vis their judicial superiors.

Seeking instructions in individual cases from higher instance judges, who would be deciding the appeal, deprives the parties from an independent review of their judgment, thereby violating their right of access to the courts [...]. Such practice (including providing instructions) is not only inefficient (one level of jurisdiction is, *de facto*, removed), but it also violates human rights. This practice, if persisted in, should be dealt with through disciplinary means against judges taking part in such practice.”

CDL-AD(2014)007, Joint opinion on the draft law amending and supplementing the judicial code (evaluation system for judges) of Armenia, §§15 and 18

See also CDL-AD(2018)032, Opinion on the Concept Paper on the reform of the High Judicial Council of Kazakhstan, §89; CDL-AD(2010)004, Report on the Independence of the Judicial System Part I: The Independence of Judges, §72; CDL-AD(2005)003, Joint opinion on a proposal for a constitutional law on the changes and amendments to the Constitution of Georgia by the Venice Commission and OSCE/ODIHR, §101

“In the previous Opinion, the Venice Commission pointed out different ways in which the Curia and the court leaders can interfere in the administration of justice of the lower courts. The Curia ensures the uniformity of the application of the law by adopting ‘an obligatory decision applicable for courts’ [...], by ‘publishing court rulings and decisions or authoritative rulings’ [...], by making a ‘legal standardisation decision’ [...] and by conducting an analysis of the jurisprudence.

Crucially, chairs and division heads of courts and tribunals continuously monitor the administration of justice by the courts under their supervision and have to inform the higher levels of judgments handed down contrary to ‘theoretical issues’ and ‘theoretical grounds’ [...]. Non-compliance with the rulings of the higher courts could have a negative influence on the evaluation of the judges and thus on their career.

[...] [U]niformity procedure and its system of supervision by the court presidents might have a chilling effect on the independence of the individual judge [...] [and] may only be acceptable if it does not have a negative influence on the career of the judges [...].

[...] The supervision of judges by chairs and division heads of courts and tribunals should be abolished.”

CDL-AD(2012)020, Opinion on the Cardinal Acts on the Judiciary that were amended following the adoption of Opinion CDL-AD(2012)001 on Hungary, §§50-53

“[...] [W]hile a supreme judicial body such as the Supreme Court generally plays a key role in a country, by, among others, providing legal certainty, foreseeability, and uniformity in the interpretation and application of laws, it should not supervise lower courts nor issue guidelines, directives, explanations, or resolutions that would be binding on judges. Article 96 par 2, as amended, allowing the Supreme Court to give mandatory ‘explanations’ should, therefore, be deleted.

At the same time, this does not mean that judges at lower instances may simply ignore the judgments of the Supreme Court. By way of appeal, the Supreme Court will ensure that its interpretation of the law prevails. However, lower court judges should have the possibility to distinguish their cases at hand from previous cases and they should be in a position to present new arguments, which then will be tested at the appeals stage.”

CDL-AD(2016)025, Endorsed joint opinion on the draft law "on Introduction of amendments and changes to the Constitution" of the Kyrgyz Republic, §§68-69

See also CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§102-105; CDL-AD(2018)011, Opinion on the draft amendments to the constitutional provisions on the judiciary of Serbia, §§34 and 35; CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §§22 and 30; CDL-AD(2017)002, Amicus Curiae Brief for the Constitutional Court of the Republic of Moldova on the Criminal liability of judges, §32; CDL-AD(2015)014, Joint Opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic, §72; CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §22; CDL-AD(2014)030, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and Rule of Law (DGI) of the Council of Europe, on the draft Laws amending the Administrative, Civil and Criminal Codes of Georgia, §§33, 34; CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system, p. 4

“[...] Uniformity of interpretation of law shall be encouraged through studies of judicial practice that [...] have no binding force.”

CDL-AD(2015)014, Joint Opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic, §71

See also CDL-AD(2015)008, Preliminary Opinion on the Draft Law on amending the Law on the Judicial System and the Status of Judges of Ukraine, §36

“[...] [T]he highest courts' guidance is very important for the lower courts in the interpretation and implementation of human rights standards in their case-law. It is evident that an appeal procedure before a superior court would provide for better guarantees to the interested parties compared to an appeal procedure before a same level judgeship.

[...] It is hard to see how the system of horizontal appeals can contribute to the objective of standardisation. On the contrary, the horizontal appeals appear to be problematic from the viewpoint of the unification of case-law.”

CDL-AD(2017)004, Opinion on the duties, competences and functioning of the criminal peace judgeships of Turkey, §§72 and 73

“Article 15(3)(b) permits the State Court to reopen criminal proceedings that have been concluded with a legally-binding decision of the Court. This provision is too wide in its current form and would permit the Court to reopen an acquittal in breach of the rule against double jeopardy. The circumstances in which a legally-binding decision can be revisited need to be set out. [...]”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §45

“[...] [I]f a non-judicial body were to review judicial decisions, the rights of all possible victims of the criminal conduct punished by the courts would remain unprotected. In addition, if new circumstances have arisen, including awareness of past miscarriages of justice, only courts can be able to review them in final instance. This is why it is essential that when deciding whether or not a case should be referred to a Court of Appeal, the [commission on the miscarriages of justice] should not touch upon what should have been or should be the outcome of the case at issue.

[...] The establishment of a special ‘chamber for miscarriages of justice’ would be contrary to the constitutional prohibition of extraordinary courts.”

CDL-AD(2013)013, Joint opinion of the Venice Commission and the Directorate for Justice and Human Dignity of the Directorate General of Human Rights and Rule of Law (DG I) of the Council of Europe on the Draft Law on the Temporary State Commission on Miscarriages of Justice of Georgia, §§ 15 and 83

“The newly created Extraordinary Chamber will receive the power to revise legally binding judgments by way of ‘extraordinary control’. [...]”

A system of extraordinary appeals against final judgements existed in many former communist countries. Such system was found by the ECtHR as violating the principle of *res judicata* and of the legal certainty. The proposed Polish system is not entirely identical to the old Soviet system, but has a lot of similarities with it.

[...]

Under the Rule of Law Checklist, the principle of *res judicata* implies that ‘final judgments must be respected, unless there are cogent reasons for revising them’. Some of the proposals made

by the Draft Act are acceptable. For example, Article 86 § 1 provides for the reopening of the proceedings where there has been a violation of human rights and freedoms. In such circumstances, the reopening must be possible, but *only under certain conditions* – namely, where the Constitutional Tribunal of Poland or the ECtHR established the fact of such violations.”

CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §§53-54, 62

“[According to the draft amendments to] the constitution of Kyrgyzstan, the Supreme Court of the Kyrgyz Republic has a right of legislative initiative. The Commission finds that the Supreme Court should not be directly involved in the negotiating efforts to force specific draft legislation through the parliament because this could draw the Supreme Court into the political arena and may thus endanger its independence.”

CDL-AD(2002)033, Opinion on the draft amendments to the Constitution of Kyrgyzstan, §29

3.2.2 Allocation of cases

“[...] Article 32 and 144 of the draft Law empower the presidents of the courts to distribute casefiles amongst judges of their courts in accordance to the case-weight guidelines adopted by the Scientific Committee, established by the Evaluation Commission. It is positive that the law seeks to ensure that the work is distributed amongst judges fairly. However, having clear and foreseeable principles of distribution of incoming cases has another benefit: it reinforces the important principle of a “natural judge”, which is an additional guarantee of fairness of the proceedings. One possible solution is to introduce a system of more or less random allocation of cases of the same category or weight to the judges of a given court. Presidents of the courts should not be able to allocate (or transfer) specific sensitive cases to “appropriate” judges, even if, at the end of the day, the workload within a given court is distributed evenly. That does not exclude that the principles of distribution of the workload should allow for some flexibility, and take into account specific competencies of certain judges, but the discretion of the President in these matters should be limited by pre-established rules and any departure from these rules should be permissible in clearly defined conditions and should be objectively justified and explained in each specific case. These rules could be established at the sub-legislative level but should be accessible and sufficiently detailed, in order to ensure transparent and fair distribution of cases and exclude arbitrariness.”

CDL-AD(2022)020, Opinion on the draft law on the independence of judicial courts of Lebanon, §103

“[...] The Venice Commission considers that the competence of the presidents of the courts to define the allocation rules, as long as there are general rules fixed in advance, is a possible solution, which does not affect, as such, core international and European standards, provided that the rules are drawn up taking into account the opinion of judges and on the basis of objective circumstances, according to reasonable criteria set in the law itself. Deciding that certain types of cases must be heard by a chamber composed of five judges may be a sensible option, since in higher courts, especially in supreme courts, the reinforcement of collegiality in the formation of judgment increases the guarantees and can contribute to the consistency of jurisprudence and to better justice. In the specific case, the Venice Commission considers that the criteria established by law are suitable for the President of the Curia to set up an adequate case allocation system in the internal rules of procedure, but it would be advisable to determine in the law itself what are

the criteria for increasing to five the number of judges sitting in the panel for certain types of cases.”

CDL-AD(2021)036, Opinion on the amendments to the Act on the organisation and administration of the Courts and the Act on the legal status and remuneration of judges adopted by the Hungarian parliament in December 2020, §32

“[...] [T]he Venice Commission strongly recommends that the allocation of cases to individual judges should be based to the maximum extent possible on objective and transparent criteria established in advance by the law or by special regulations on the basis of the law, e.g. in court regulations. Exceptions should be motivated.”

CDL-AD(2010)004, Report on the Independence of the Judicial System Part I: The Independence of Judges, §§62, 81
See also CDL-AD(2002)026, Opinion on the Draft Law on Judicial Power and Corresponding Constitutional Amendments of Latvia, §70.7.

“[...] [T]he Venice Commission recommends that the Hungarian authorities use other mechanisms for the distribution of cases [...] ‘[...] for example on the basis of alphabetical order, on the basis of a computerised system or on the basis of objective criteria such as categories of cases’. The general rules (including exceptions) should be formulated by the law or by special regulations on the basis of the law, e.g. in court regulations laid down by the presidium or president. It may not always be possible to establish a fully comprehensive abstract system that operates for all cases, leaving no room to decisions regarding allocation in individual cases. There may be circumstances requiring a need to take into account the workload or the specialisation of judges. Especially complex legal issues may require the participation of judges who are expert in that area. Moreover, it may be prudent to place newly appointed judges in a panel with more experienced members for a certain period of time. Furthermore, it may be prudent when a court has to give a principled ruling on a complex or landmark case, that senior judges sit in on that case. The criteria for making such decisions by the court president or presidium should, however, be defined in advance on the basis of objective criteria. [...]”

CDL-AD(2012)001, Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary, §91
See also CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§107-108; CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia, §39; CDL-AD(2011)012, Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan, §27

“[...] [I]t should be made sure that specialisation of judges cannot be used to circumvent the system of random case assignment [...]”

CDL-AD(2010)026, Joint opinion on the law on the judicial system and the status of judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe, §13

“[...] [W]henever there is an electronic case-attribution system [of distribution of cases amongst judges], the rules according to which it operates must be clear and it should be possible to verify their correct application. Ideally, the allocation should be subject to review. [...]”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §80

“[...] If there are to be exceptions to the general principle of random allocation of cases, they should be clearly and narrowly formulated in the law. Setting of the method of distribution of cases should not be within the discretionary power of the MoJ.”

CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §120

“Articles 31 to 33 establish the rules concerning the adoption by the president of the court of the annual schedule of assignments. It is a well-conceived system, which excludes any external interference, provides for the participation of the judges of the court and guarantees transparency.”

CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §37

3.2.3 Transfer of cases from one judge to another

“[...] [W]orkload statistics provide objective statistical data, but they are not sufficient as a basis for the decision on transferral [...]. In order to prevent any risk of abuse, court presidents and the President of the NJO (National Judicial Office) should not have the discretion to decide which cases should be transferred or to select the ‘sending’ or ‘receiving’ courts. In addition, any such case allocation should be subject to review in order to take into account possible harsh situations where persons without the means to come to a court that is far away from their home town.”

CDL-AD(2012)001, Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary, §91

“The second urgent topic is the procedure of the transfer of cases. While the NJC adopted criteria on the selection of the court, which is to receive the case, the most critical decision is the selection of individual cases by the president of the overburdened court. The amendments do not provide for the establishment of criteria for this selection.

The NJC should be mandated to establish such criteria, which would have to be objective (e.g. a transparent random selection). The conformity of the selection of a case with such criteria should be the standard for the judicial review of the transfer.

In addition, further issues are linked to the transfer of cases:

1. the date of notification of the transfer to the parties should be the starting point for the 8 days deadline for appeals against transfers, not the date of their publication on the web-site;
2. in case of annulment by the Curia of the assignment of a case to another court, the case should be dealt with by the original court and the President of the NJO should not be able to assign a case to another court instead;
3. even if the Curia uses the NJC's principles on the transfer of cases, the President of the NJO should be explicitly bound by them (and not only ‘take them into account’) and the judicial review of the transfer of cases should not be restricted to compliance with ‘legal provisions’ but should explicitly include the principles established by the NJC;

4. as a contradiction of the principle of equality of arms, the competence of the Prosecutor General to give instructions that charges be brought before a court other than the court of general competence should be removed.”

CDL-AD(2012)020, Opinion on the Cardinal Acts on the Judiciary that were amended following the adoption of Opinion CDL-AD(2012)001 on Hungary, §§90-91
See also CDL-AD(2013)012, Opinion on the fourth amendment to the fundamental law of Hungary, §§73-75

“Cases should not be transferred from a judge without good reason [...]”

CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia, §42
See also CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §53

3.2.4 Presidents (chairpersons) and senior judges: appointment, status, role and powers

3.2.4.1 Appointment of the presidents

“[...] [T]he power of the President to appoint the chairmen of all courts without any involvement of the Council of Justice [...] appears to be problematic.”

CDL-AD(2004)044, Interim Opinion on Constitutional Reforms in the Republic of Armenia, §60
See also CDL(1999)088, Interim report on the constitutional reform In the Republic of Moldova, §26

“[...] The possibility for appointment of the First President [of the Supreme Court] *ad interim* should be limited to situations of real emergency; the Draft Act should provide for an automatic solution (like the appointment of a most senior amongst the Presidents of the Chambers, which does not involve the exercise of the discretion by the President of the Republic) and be limited in time. [...]”

In principle, the appointment of the First President by the President of the Republic is within the range of acceptable solutions, as long as the judiciary is meaningfully involved in the process. [...]”

CDL-AD(2017)031, Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts, §§73 and 75
See also CDL(1995)074rev, Opinion on the Albanian law on the organisation of the judiciary, p. 2

“[The draft according to that] Chief Judges of the various courts with the exception of the Chief Judge of the Supreme Court are elected by [the parliament...] is problematic from the point of view of judicial independence. The election of the respective Chief Judge by his peers would be preferable.”

CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system, p.3
See also CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia, §71; CDL-INF(1998)015, Opinions on the constitutional regime of Bosnia and Herzegovina, Chapter B.I, §9

“[...] Indeed, the Commission had indicated in former opinions that granting the final decision on both the appointment and the dismissal of the President of the Supreme Court to the Parliament conveyed the impression of political control. This proposed amendment fully takes such criticism into account, and eliminates any political intervention in the choice of the President of the Supreme Court. In this respect, the transparency of the procedure for appointment and dismissal of the President of the Supreme Court by the two-third majority of the Judicial Council, at the proposal of the Supreme Court’s judges, should be ensured.

As concerns the proposal set out in the second set of amendments, the requirement of a two-third majority represents an improvement compared to the present situation; however, the Venice Commission considers that the first proposal – election and release from duty by the Judicial Council - is more appropriate and should be retained.”

CDL-AD(2012)024, Opinion on two Sets of draft Amendments to the Constitutional Provisions relating to the Judiciary of Montenegro, §§16-17

“The President of the Supreme Administrative Court is elected for a nine-year term of office by a two-thirds majority of the members of the National Assembly [...]

Efforts should be made, therefore, to ensure that the conditions of election help to minimise the political aspect while at the same time avoiding deadlock. To achieve this, it is important to strictly circumscribe the conditions of eligibility to the office, among which the question of experience is paramount. In the new system introduced in Hungary, while the appointment of judges with administrative experience is to be welcomed, at least five years’ experience as a judge should be required for appointment to the post of President of the SAC. [...] The condition laid down in Article 44 § 1 b) should thus be amended, within the framework of the Fundamental Law, so that a person appointed judge because of his or her lengthy experience in the public administration could not be appointed President of the SAC until several years after their recruitment as an administrative judge. One may note in this connection that appointment by an executive authority, such as the Head of State, with proper guarantees, may be less political in nature than election by Parliament.”

CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§95 and 97

“Given this involvement of the *Jogorku Kenesh* [Parliament] in the appointment and dismissal of Supreme Court judges, it is not apparent why it would, in addition, be necessary for it to also select the Chairperson and deputy chairpersons of the Court. The current procedure, whereby this is left up to the members of the Supreme Court, would appear to be the more reasonable manner of selecting the Chairperson/deputies, since the other members of the Court will be more familiar with the requirements of the post, and the qualifications needed to fill this post. [...]”

CDL-AD(2015)014, Joint Opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic, §78

“Appointment to the positions of administrative court president and vice-president also comes within the Minister’s purview [...]

[...] It is recommended that the procedure be reconsidered so as to involve the Personnel Council of the NAJC [National Administrative Judicial Council], in an effective role, in the Minister’s final decision and to provide for judicial remedy against such decisions.”

CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§61 and 64

“The appointment of court presidents by the organs of judicial self-administration [...] would go too far as well if this term were to refer only to the Congress of Judges. [...] [S]uch appointments should be rather made by the High Judicial Council, which has a higher democratic legitimacy than the organs of judicial self-administration. If the term ‘organs of judicial self-administration’ were to include the High Judicial Council then this should be spelled out explicitly.”

CDL-AD(2013)034, Opinion on proposals amending the draft law on the amendments to the constitution to strengthen the independence of judges of Ukraine, §18

“The Venice Commission and the Directorate welcome the proposed system of election of court presidents by the judges of the same court by secret ballot which is in line with the requirements of the principle of internal independence of the judiciary [...]”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §84

See also CDL-AD(2017)018, Opinion on the Judicial System Act of Bulgaria, §81; CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §90

“Paragraph 13/2 sets out that candidates for president of courts, in addition to having the normal qualifications, competence, and worthiness to perform the judicial function, must also have the capacity to manage and organise the activities of the courts. [...] All these criteria appear to be appropriate to take into account in choosing a president of a court. It is also to be welcomed that these prerequisites are set out in a normative text, which is far from being the case in all member States.

[...]

Nevertheless, the question is once again the manner in which these criteria are evaluated. This is all the more important as, by definition, a person who is a candidate for president of courts for the first time will not have had the opportunity to show his or her managerial skills. This means that the criteria seem to be subjective [...] This might be revisited.”

CDL-AD(2009)023, Opinion on the Draft Criteria and Standards for the Election of Judges and Court Presidents of Serbia, §§50, 52

“[...] [T]he Venice Commission recommends introducing a competitive selection also for deputy managers. As professional judges or prosecutors, they should be able to ensure smooth cooperation also with persons who have different ideas about management.”

CDL-AD(2022)045, Urgent Opinion on three Laws concerning the justice system of Romania, §35

3.2.4.2 Terms of appointment, tenure, re-appointment

“[...] [A]ppointing court presidents with administrative functions for a limited period of time does not violate the European standards. However there is not a single standard – in several European countries the principle is that also court presidents are irremovable.”

CDL-AD(2014)021, Opinion on the draft law on introducing amendments and addenda to the judicial code of Armenia (term of Office of Court Presidents), §41

“[...] [T]he limitation of the term of office of chairpersons appears to be a guarantee of independence where the executive authorities have a decisive influence on the appointment procedure for chairpersons. In this latter case, according to the Venice Commission, appointments should be for a fixed term and there should be a limit on possible renewals. The influence of chairpersons may grow ever stronger over a long period of time and renewable terms of office may also substantially jeopardise the independence of a Chairperson, who may at some point be influenced in his/her work by the desire to be reappointed by the executive.

However, a short-term appointment risks undermining courts presidents' possibilities to realise effective leadership and to ensure a solid and strong courts' organisation.

[...] It is recommended that immediate reappointment be excluded from the draft law. [...] [T]he Venice Commission and the DHR cannot see the reason why the term of office of court presidents which is five years in the current system, is reduced to three years in the draft amendments. On the contrary, in an appointment system which guarantees better internal independence as the newly proposed one, the court presidents may even have a longer term of office to ensure a solid and strong courts' organisation.

Having regard in particular to the proposed appointment system of court presidents, three years term appears rather short. The Commission and the Directorate recommend thus the extension of the term of office of court presidents.”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §§86, 88, 90, and 91

See also CDL-AD(2014)021, Opinion on the draft law on introducing amendments and addenda to the judicial code of Armenia (term of Office of Court Presidents), §§30, 31

“[...] [T]he term of office of the Chief Justice of the Supreme Court is of 10 years. In the current situation in Georgia, which is at a point of transition to a larger and newly constituted Supreme Court, the appointment of a Chief Justice for as long as 10 years might be too long. Therefore, to facilitate a staggered appointment, [...] a shorter term of office for the Chief Justice might be considered.”

CDL-AD(2019)009, Urgent Opinion on the selection and appointment of Supreme Court judges of Georgia, §53

“[...] It would be appropriate to specify the term of the chairs [of the different courts in the Constitution] [...].”

