



Strasbourg, 2 October 2018

CDL-REF(2018)047

Opinion No. 928 / 2018

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MONTENEGRO

**LAW ON AMENDMENTS
TO THE LAW ON THE JUDICIAL COUNCIL AND JUDGES**

785.

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

DECREE
PROMULGATING THE LAW ON AMENDMENTS TO THE LAW ON JUDICIAL
COUNCIL AND JUDGES

I hereby promulgate the **Law on Amendments to the Law on Judicial Council and Judges**, passed by the 26th Parliament of Montenegro at the ninth sitting of the first ordinary (spring) session in 2018 on 26 June 2018.

No: 01-737/2
Podgorica, 28 June 2018

President of Montenegro,
Milo Đukanović, m.p.

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment No. 4 paragraph 1 to the Constitution of Montenegro, the 26th Parliament of Montenegro has, at the ninth sitting of the first ordinary (spring) session in 2018, held on 26 June 2018, passed the

LAW
ON AMENDMENTS TO THE LAW ON JUDICIAL
COUNCIL AND JUDGES

Article 1

In the Law on Judicial Council and Judges (Official Gazette of Montenegro 11/15 and 28/15), in Article 16 paragraph 7, after the word "Article", the following words shall be added: "as a rule,".

After paragraph 7, a new paragraph shall be added, reading as follows:

"If the proposal for the appointment of a member of the Judicial Council referred to in paragraph 6 of this Article contains less candidates than the number of candidates being appointed, the appointment procedure shall be repeated for those positions for which members have not been proposed by the competent working body of the Parliament".

Article 2

After Article 16, two new Articles shall be added, reading as follows:

"Article 16a

If the Parliament does not appoint all four members of the Judicial Council from among eminent lawyers, the competent working body of the Parliament shall announce a public call, following the expiration of a two-month deadline from the previous vote, doing so until the appointment of all the members of the Judicial Council from among eminent lawyers.

Article 16b

If the Parliament appoints less than four members of the Judicial Council from among eminent lawyers, the members of the Judicial Council from among eminent lawyers who will be replaced by new members of the Judicial Council from among eminent lawyers shall be determined by a random draw.

The manner in which the random draw is to be conducted shall be regulated in more details by the Rules of Procedure of the Judicial Council."

Article 3

After Article 139, three new Articles shall be added, reading as follows: