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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**NORTH MACEDONIA**

**DRAFT LAW ON THE COUNCIL OF PUBLIC PROSECUTORS**

**LAW  
ON THE COUNCIL OF PUBLIC PROSECUTORS OF THE REPUBLIC OF NORTH  
MACEDONIA**

**I. GENERAL PROVISIONS**

**Article 1**

This Law shall regulate the competence, composition of the Council of Public Prosecutors of the Republic of North Macedonia (hereinafter: the Council), the term of office of its members, the grounds and procedure for election, termination of office and dismissal of a member of the Council, as well as the grounds and procedure for the election and dismissal of public prosecutors, and other matters related to the competences and operation of the Council.

**Article 2**

- (1) The Council is an autonomous body that ensures and guarantees the independence of public prosecutors in the performance of their function.
- (2) In the exercise of its functions, the Council of Public Prosecutors shall apply the provisions of the Law on the Use of Languages accordingly.

**Article 3**

- (1) Political organisation and activity within the Council shall be prohibited.
- (2) Members of the Council shall not engage in any political party activities while performing their duties within the Council.
- (3) Through its work, the Council shall prevent any form of influence over the public prosecution contrary to law.
- (4) The function of a member of the Council is incompatible with membership in a political party or with the exercise of any other public office or profession.

**ALTERNATIVE:**

- (1) Political organisation and activity within the Council shall be prohibited.
- (2) Members shall not engage in political party activity within the work of the Council.
- (3) In its operation, the Council shall prevent any influence over the Public Prosecutor's Office contrary to law.

**Article 4**

- (1) The Council shall have the capacity of a legal entity.
- (2) The seat of the Council shall be in Skopje.

**Article 5**

- (1) The Council shall have a seal.
- (2) The seal shall bear the coat of arms and the name of the Republic of North Macedonia, as well as the name of the Council and its seat.

**II. COMPOSITION AND PRESIDENT OF THE COUNCIL**

## **Composition of the Council**

### **Article 6**

The Council shall be composed of 11 members, as follows:

- the Public Prosecutor of the Republic of North Macedonia shall be an *ex-officio* member of the Council;
- one member shall be elected by the public prosecutors from the State Public Prosecutor's Office, from among their ranks;
- one member each shall be elected by the public prosecutors from the territorial jurisdictions of the Higher Public Prosecutor's Offices in Bitola, Gostivar, Skopje, and Stip, respectively, from among their ranks;
- one member of the Council, belonging to a community that is not in the majority in the Republic of North Macedonia, shall be elected by all public prosecutors in the Republic of North Macedonia, from among their ranks;
- four members of the Council shall be elected by the Assembly of the Republic of North Macedonia (hereinafter: the Assembly), from the ranks of university law professors, attorneys-at-law, former judges of international courts and members of other international judicial bodies, and other distinguished legal professionals, two of whom shall be members of communities that are not in the majority in the Republic of North Macedonia.

## **Term of Office of the Members of the Council**

### **Article 7**

- (1) The term of office of the members of the Council shall be four years, with the right to one re-election at least four years after the termination of the previous term of office in the Council.
- (2) The term of office of a member of the Council elected in a by-election due to early termination of the term of office of the member of the Council in whose place they are elected shall last four years.
- (3) Members of the Council elected from the ranks of public prosecutors shall have their prosecutorial functions suspended during their term of office in the Council.
- (4) The term of office of the *ex officio* member of the Council shall cease upon termination of their function.

### **Alternative:**

- (1) The term of office of the members of the Council shall be four years, with the right to one re-election at least four years after the termination of the previous term of office in the Council.
- (2) The term of office of a member of the Council elected in a by-election due to early termination of the term of office of the member of the Council in whose place they are elected shall last four years.
- (3) The term of office of the *ex officio* member of the Council shall cease upon termination of their function.

## **President and Deputy President of the Council**

### **Article 8**

- (1) The Council shall have a President who represents and chairs the Council.
- (2) The President of the Council shall be elected from among the members of the Council, from the ranks of the elected public prosecutors, by a majority vote of the total number of members.

ALTERNATIVE (2): The President of the Council shall be elected from among the members of the Council by a majority vote of the total number of members.

(3) The term of office of the President of the Council shall be two years, with no right to re-election.

(4) Upon proposal by the President of the Council, at the same session at which the President is elected, the Council shall elect a Deputy President to replace the President in their absence.

(5) The Public Prosecutor of the Republic of North Macedonia may not be elected President or Deputy President of the Council.

(6) A procedure for dismissal from the position of President or Deputy President shall be initiated upon a reasoned request submitted by at least four members of the Council.

(7) The procedure for dismissal of the President or the Deputy President shall be public. Upon request of the President or Deputy President subject to the proceedings, the Council may decide to exclude the public in accordance with Article 11 of this Law.

(8) The Council shall adopt a decision on dismissal from the position of President or Deputy President with at least six votes of the members of the Council.

(9) The President or Deputy President shall have the right to file a complaint with the Administrative Court against the dismissal decision, in accordance with Article 65 of this Law. The dismissed President or Deputy President shall remain a member of the Council until the expiration of their term of office.

### III. COMPETENCE AND MANNER OF OPERATION OF THE COUNCIL

#### Article 9

The Council shall be competent to:

- elect and dismiss public prosecutors;
- submit a proposal to the Assembly of the Republic of North Macedonia for the dismissal of the Public Prosecutor of the Republic of North Macedonia;
- give an opinion to the Government of the Republic of North Macedonia on the proposal for the appointment and dismissal of the Public Prosecutor of the Republic of North Macedonia;
- ex officio monitor the expiration of the term of office of the Public Prosecutor of the Republic of North Macedonia and inform the Government of the Republic of North Macedonia accordingly;
- organise a public session for the presentation of candidates for Public Prosecutor of the Republic of North Macedonia and provide an opinion on the candidates who meet the requirements;
- designate a public prosecutor to act as head of a public prosecutor's office when their term of office has expired, their office has been terminated, they have been suspended, or dismissed;
- organise presentations and conduct interviews during the selection procedure for the Public Prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption;
- determine the termination of office of a public prosecutor;
- decide at second instance in disciplinary proceedings against public prosecutors;
- decide at second instance on decisions regarding the reassignment of a public prosecutor to another public prosecutor's office;
- monitor the work of public prosecutors based on reports on the works of public prosecutors and their performance evaluations in accordance with the law;
- decide at second instance on temporary suspension from office of a public prosecutor;

- decide on the reassignment of a public prosecutor from one public prosecutor's office to another of the same or lower level in the event of abolition or reorganisation of a public prosecutor's office;
- act upon complaints and grievances from natural and legal persons concerning the work of public prosecutors;
- determine the manner of exercising oversight over public prosecutor's offices by adopting a specific secondary legal act;
- decide upon appeals filed by public prosecutors against their performance evaluation;
- decide in proceedings aimed at ensuring and guaranteeing the independence of public prosecutors, in accordance with a rulebook adopted by the Council;
- decide upon requests for disciplinary responsibility of a member of the Council;
- adopt decisions allowing a member of the Council to carry out direct inspection of the work of public prosecutors;
- adopt a Code of Ethics for public prosecutors upon proposal by the Association of Public Prosecutors;
- determine by a decision the number of public prosecutors within public prosecutor's offices based on a methodology adopted by the Council;
- determine by a decision the number of vacant public prosecutors' positions in the basic public prosecution offices for the following two years by the end of February in the current year, based on an appropriate methodology, and submit the decision to the Academy for Training of Judges and Prosecutors,
- review and assess the annual reports of the public prosecutor's offices;
- adopt Rules of Procedure;
- adopt a decision on temporary suspension from duty of a public prosecutor;
- issue and revoke official identification cards for public prosecutors;
- maintain staff files for public prosecutors;
- submit a report on its work;
- provide opinions on laws within the scope of the Council's competences;
- provide opinions on the programmes of the Academy for Judges and Public Prosecutors;
- publish a vacancy notice and conduct the procedure for selection of a public prosecutor for temporary secondment to another public prosecutor's office, upon proposal by the Public Prosecutor of the Republic of North Macedonia or at its own discretion; and
- perform other tasks as provided by law.

## Conduct of Sessions

### Article 10

- (1) The Council shall deliberate and decide on matters within its competence at a session by a vote of the members present, cast as 'for' or 'against'.
- (2) The President of the Council shall convene and preside over the sessions.
- (3) The President shall convene a session upon the proposal of at least four members of the Council.
- (4) A session may be held if the majority of the total number of members are present.
- (5) The Council shall decide by a majority of votes from the total number of members, unless otherwise provided by law.
- (6) The decisions of the Council shall be reasoned and published on the website of the Council.

## **Publicity of Work**

### **Article 11**

- (1) The sessions of the Council shall be public.
- (2) The public may be excluded only by a decision of the Council for the purpose of protecting the reputation and integrity of the public prosecutor, protection of data confidentiality, protection of classified information, and in cases determined by law. The Council shall decide on the exclusion of the public from the sessions by a two-thirds majority vote of the total number of members.
- (3) In the event of a Council's decision to exclude the public from the session, the President of the Council shall inform the public of the reasons for excluding the public, and if a decision is adopted at the same session by vote, the voting on the decision shall be public.
- (4) When the Council decides on the election of a public prosecutor of a public prosecutor's office or on the election of a public prosecutor in a public prosecutor's office, the public may not be excluded under any circumstances.
- (5) The Council shall keep minutes of the voting on the decision referred to in paragraph (4) of this Article, which shall be published on the website of the Council.
- (6) Minutes shall be taken at the session of the Council, and an audio or an audiovisual recording shall be made thereof. The adopted minutes shall be published on the website of the Council.

## **Exemption of a Member of the Council**

### **Article 12**

- (1) A member of the Council shall not participate in the work of the Council in proceedings where a decision is made concerning a public prosecutor or candidate for public prosecutor with whom the member is:
  1. in a marital or non-marital union;
  2. related by consanguinity in a direct line of any degree, or collaterally to the fourth degree;
  3. related in affinity to the second degree;
  4. related as adopter or adoptee or lives in the same household;
  5. in a relationship involving conflict of interest in accordance with the law.
- (2) A member of the Council elected from among the public prosecutors shall not participate in the work of the Council when proceedings are initiated to determine their responsibility as a public prosecutor or as a member of the Council.
- (3) A member of the Council shall immediately cease participation in proceedings within the competence of the Council at the moment of becoming aware of the existence of the reasons referred to in paragraph (1) of this Article and shall notify the Council thereof.
- (4) A member of the Council who, during the performance of their function, becomes aware of circumstances that may raise doubt about their impartiality, except in the events provided in paragraph (1) of this Article, shall immediately notify the Council thereof, and the Council shall adopt an appropriate decision.
- (5) If the member of the Council fails to act in accordance with paragraph (3) of this Article, a disciplinary procedure may be initiated against them.

### **Alternative**

- (1) A member of the Council shall not participate in the work of the Council in proceedings where a decision is made concerning a public prosecutor or candidate for public prosecutor with whom the member is:
  1. in a marital or non-marital union;

2. related by consanguinity in a direct line of any degree, or collaterally to the fourth degree;
3. related in affinity to the second degree;
4. related as adopter or adoptee or lives in the same household;
5. has participated or is currently participating in other proceedings against that public prosecutor or candidate for public prosecutor.

(2) A member of the Council elected from among the public prosecutors shall not participate in the work of the Council when proceedings are initiated to determine their responsibility as a public prosecutor or as a member of the Council.

(3) A member of the Council shall immediately cease participation in proceedings within the competence of the Council at the moment of becoming aware of the existence of the reasons referred to in paragraph (1) of this Article and shall notify the Council thereof.

(4) A member of the Council who, during the performance of their function, becomes aware of circumstances that may raise doubt about their impartiality, except in the events provided in paragraph (1) of this Article, shall immediately notify the Council thereof, and the Council shall adopt an appropriate decision.

(5) If the member of the Council fails to act in accordance with paragraph (3) of this Article, a disciplinary procedure may be initiated against them.

### **Equality of the Members of the Council**

#### **Article 13**

The members of the Council, in the performance of their function as members of the Council, shall have equal rights and obligations, unless otherwise determined.

#### **ALTERNATIVE:**

The members shall have equal rights and obligations in the work of the Council.

### **Rules of Procedure of the Council**

#### **Article 14**

(1) The Council shall adopt the Rules of Procedure by a majority vote of the total number of members.

(2) The Rules of Procedure shall regulate the manner of work of the Council and other matters within the competence of the Council.

### **Performance Report**

#### **Article 15**

(1) The Council shall prepare and submit an annual report on its performance to the Assembly of the Republic of North Macedonia for information and consideration, no later than 30 April of the current year for the previous year.

(2) The report shall contain data on the number of appointed and dismissed public prosecutors, the number of initiated and completed disciplinary procedures, the staffing situation in the public prosecution system, the material and financial status of the Council of Public Prosecutors, data on handling complaints and proposals from natural and legal persons, and other data within the scope of the Council's work.

(3) The Council shall adopt the report on its performance at a session by a majority vote of the total number of members.

(4) A copy of the report referred to in paragraph (1) of this Article shall also be submitted to the Government of the Republic of North Macedonia and the Public Prosecutor's Office of the Republic of North Macedonia and shall be published on the Council's website.

#### **IV. PROCEDURE FOR ELECTION OF A MEMBER OF THE COUNCIL**

##### **Public Call for Member of the Council**

###### **Article 16**

(1) Within 60 days prior to the expiry of the term of office of the members of the Council, the President of the Council shall:

– adopt a decision for announcing a public call for election of members of the Council from among the public prosecutors and publish a public call for election of members of the Council from among the public prosecutors; and

– notify the President of the Assembly of the Republic of North Macedonia to announce a public call for election of members of the Council that are elected by the Assembly.

(2) In the event of early termination of the term of office referred to in Article 7 of this Law, the President of the Council shall act in accordance with paragraph (1) of this Article no later than 15 days following the termination of the term of office of the member of the Council.

##### **Duration of the Public Call**

###### **Article 17**

(1) The public call referred to in Article 16 of this Law shall be published in the “Official Gazette of the Republic of North Macedonia” and in at least two daily newspapers, one of which shall be a newspaper published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language.

(2) The public call shall remain open for 15 days from the date of its publication in the “Official Gazette of the Republic of North Macedonia.”

(3) There shall be a minimum of 30 days between the date of publication of the public call and the date of voting.

##### **Requirements for Member of the Council from the ranks of public prosecutors**

###### **Article 18**

Any public prosecutor may respond to the public call if, at the moment of announcement of the public call, they hold the office of a public prosecutor and:

– have at least ten years of service as a public prosecutor,

– have not been pronounced any disciplinary measures, and

– have received a positive evaluation in the performance of the prosecutorial function in accordance with the law.

##### **Candidacy**

###### **Article 19**

(1) Candidates shall submit their candidacy in writing to the Council.

(2) The application shall be accompanied by:

– biographical data on professional and academic development;



- data on participation in professional education and training, issued by the Academy for Judges and Public Prosecutors or by another institution;
  - a motivation letter; and
  - a statement indicating the list for which they are applying.
- (3) The Council, ex officio, shall attach or obtain:
- a certificate of years of service as a public prosecutor;
  - the most recent evaluation of the candidate by the competent public prosecutor's office;
  - statement from the disciplinary measures record.