CDL-AD(2005)003, Joint opinion on a proposal for a constitutional law on the changes and amendments to the Constitution of Georgia by Venice Commission and OSCE/ODIHR, §105

[...] Renewable terms of office may also substantially jeopardise the independence of a chairperson, who may at some point be influenced in his/her work by the desire to be reappointed by the executive. However, a short-term appointment risks undermining courts presidents' possibilities to realise effective leadership and to ensure a solid and strong courts' organisation. Based on the above, the Commission would recommend keeping the existing system of seven-year appointments in place without the option of a renewal.

CDL-AD(2023)039, Opinion of the Draft Amendments to the Constitution of Bulgaria, §87

“[...] The provisions providing for the automatic termination of the mandates of court chairperson upon the enactment of the draft amendment law is problematic and should be removed.”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §101

3.2.4.3 Powers of the presidents

“[...] [T]he competence of the court chairperson should stay purely administrative and should not interfere with the judicial functions of judges.”

CDL-AD(2014)031, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia, §93

See also CDL-AD(2014)038, Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro, §§23, 24

“[...] [A] president should not be seen as being hierarchically superior to ‘ordinary’ judges: s/he should not be in a position to give them directions concerning their cases – neither *de jure* nor *de facto*. Therefore, it is important that powers of the presidents are formulated with sufficient precision, so as to limit any possibility of abuse. [...]”

CDL-AD(2017)018, Opinion on the Judicial System Act of Bulgaria, §83

See also CDL-AD(2019)004, Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary, §§98-101; CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §52; CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §62;

“[...] It is thus welcomed that the High Council of Justice is indicated as the unique authority in the draft Law, to formally initiate disciplinary proceedings against judges. The limitation of court presidents’ competence to ‘inform’ the High Council on disciplinary misconduct of a judge is also a positive step which strengthens ‘internal’ judicial independence.”

CDL-AD(2014)032, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on making changes to the Law on disciplinary Liability and disciplinary Proceedings of Judges of General Courts of Georgia, §23

See also CDL-AD(2017)018, Opinion on the Judicial System Act of Bulgaria, §84; CDL-AD(2008)041, Opinion on the Draft Amendments to the Constitutional Law on the Supreme Court and Local Courts of Kyrgyzstan, §17

“[...] It is not clear why the President of the court should be deciding on the timing and frequency of the assessment. He or she may have the power to signal the need for an assessment or request for a disciplinary investigation. However, it should not be the President’s responsibility to make decisions on those issues.”

CDL-AD(2014)008, Opinion on the draft Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, §86

“Article 8.3 sets out what judges should do when there are any attempts to influence them or put undue pressure on them. It might be useful to recommend that the president of the court in question act in support of the individual judge concerned when notifying the judicial community and the law enforcement agencies of this situation.”

CDL-AD(2013)035, Opinion on the draft Code on Judicial Ethics of the Republic of Tajikistan, §51

3.2.5 Remedies against the problem of excessive length of proceedings

“[...] [I]n parallel to introducing the right of a fair trial within reasonable time, the respective superior court or directly the Supreme Court should be entrusted with a specific compensatory and acceleratory remedy against the excessive length of procedure.”

CDL-AD(2013)034, Opinion on proposals amending the draft law on the amendments to the constitution to strengthen the independence of judges of Ukraine, §10

“[The law] enables the President of the NJO to designate another court based on the vague criterion of ‘adjudicating cases within a reasonable period of time’. This relates to Articles 11.3 and 11.4 of the Act on Transitional Provisions of 30 December 2011, which were adopted on the constitutional level in order to overcome the annulment of a similar provision on the legislative level by Constitutional Court judgment no. 166/2011 of 20 December 2011. The Constitutional Court had found that provision contrary to the European Convention on Human Rights. [...] Even though the reasonable time requirement is part of both Article XXVIII Fundamental Law and Article 6.1 ECHR, it is not absolute, but forms a field of tension with the often conflicting right to a fair trial with respect to the fact that having and exercising more procedural rights necessarily goes hand in hand with a longer duration of the proceedings. Taking into account the importance of the right to a lawful judge for a fair trial, the state has to resort to other less intrusive means, in particular to provide for a sufficient number of judges and court staff. Solutions by means of arbitrary designation of another court cannot be justified at all.”

CDL-AD(2012)001, Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary, §90

“[...] It seems that the aim of these Articles is to address the serious problem of dilatory or vexatious proceedings and thus protect the right to a fair trial. Such an aim should be welcomed.

The possibility to apply to a higher court with the request to remedy unjustified delay can be an effective tool for the protection of the right to a fair trial. However, the reasons for the dilatory or vexatious proceedings could be many: inefficient and/or cumbersome regulations, increased caseload, lack of training or recourse, etc. Thus, in order to eliminate the problems, the reasons for such delays need to be analysed in order to be addressed correctly.

The basis for this set of provisions is the obligation of a member state, under Article 13 of the European Convention on Human Rights, to provide an effective remedy including, as a last resort, paying damages if a violation of the Convention occurs. [...]

The starting point for a regulation should be to view financial compensation as one of several remedies. Financial compensation must thus not be the only remedy or the remedy to be considered first. It all depends on the circumstances of the specific case. [...] This means that, as far as possible, violations should primarily be redressed or remedied within the framework of the process in which they arise. For this to be possible, courts and administrative authorities must be aware of all the issues that concern the European Convention on Human Rights in both procedural and material terms. At the same time, individuals cannot remain passive in their contacts with courts and authorities.

It should be emphasised that the Contracting States have great freedom to choose how they fulfil their commitments in this regard. There are various alternatives for damage-regulation for

violations of the European Convention on Human Rights, for example a reduction of a criminal sentence could be an effective remedy in certain cases.

The legislation of a state may also contain a number of proactive safeguards to ensure that judges handle cases without undue delay. For instance, there could be provisions giving a party the right to request the acceleration of the proceedings of a case in court. If a case has been unreasonably delayed, the case could be given priority in the court. Under such provisions the president of a court may have the responsibility to intervene in situations where there is a serious risk that a single case cannot be settled within a reasonable period of time. If a case or matter is not moved forward to a ruling within a reasonable period of time, the president of the court could be obliged to have another judge take over the case.

[...]

[...] [D]raft Article 8A – 8C also introduces a procedure where a request for and a decision on damages are interlinked with the concept of the acceleration of the case handling. The damages, or ‘the appropriate indemnity’, will be decided beforehand and a system with parallel processes is introduced accordingly.

This decision on damages will serve as a sort of penalty or fine, forcing the judge to deal with the case. This could put him/her under pressure, which in turn could endanger the principle of a fair trial. The principle of state liability followed by the liability of the judge under certain conditions set out in Article 6 of the Law on judges, could also increase this pressure. In following the management of and decision-making in a case, new and unforeseen facts or aspects may be brought into the case or otherwise change the conditions under which justice is or should be rendered in that case. It is therefore important to underline that it is the State that is responsible under the European Convention on Human Rights and not the individual judge.”

CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia, §§87-92, 94, 95

“In principle, fining lawyers for causing deliberate delay of court proceedings is acceptable as long as standards of fair trial are respected. No automatic sanction can be foreseen and the circumstances in each case need to be examined individually.”

CDL-AD(2014)016, Opinion on the draft amendments to the criminal procedure and civil procedure codes of Albania, §16

“A major issue [...] is the backlog of some 12.000 cases at the Supreme Court. Many of the pending cases relate to issues of immovable property. The Minister of Justice and the President of the Supreme Court agree that the Court should reduce its case-load through more uniformisation judgements.

In uniformisation judgements, the plenum of the Supreme Court decides on the provisions of the law, which have been interpreted differently by various appeals courts or – preventively – when such diverging interpretations are likely. These decisions have the force of binding precedent and should allow deciding similar cases more quickly. Given that uniformisation judgements are not abstract but are given in individual cases, the Venice Commission’s delegation did not object to this practice.

[...]

[Another] solution [to reduce backlog] was to transform the Supreme Court into a real cassation court, which should not take any evidence and look into points of law only. In addition, any first instance jurisdiction should be removed from the Supreme Court. The Venice Commission's delegation supported this idea.”

CDL-AD(2014)016, Opinion on the draft amendments to the criminal procedure and civil procedure codes of Albania, §§22-23 and 25

3.3 Budgetary and staff autonomy

“It is the duty of the state to provide adequate financial resources for the judicial system. Even in times of crisis, the proper functioning and the independence of the Judiciary must not be endangered. Courts should not be financed on the basis of discretionary decisions of official bodies but in a stable way on the basis of objective and transparent criteria.

International texts do not provide for a budgetary autonomy of the judiciary but there is a strong case in favour of taking views of the judiciary into account when preparing the budget. [...]

Decisions on the allocation of funds to courts must be taken with the strictest respect for the principle of judicial independence and the judiciary should have an opportunity to express its views about the proposed budget to parliament, possibly through the judicial council.”

CDL-AD(2010)004, Report on the Independence of the Judicial System Part I: The Independence of Judges, §§53-55.

See also CDL-AD(2018)003, Opinion on the Law on amending and supplementing the Constitution (Judiciary) of the Republic of Moldova, §44; CDL-AD(2018)011, Opinion on the draft amendments to the constitutional provisions on the judiciary of Serbia, §24; CDL-AD(2015)026, Opinion on the Amendments to the Constitution of Ukraine regarding the Judiciary as proposed by the Working Group of the Constitutional Commission in July 2015, §30; CDL-AD(2014)008, Opinion on the draft Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, §§67-68; CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia §§124; CDL-AD(2011)012, Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan, §§24-25

“[...] It is welcome that the Council is competent to prepare the budget of the judiciary. However, in order to strengthen the independence of the Judiciary, the Council should also be enabled to present this draft and to defend it directly to Parliament. [...]”

CDL-AD(2015)037, First Opinion on the Draft Amendments to the Constitution (Chapters 1 to 7 and 10) of the Republic of Armenia, §184

“[...] In terms of independence, there is no international standard that requires budgetary autonomy for courts, but the views of the judiciary should be taken into account when deciding the budget. [...] The process of approval of the draft budget by the Judicial Council/Prosecutorial Council (or the Plenary SJC in the current system), following a proposal of the Minister, is in line with this recommendation. The Commission previously suggested that in order to ensure that the position of the judiciary in budgetary matters is made known to the National Assembly, the Constitution could require that the views of the Judicial Council/Prosecutorial Council on the budget proposal be made public and included as an attachment to the Government's proposal for the State budget.”

CDL-AD(2023)039, Opinion on the draft Amendments to the Constitution of Bulgaria, §55

“Additional guarantees may also be applied to ensure financial independence of the judiciary, such as the prohibition of reducing the budget of courts in comparison to the previous financial

year or without the consent of the HJC, except in the case of a general reduction of the State Budget.”

CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia §125

“[The practice according to which, contrary to the principle of budgetary autonomy of the magistracy, the Ministry of Justice in fact controls every detail of the courts' operational budgets] contains obvious dangers of undue interference in the independent exercise of their functions.”

CDL(1995)074rev, Opinion on the Albanian law on the organisation of the judiciary, p. 3

“As regards the *development* of the overall budget of the judiciary, the Ministry of Justice may play some role in this process; for example, the Ministry may be allowed to present to Parliament objections or amendments to the budget proposed by the SJC for adoption.”

CDL-AD(2017)019, Opinion on the Draft Judicial Code of Armenia, §49

“[...] [T]he parliamentary budget battles [...] are undoubtedly of a political nature. [...] While wanting to ensure greater independence of judges and courts, and thus to bring about their de-politicization, [by involving the Council of Justice into these battles] it may turn out that they will, quite to the contrary, be engulfed in the political debate. Without deviating from the principle of having a separate budget for the judiciary and, in order to allow for a de facto judicial independence, these of powers and budgetary struggles could rather be left with Minister of Justice or the Cabinet as a whole which will feel politically responsible for the treatment eventually accorded to the judiciary in the matters of proper funding.”

CDL-AD(2002)026, Opinion on the Draft Law on Judicial Power and Corresponding Constitutional Amendments of Latvia, §48

“[...] The independence in financial matters, i.e. the right of the judiciary to be granted sufficient funds to properly perform its functions and to have a role in deciding how these funds are allocated, is one of the main elements of the institutional (and also individual) independence of the judiciary. [...]

The budgets of courts and prosecutors' offices are determined at the level of the State (state courts), the Republika Srpska (RS courts), the Federation (Central FBiH Courts), the cantons (cantonal courts), and the Brčko District (BD courts). The Federation, due to its structure, bears the brunt of the budget fragmentation, which directly undermines the efficiency of the judiciary of the Entity.

No uniform rules exist in this area with the result that there are quite different budgets allocated to different courts and prosecutors' offices. Moreover, judicial bodies become easily vulnerable to pressure from the institution deciding on the budget.

The HJPC has made an initiative aimed at centralising the financing of the judiciary and bringing it to the state level. So far, this initiative has not been implemented, although the centralisation of the financing could be counted among the most important steps to be taken. On a lower scale, consideration should be given by the Federation, in the long run, to the financing of the judiciary (both courts and prosecutor's office) being concentrated at the entity level. In the short run, the Federation might consider at least bringing the financing of salaries of judges and prosecutors to the Federation level and leaving, for the time being, the financing of the expenditure relating to the running of courts to the cantonal levels.”

CDL-AD(2012)014, Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina, §§95-98

“Article 35(4) stipulates that ‘Legal associates, senior legal associates and legal advisors shall be appointed by the High Judicial and Prosecutorial Council’. As far as legal associates and legal advisors shall assist judges in their work, it may be advisable to allow the involvement of the Court and the judges in the selection process. The advisors shall closely work with judges and the operation of the Court may be more efficient if the judges have a say in the selection of their advisors.”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §72

“According to Article 48(5), ‘At the end of each budget year, the Presidents of the Courts shall inform the Parliamentary Assembly of Bosnia and Herzegovina on the execution of the budget of the respective court’. The rationale for such a procedure is questionable, and it may also have a negative impact on the independence of the judiciary. The President of the Court should be relieved from such a legal obligation and, at the same time, the highest possible standards of transparency for budgetary expenditures by the courts should be provided.”

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina, §81

IV. JUDICIAL COUNCILS²

See CDL-PI(2026)001, Compilation on Judicial Councils, endorsed at the 145th Plenary Session (December 2025).

² This compilation concerns specialized bodies which deal with judicial appointments, promotions, disciplinary proceedings against judges and, more generally, secure autonomy of the judicial system vis-à-vis other branches of the Government. In European literature, different terms are used to describe such institutions. For instance, judicial council, high council of the magistracy, judicial service board or commission. Therefore, the name, as well as composition and powers of these institutions may vary from one country to another. Some countries have no councils of justice at all. In this compilation, the term Judicial Council is used to refer to the self-governing/ regulatory bodies of the judiciary.