### **Committee for Preparation of Candidate Lists**

#### **Article 20**

- (1) The Council shall establish, form among its members, a three-member Committee for the preparation of candidate lists.
- (2) The Committee shall prepare candidate lists from the candidacies submitted on time by candidates who meet the requirements set out in Article 18 of this Law and shall submit them to the Council.
- (3) The candidate lists shall be prepared according to electoral districts from which one candidate is elected, as follows:
- a general list for a candidate from the territory of the Higher Public Prosecutor's Office in Bitola, polling place no. 1;
  - a general list for a candidate from the territory of the Higher Public Prosecutor's Office in Gostivar, polling place no. 2;
  - a general list for a candidate from the territory of the Higher Public Prosecutor's Office in Skopje, polling place no. 3;
  - a general list for a candidate from the territory of the Higher Public Prosecutor's Office in Stip, polling place no. 4;
  - a general list for a candidate from the territory of the Public Prosecutor's Office of the Republic of North Macedonia, polling place no. 5; and
  - a single special list of candidates who are public prosecutors belonging to all communities that are not in the majority in the Republic of North Macedonia, for the entire territory of the Republic of North Macedonia, with polling places as for the general list.
- (4) The Committee referred to in paragraph (1) of this Article shall, by a decision, reject the candidacy of a public prosecutor for member of the Council if the candidate does not meet the requirements set forth in Article 18 of this Law or shall dismiss the application if the candidate fails to submit complete documentation in accordance with Article 19 paragraphs (1) and (2) of this Law.
- (5) The public prosecutor shall have the right to initiate an administrative dispute against the decision referred to in paragraph (4) of this Article, in accordance with Article 36 of this Law.
- (6) The Committee referred to in paragraph (1) of this Article shall publish the candidate lists, as well as the motivation letters and biographies of the candidates who meet the requirements, on the website of the Council of Public Prosecutors, no later than 21 days from the date of announcement of the elections.
- (7) A public prosecutor may withdraw their candidacy within seven days from the date of the submission.

### **Committee for Conducting Elections of Members of the Council from the ranks of Public Prosecutors**

#### **Article 21**

- (1) The Council shall establish, from among its members, a Committee for conducting elections of members of the Council from the ranks of the public prosecutors of the Republic of North Macedonia (hereinafter: the Election Commission).
- (2) The Election Commission shall consist of a president, two members, and their deputies.
- (3) The Election Commission shall prepare the election material, establish electoral boards and conduct the elections.

### **Electoral Directory of Public Prosecutors**

#### **Article 22**

- (1) The Electoral Directory of public prosecutors shall be maintained by the Council and shall contain the following data:
  - name and surname of the public prosecutor,
  - personal identification number,
  - the public prosecutor's office where they exercise their function,
  - total years of service as public prosecutor,
  - ethnicity,
  - official ID number,
  - space for remarks, and
  - space for signature.
- (2) The Council shall deliver the Electoral Directory of public prosecutors to all public prosecutor's offices in the Republic of North Macedonia within no more than five days after the announcement of the elections.
- (3) The Electoral Directory of public prosecutors shall be made available for inspection at the public prosecutor's office and shall be accessible to every public prosecutor who, within three days from the day of publication, may request a correction of the data in writing.
- (4) The President of the Council shall issue a decision on the request referred to in paragraph (3) of this Article within three days of its receipt.
- (5) The public prosecutor shall have the right to initiate an administrative dispute against the decision referred to in paragraph (4) of this Article, in accordance with Article 36.
- (6) The Council shall close the Electoral Directory of public prosecutors within no more than 20 days from the date of announcement of the elections.

### **Method of Conducting Elections for Members of the Council from the ranks of Public Prosecutors**

#### **Article 23**

- (1) Elections for members of the Council from the ranks of public prosecutors shall be conducted on the same day.
- (2) The elections shall be conducted at polling places in the Higher Public Prosecutor's Offices and in the Public Prosecutor's Office of the Republic of North Macedonia.
- (3) The elections at each polling place shall be conducted by an electoral board established by decision of the Election Commission.
- (4) A candidate for member of the Council may not serve as a member of an electoral board.
- (5) The electoral board shall be composed of a president and a deputy president from among the public prosecutors and two members and their deputies from among senior public prosecutor's advisers, independent public prosecutor's advisers, public prosecutor's advisers, legal associates, and public prosecutor's trainees.
- (6) The Election Commission shall be obliged to establish the electoral board seven days before the day of voting.

### **Election Material**

#### **Article 24**

The election material shall consist of:

- ballot boxes and voting booths,
- forms for minutes,
- ballot booklets in accordance with the extract from the Electoral Directory of public prosecutors,
- extract from the Electoral Directory of public prosecutors,
- lists of candidates, and
- other materials necessary for voting.

### **Ballot Paper**

#### **Article 25**

(1) The ballot paper shall contain:

- the title of the ballot,
- a serial number, located on the stub,
- number of the electoral unit and name of the polling place,
- surname and name of the candidates in alphabetical order,
- the public prosecutor's office from which the candidate is running, and
- certification with the stamp of the public prosecutor's office acting as polling place.