V. REFERENCE DOCUMENTS

Guidelines and studies

CDL-AD(2007)028, Report on Judicial Appointments

CDL-AD(2010)004, Report on the Independence of the Judicial System Part I: The Independence of Judges

CDL-AD(2016)007, Rule of Law Checklist

Opinions on specific countries

CDL(1994)011, Opinion on the Constitution of the Russian Federation adopted by popular vote on 12 December 1993

CDL(1995)73rev, Opinion on the regulatory concept of the Constitution of the Republic of Hungary

CDL(1995)074rev, Opinion on the Albanian law on the organisation of the judiciary (chapter VI of the Transitional Constitution of Albania)

CDL-INF(1996)002, Opinion on the regulatory concept of the Constitution of the Republic of Hungary

CDL-INF(1996)006, Opinion on the draft Constitution of Ukraine

CDL-INF(1996)008, Opinion on the amendments and addenda to the Constitution of the Republic of Belarus as proposed by i: the President of the Republic & ii: the Agrarian and Communist groups of parliamentarians

CDL-INF(1997)006, Opinion on the draft Constitution of the Nakhichevan autonomous republic (Azerbaijan Republic)

CDL-CR-PV(1998)004, Meeting of the Working Group on Albania of the Sub-commission on Constitutional Reform with the Constitutional Commission of Albania

CDL-INF(1998)009, Opinion on recent amendments to the law on major constitutional provisions of the Republic of Albania

CDL-INF(1998)015, Opinions on the constitutional regime of Bosnia and Herzegovina

CDL-INF(1999)005, Opinion on the reform of the judiciary in Bulgaria

CDL(1999)078, Opinion on the Reform of Judicial Protection of Human Rights in the Federation of Bosnia and Herzegovina

CDL(1999)088, Interim report on the constitutional reform In the Republic of Moldova

CDL-INF(2000)005, Opinion on the draft law of Ukraine on the judicial system

CDL-INF(2001)017, Report on the Revised Constitution of the Republic of Armenia

CDL-AD(2002)012, Opinion on the Draft Revision of the Romanian Constitution

CDL-AD(2002)015, Opinion on the Draft Law on Amendments to the Judicial System Act of Bulgaria

CDL-AD(2002)021, Supplementary Opinion on the Revision of the Constitution of Romania

CDL-AD(2002)026, Opinion on the Draft Law on Judicial Power and Corresponding Constitutional Amendments of Latvia

CDL-AD(2002)032, Opinion on the Amendments to the Constitution of Liechtenstein proposed by the Princely House of Liechtenstein

CDL-AD(2002)033, Opinion on the Draft Amendments to the Constitution of Kyrgyzstan

CDL-AD(2003)012, Memorandum: Reform of the Judicial System in Bulgaria

CDL-AD(2003)016, Opinion on the Constitutional Amendments reforming the Judicial System in Bulgaria

CDL-AD(2003)019, Opinion on three Draft Laws proposing Amendments to the Constitution of Ukraine

CDL-AD(2004)035, Opinion on the Draft Federal Constitutional Law “on modifications and amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation”

CDL-AD(2004)044, Interim Opinion on Constitutional Reforms in the Republic of Armenia

CDL-AD(2005)003, Joint opinion on a proposal for a constitutional law on the changes and amendments to the Constitution of Georgia, by the Venice Commission and OSCE/ODHIR

CDL-AD(2005)005, Opinion on Draft Constitutional Amendments relating to the Reform of the Judiciary in Georgia

CDL-AD(2005)038, Opinion on Draft Constitutional Amendments concerning the Reform of the Judicial System in “The former Yugoslav Republic of Macedonia”

CDL-AD(2005)023, Opinion on the Provisions on the Judiciary in the Draft Constitution of the Republic of Serbia

CDL-AD(2006)016, Opinion on the Draft Law on the Constitutional Court and Corresponding Amendments of the Constitution of the Republic of Moldova

CDL-AD(2008)006, Opinion on the Draft Law on the High Judicial Council of the Republic of Serbia

CDL-AD(2008)007, Opinion on the Draft Laws on Judges and the Organisation of Courts of the Republic of Serbia

CDL-AD(2008)009, Opinion on the Constitution of Bulgaria

CDL-AD(2008)010, Opinion on the Constitution of Finland

CDL-AD(2008)038, Opinion on the Constitutional Law on Court Juries of Kyrgyzstan

CDL-AD(2008)039, Opinion on the Draft Amendments to the Constitutional Law on the Status of Judges of Kyrgyzstan

CDL-AD(2008)040, Opinion on the Constitutional Law on bodies of Judicial self-regulation of Kyrgyzstan

CDL-AD(2008)041, Opinion on the Draft Amendments to the Constitutional Law on the Supreme Court and Local Courts of Kyrgyzstan

CDL-AD(2009)011, Opinion on the Draft Law amending and supplementing the Law on Judicial Power of Bulgaria

CDL-AD(2009)023, Opinion on the Draft Criteria and Standards for the Election of Judges and Court Presidents of Serbia

CDL-AD(2009)055, Opinion on the Draft Law about obtaining information on activities of the Courts of Azerbaijan

CDL-AD(2009)057, Interim Opinion on the Draft Constitutional Amendments of Luxembourg

CDL-AD(2010)003, Joint Opinion on the Draft Law on the Judicial System and the Status of Judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe

CDL-AD(2010)026, Joint opinion on the law on the judicial system and the status of judges of Ukraine by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe

CDL-AD(2010)029, Joint opinion on the law amending certain legislative acts of Ukraine in relation to the prevention of abuse of the right to appeal by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe

CDL-AD(2010)038, Amicus Curiae brief for the Constitutional court of “The Former Yugoslav Republic of Macedonia” on Amendments to several laws relating to the system of salaries and remunerations of elected and appointed officials

CDL-AD(2010)041, Opinion on the Draft Law amending the Law on Judicial Power and the Draft Law amending the Criminal Procedure Code of Bulgaria

CDL-AD(2010)042, Interim Opinion on the Draft Law on the High Council for judges and Prosecutors (of 27 September 2010) of Turkey

CDL-AD(2011)004, Opinion on the Draft Law on Judges and Prosecutors of Turkey

CDL-AD(2011)010, Opinion on the Draft Amendments to the Constitution of Montenegro, as well as on the Draft Amendments to the Law on Courts, the Law on the State Prosecutor's Office and the Law on the Judicial Council of Montenegro

CDL-AD(2011)012, Joint Opinion on the constitutional law on the judicial system and status of judges of Kazakhstan

CDL-AD(2011)017, Opinion on the Introduction of Changes to the Constitutional Law "On the Status of Judges" of Kyrgyzstan

CDL-AD(2011)019, Opinion on the draft law on the council for the selection of judges of Kyrgyzstan

CDL-AD(2011)033, Joint opinion on the draft law amending the law on the judiciary and the status of judges and other legislative acts of Ukraine by the Venice Commission and the Directorate of Justice and Human Dignity within the Directorate General of Human Rights and Rule of Law of the Council of Europe

CDL-AD(2012)001, Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary

CDL-AD(2012)014, Opinion on Legal Certainty and the Independence of the Judiciary in Bosnia and Herzegovina

CDL-AD(2012)020, Opinion on the Cardinal Acts on the Judiciary that were amended following the adoption of Opinion CDL-AD(2012)001 on Hungary

CDL-AD(2012)024, Opinion on two Sets of draft Amendments to the Constitutional Provisions relating to the Judiciary of Montenegro

CDL-AD(2013)005, Opinion on Draft amendments to Laws on the Judiciary of Serbia

CDL-AD(2013)007, Opinion on the Draft Amendments to the Organic Law on Courts of General Jurisdiction of Georgia

CDL-AD(2013)008, Amicus curiae brief on the Immunity of Judges for the Constitutional Court of Moldova

CDL-AD(2013)010, Opinion on the Draft New Constitution of Iceland

CDL-AD(2013)012, Opinion on the fourth amendment to the Fundamental Law of Hungary

CDL-AD(2013)013, Joint opinion of the Venice Commission and the Directorate for Justice and Human Dignity of the Directorate General of Human Rights and Rule of Law (DG I) of the Council of Europe on the Draft Law on the Temporary State Commission on Miscarriages of Justice of Georgia

CDL-AD(2013)014, Opinion on the Draft Law on the amendments to the Constitution, Strengthening the Independence of Judges and on the Changes to the Constitution proposed by the Constitutional Assembly of Ukraine

CDL-AD(2013)015, Opinion on the draft law on the courts of Bosnia and Herzegovina

CDL-AD(2013)018, Opinion on the balance of powers in the Constitution and the Legislation of the Principality of Monaco

CDL-AD(2013)028, Opinion on the Draft Amendments to three Constitutional Provisions relating to the Constitutional Court, the Supreme State Prosecutor and the Judicial Council of Montenegro

CDL-AD(2013)034, Opinion on proposals amending the draft law on the amendments to the constitution to strengthen the independence of judges of Ukraine

CDL-AD(2013)035, Opinion on the draft Code on Judicial Ethics of the Republic of Tajikistan

CDL-AD(2014)006, Joint opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law of the Council of Europe, and of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on the draft law on disciplinary liability of judges of the Republic of Moldova

CDL-AD(2014)007, Joint opinion on the draft law amending and supplementing the judicial code (evaluation system for judges) of Armenia

CDL-AD(2014)008, Opinion on the draft Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

CDL-AD(2014)016, Opinion on the draft amendments to the criminal procedure and civil procedure codes of Albania

CDL-AD(2014)018, *Joint opinion of the Venice Commission and OSCE/ODIHR on the draft amendments to the legal framework on the disciplinary responsibility of judges in the Kyrgyz Republic*

CDL-AD(2014)021, *Opinion on the draft law on introducing amendments and addenda to the judicial code of Armenia (term of Office of Court Presidents)*

CDL-AD(2014)026, *Opinion on the seven amendments to the Constitution of “the former Yugoslav Republic of Macedonia” concerning, in particular, the judicial Council, the competence of the Constitutional Court and special financial zones*

CDL-AD(2014)028, *Opinion on the Draft Amendments to the Law on the High Judicial Council of Serbia*

CDL-AD(2014)030, *Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and Rule of Law (DGI) of the Council of Europe, on the draft Laws amending the Administrative, Civil and Criminal Codes of Georgia*

CDL-AD(2014)031, *Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on Amendments to the Organic Law on General Courts of Georgia*

CDL-AD(2014)032, *Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate of Human Rights and the Rule of Law (DGI) of the Council of Europe, on the draft Law on making changes to the Law on disciplinary Liability and disciplinary Proceedings of Judges of General Courts of Georgia*

CDL-AD(2014)038, *Opinion on the draft laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro*

CDL-AD(2014)039, *Amicus Curiae Brief for the Constitutional Court of Moldova on certain provisions of the law on professional integrity testing*

CDL-AD(2015)007, *Joint opinion by the Venice Commission and the Directorate of Human Rights of the Directorate General of Human Rights and the Rule of Law on the Law on the Judiciary and the Status of Judges and amendments to the Law on the High Council of Justice of Ukraine*

CDL-AD(2015)008, *Preliminary Opinion on the Draft Law on amending the Law on the Judicial System and the Status of Judges of Ukraine*

CDL-AD(2015)013, *Opinion on draft constitutional amendments on the immunity of Members of Parliament and judges of Ukraine*

CDL-AD(2015)014, *Joint Opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic*

CDL-AD(2015)022, *Opinion on the draft Act to amend and supplement the Constitution (in the field of the Judiciary) of the Republic of Bulgaria*

CDL-AD(2015)023, *Opinion on the Rules of Procedure of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic*

CDL-AD(2015)026, *Opinion on the Amendments to the Constitution of Ukraine regarding the Judiciary as proposed by the Working Group of the Constitutional Commission in July 2015*

CDL-AD(2015)027, *Opinion on the Proposed Amendments to the Constitution of Ukraine regarding the Judiciary as approved by the Constitutional Commission on 4 September 2015*

CDL-AD(2015)031, *Interim Opinion on the Draft Law on Integrity Checking of Ukraine*

CDL-AD(2015)037, *First Opinion on the Draft Amendments to the Constitution (Chapters 1 to 7 and 10) of the Republic of Armenia*

CDL-AD(2015)042, *Opinion on the Laws on the Disciplinary Liability and Evaluation of Judges of "The Former Yugoslav Republic of Macedonia"*

CDL-AD(2015)045, *Interim Opinion on the Draft Constitutional Amendments on the Judiciary of Albania*

CDL-AD(2016)036 *Amicus Curiae Brief for the Constitutional Court on the Law of the Transitional Re-evaluation of Judges and Prosecutors of Albania (The Vetting Law)*

CDL-AD(2016)009, *Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) of Albania*

CDL-AD(2016)013, *Opinion on the Draft Code of Judicial Ethic of the Republic of Kazakhstan*

CDL-AD(2016)015, *Amicus Curiae Brief for the Constitutional Court of the Republic of Moldova on the Right of Recourse by the State against Judges*

CDL-AD(2016)025, *Endorsed joint opinion on the draft law "on Introduction of amendments and changes to the Constitution" of the Kyrgyz Republic*

CDL-AD(2016)029, *Opinion on the draft modifications to the Constitution of Azerbaijan submitted to the Referendum of 26 September 2016*

CDL-AD(2017)002, *Amicus Curiae Brief for the Constitutional Court of the Republic of Moldova on the Criminal liability of judges*

CDL-AD(2017)004, *Opinion on the duties, competences and functioning of the criminal peace judgeships of Turkey*

CDL-AD(2017)005, *Opinion on the amendments to the Constitution of Turkey adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017*

CDL-AD(2017)013, *Opinion on the draft revised Constitution of Georgia*

CDL-AD(2017)018, *Opinion on the Judicial System Act of Bulgaria*

CDL-AD(2017)019, *Opinion on the Draft Judicial Code of Armenia*

CDL-AD(2017)023, *Opinion on the draft revised Constitution as adopted by the Parliament of Georgia at the second reading on 23 June 2017*

CDL-AD(2017)031, *Opinion on the Draft Act amending the Act on the National Council of the Judiciary; on the Draft Act amending the Act on the Supreme Court, proposed by the President of Poland, and on the Act on the Organisation of Ordinary Courts*