(2) In addition to the data in paragraph (1) of this Article, the special ballot shall also contain information on the ethnicity of the candidates.

(3) The Election Commission shall prepare the template of the ballot paper in accordance with this Article.

### **Delivery of Election Material**

#### **Article 26**

The Election Commission shall deliver the election material to the presidents of the electoral boards no later than 24 hours before the administration of the elections, and minutes shall be taken thereof.

### **Conduct of Voting**

#### **Article 27**

(1) Voting shall be conducted on a working day.

(2) Voting shall begin at 08:00 and shall last until 15:00 without interruptions.

(3) Public prosecutors shall vote for one candidate from the general list and one candidate from the single special list.

(4) Public prosecutors shall identify themselves when voting by presenting an official identification card or a public identity document, and shall vote by secret ballot.

(5) The electoral board may close the polling place before the expiry of the time referred to in paragraph (2) of this Article if all public prosecutors registered in the extract from the Electoral Directory of public prosecutors have voted.

(6) The ballot box shall not be opened before 15:00.

(7) The Election Commission shall ensure, through the website of the Council, real-time tabulation of election results for the public, and if direct broadcasting is not possible for technical reasons, the Committee shall record the process and publish the recording on the website of the Council no later than the following day.

### **Voting Minutes**

#### **Article 28**

- (1) Upon closing of the polling place, the electoral boards shall prepare minutes on the course and the results of the voting and notify the Election Commission no later than 19:00 on the same day.
- (2) The minutes shall include data on:
  - the total number of voters who cast their votes,
  - the total number of votes received by each candidate,
  - the number of invalid ballots, and
  - remarks on the course of voting.
- (3) The electoral board shall submit the voting minutes with the voting results and the remaining election materials to the Election Commission no later than eight hours after the end of voting.

### **Invalid Ballot**

#### **Article 29**

A ballot shall be considered invalid if it is not filled in, or if more candidates are selected than the number to be elected in the electoral unit, or if the voter's will cannot be clearly determined in any other unequivocal manner.

### **Election Result**

#### **Article 30**

- (1) The Election Commission shall tabulate the results from the polling places, determine the election result in the electoral units, and announce the results through the media and on the notice board of the polling place no later than 48 hours from the closing of the polling places, unless a procedure for protection of the electoral right has been initiated in accordance with Articles 32 and 33 of this Law.
- (2) If a procedure for protection of the electoral right has been initiated, the Election Commission shall publish the results referred to in paragraph (1) of this Article immediately after the end of those procedures.
- (3) Elections shall be considered successful if more than half of the registered voters from that electoral unit have voted.
- (4) If less than half of the registered voters from that electoral unit have voted, the election procedure shall be repeated in full by publishing a new call within ten days.
- (5) The candidate who has received the highest number of votes in the electoral unit shall be considered elected as member of the Council.
- (6) If multiple candidates from the same list have received the highest and equal number of votes, the elections for those candidates shall be repeated within seven days from the day of voting. In the event of another tie, the member of the Council shall be selected by drawing lots, organised by the Election Commission.
- (7) The Election Commission shall issue certificates to the elected members of the Council from the ranks of public prosecutors.
- (8) The form and content of the certificate template shall be prescribed by the Minister of Justice.

### **Protection of Electoral Right**

#### **Article 31**

- (1) The procedure for protection of the electoral right shall be urgent.
- (2) Complaints and lawsuits shall be submitted directly to the competent authorities.
- (3) Submission of complaints and lawsuits by mail shall not be allowed.

### **Procedure for Protection of the Electoral Right of a Candidate**

#### **Article 32**

- (1) Each candidate may file a complaint to the Election Commission about the course and the results of the voting in the voting procedure, tabulation and determining of the results from the voting for a member of the Council, within 5 hours from the completion of the voting, i.e. after the announcement of the results.
- (2) The Election Commission shall be obliged to render a decision within 12 hours of receipt of the complaint.
- (3) Against the decision of the Election Commission a lawsuit for initiation of an administrative dispute may be filed by dissatisfied candidates within 12 hours from the receipt of the decision, in accordance with Article 36 of this Law.