CDL-AD(2017)033, *Opinion on the Draft Law on the termination of the validity of the Law on the Council for establishment of facts and initiation of proceedings for determination of accountability for Judges, on Draft Law amending the Law on the Judicial Council, and on the Draft Law amending the Law on Witness protection of "The former Yugoslav Republic of Macedonia"*

CDL-AD(2018)003, *Opinion on the Law on amending and supplementing the Constitution (Judiciary) of the Republic of Moldova*

CDL-AD(2018)011, *Opinion on the draft amendments to the constitutional provisions on the judiciary of Serbia*

CDL-AD(2018)015, *Opinion on the draft law on amendments to the law on the Judicial Council and Judges of Montenegro*

CDL-AD(2018)032, *Opinion on the Concept Paper on the reform of the High Judicial Council of Kazakhstan*

CDL-AD(2018)028, *Opinion on Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement of Malta*

CDL-AD(2018)029, *Opinion on the provisions on the Prosecutorial Council in the draft Organic Law on the Prosecutor's Office and on the provisions on the High Council of Justice in the existing Organic Law on General Courts of Georgia*

CDL-AD(2018)022, *Opinion on the law amending the law on the Judicial Council and on the law amending the law on Courts of "the former Yugoslav Republic of Macedonia"*

CDL-AD(2018)033, *Opinion on the draft law amending the law on Courts of "the former Yugoslav Republic of Macedonia"*

CDL-AD(2018)017, *Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation, and Law No. 317/2004 on the Superior Council for Magistracy of Romania*

CDL-AD(2019)003, *Opinion on the proposed revision of the Constitution of Luxembourg*

CDL-AD(2019)004, *Opinion on the law on administrative courts and the law on the entry into force of the law on administrative courts and certain transitional rules of Hungary*

CDL-AD(2019)008, Opinion on the Draft Law on the Judicial Council of North Macedonia
CDL-AD(2019)009, Urgent Opinion on the selection and appointment of Supreme Court judges of Georgia
CDL-AD(2019)027, Opinion on the Legal framework in Ukraine governing the Supreme Court and judicial self-governing bodies of the Republic of Ukraine
CDL-AD(2019)024, Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI), on the amendments to the Judicial Code and some other Laws of Armenia
CDL-AD(2019)020, Interim Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law on the Reform of the Supreme Court of Justice and the Prosecutor's Office of Moldova
CDL-AD(2020)001, Joint opinion on the draft law on amending and supplementing the constitution with respect to the Superior Council of Magistracy
CDL-AD(2020)007, Joint Opinion on the revised draft provisions on amending and supplementing the Constitution with respect to the Superior Council of Magistracy of Moldova
CDL-AD(2020)017, Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on the Common courts, the Law on the Supreme court and some other Laws of Poland
CDL-AD(2022)020, Opinion on the draft law on the independence of judicial courts of Lebanon,
CDL-AD(2020)021, Opinion on the draft Organic Law amending the Organic Law on Common Courts of Georgia
CDL-AD(2019)031, Opinion on draft amendments to the Criminal Procedure Code and the Judicial System Act of the Republic of Bulgaria, concerning criminal investigations against top magistrates
CDL-AD(2021)015, Opinion on the draft Law on amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
CDL-AD(2021)018, Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe on the draft law on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice (HCJ) and the activities of disciplinary inspectors of the HCJ of Ukraine (Draft law no. 5068)
CDL-AD(2019)024, Joint Opinion of the Venice Commission and the Directorate of Human Rights (DHR) of the Directorate General of Human Rights and Rule of Law (DGI), on the amendments to the Judicial Code and some other Laws of the Republic of Armenia
CDL-AD(2021)032, Opinion on the draft Constitutional Amendments on the Judiciary and draft Constitutional Law for the Implementation of the Constitutional Amendments of Serbia
CDL-AD(2021)036, Opinion on the amendments to the Act on the organisation and administration of the Courts and the Act on the legal status and remuneration of judges adopted by the Hungarian parliament in December 2020
CDL-AD(2021)043, Opinion on three bills reforming the judiciary of Cyprus
CDL-AD(2021)046, Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on some measures related to the selection of candidates for administrative positions in bodies of self-administration of judges and prosecutors and the amendment of some normative acts of Moldova
CDL-AD(2021)053, Opinion on the Extension of the Term of Office of the Transitional Bodies in Charge of the Re-evaluation of Judges and Prosecutors of Albania
CDL-AD(2022)002, Joint opinion on the draft laws on making amendments to the Constitutional Law in the Judicial Code of Armenia

CDL-AD(2022)003, Opinion on the draft law on the dismantling of the section for investigating criminal offences within the judiciary of Romania

CDL-AD(2022)005, Opinion on the introduction of the procedure of renewal of security vetting through amendments to the Courts of Croatia Act

CDL-AD(2022)010, Opinion on the December 2021 amendments to the organic Law on Common Courts of Georgia

CDL-AD(2022)011, Opinion on the Concept Paper on the Vetting of Judges and Prosecutors and draft amendments to the Constitution of Kosovo, §§79 and 133

CDL-AD(2022)019, Opinion on the draft law on amending some normative acts (Judiciary) of Moldova

CDL-AD(2022)022, Opinion on the draft amendments to the Judicial System Act concerning the Inspectorate to the Supreme Judicial Council of Bulgaria

CDL-AD(2022)023, Joint amicus curiae brief on certain questions related to the election and discipline of the members of the HJC of Ukraine

CDL-AD(2022)030, Opinion on three draft laws implementing the constitutional amendments on Judiciary of Serbia

CDL-AD(2022)044, Joint Opinion on the draft amendments to the Judicial Code of Armenia

CDL-AD(2022)050, Opinion on the draft amendments to the Law on the Judicial Council and Judges of Montenegro

CDL-AD(2023)006, Georgia - Follow-up Opinion to four previous opinions concerning the Organic Law on Common Courts

CDL-AD(2023)015, Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Superior council of Magistracy and the Status of the Judiciary As Regards Nominations, Mutations, Promotions and Disciplinary Procedures of France

CDL-AD(2023)027, Joint Follow-Up Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe to the Joint Opinion on the Draft Amendments to the Law “On the Judiciary and the Status of Judges” and Certain Laws on the Activities of the Supreme Court and Judicial Authorities of Ukraine (CDL-AD(2020)022)

CDL-AD(2023)029, Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on Legal Safeguards of the Independence of the Judiciary From the Executive Power of the Netherlands

CDL-AD(2023)032, Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law on the Anti-Corruption Judicial System and on Amending Some Normative Acts of Moldova

CDL-AD(2023)033, Follow-up Opinion to Previous Opinions Concerning the Organic Law on Common Courts of Georgia

CDL-AD(2023)039, Opinion on the draft Amendments to the Constitution of Bulgaria

CDL-AD(2023)045, Armenia - Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Concept Paper concerning the reform of the Ethics and Disciplinary Commission of the General Assembly of Judges

CDL-AD(2024)018, Poland - Urgent Joint Opinion on the draft law amending the Law on the National Council of the Judiciary of Poland,

CDL-AD(2024)006, Lebanon - Opinion on the draft law on the Administrative Judiciary

CDL-AD(2024)009, Bosnia and Herzegovina - Interim Follow-up Opinion to previous Opinions on the High Judicial and Prosecutorial Council

CDL-AD(2024)041, Türkiye - Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members