### **Procedure for Protection of the Electoral Right of a Voter**

#### **Article 33**

- (1) Every voter whose electoral right has been violated during the voting process may submit a complaint to the Election Commission within 5 hours after the conclusion of voting.
- (2) The Election Commission shall render a decision within 12 hours from receipt of the complaint.
- (3) Against the decision of the Election Commission, a lawsuit for initiation of an administrative dispute may be filed within 12 hours from receipt of the decision, in accordance with Article 36.

### **Members of the Council Elected by the Assembly of the Republic of North Macedonia**

#### **Article 34**

- (1) The members of the Council elected by the Assembly of the Republic of North Macedonia shall be elected from among university professors of law, attorneys-at-law, former judges of international courts or members of international judicial bodies, and other distinguished legal professionals, two of whom shall be from the non-majority communities.
- (2) Any person who, at the time of the publication of the public call of the Assembly of the Republic of North Macedonia, meets the following requirements may apply:
  - being a citizen of the Republic of North Macedonia,
  - being a graduate lawyer with at least 15 years of professional legal experience following the bar exam, or a university professor of law with at least seven years of experience in a teaching-scientific title,
  - distinguished by their academic or professional work in the field of the judiciary,
  - distinguished by their public activity in the promotion of the rule of law, judicial independence, and human rights,
  - with no prior conviction by a final court decision for a crime against official duty and authorization in the performance of a function, or for another criminal offence punishable by at least six months' imprisonment which renders the person unfit to serve as a Council member,
  - enjoying a reputation and possessing integrity to perform the function of a Council member, demonstrated by submitting at least three recommendations from university professors of law, attorneys-at-law, former or current judges of international courts or members of international judicial bodies, or persons with at least 15 years of professional experience in law following the bar exam, two of whom must belong to the same legal profession as the candidate.
- (3) Along with their application, candidates shall submit a biography and data on their professional and academic development, a motivation letter, and evidence of fulfilment of the requirements set forth in paragraphs (1) and (2) of this Article.
- (4) A person may not be elected as a member of the Council under paragraphs (1) and (2) of this Article if, at the time of the public call, they hold judicial or prosecutorial office, or if they have previously been dismissed from such office, unless the European Court of Human Rights has found a violation of the European Convention on Human Rights in the dismissal procedure, nor a

person who has been, in the past four years, a Member of Parliament, a member of the Government of the Republic of North Macedonia, or has held or is currently holding office in a political party body.

(5) The session of the Assembly of the Republic of North Macedonia at which the members referred to in paragraph (1) of this Article are elected shall be urgent and held within no more than 30 days from the day of the election of members of the Council elected by the public prosecutors.

### **Procedure for the Election of a Member of the Council by the Assembly of the Republic of North Macedonia**

#### **Article 35**

(1) The procedure for the election of members of the Council elected by the Assembly shall begin with the announcement of the public call referred to in Article 16 of this Law.

(2) The Committee on Election and Appointment Issues of the Assembly of the Republic of North Macedonia shall, within 10 days from the announcement of the public call referred to in Article 16 of this Law, establish a Working Group for the preliminary selection of candidates for members of the Council (hereinafter: the Working Group), following a public call for the appointment of representatives who are not Members of Parliament.

(3) The Working Group shall be composed of five members:

- one member from the Association of Public Prosecutors of the Republic of North Macedonia,
- one member from the Bar Association of the Republic of North Macedonia,
- one member from the civil sector in the field of rule of law, judiciary and human rights,
- one Member of Parliament from the parliamentary majority,
- one Member of Parliament from the parliamentary opposition.

(4) Administrative support to the Working Group shall be provided by the organisational unit of the Service of the Assembly of the Republic of North Macedonia that supports the working bodies of the Assembly of the Republic of North Macedonia.

(5) Within eight days from the expiration of the application deadline referred to in Article 17 of this Law, the Working Group shall verify whether the requirements under Article 34 of this Law are met and shall prepare a report with a list of candidates that meet the requirements, which shall be submitted to the Committee on Election and Appointment Issues and all applicants.

(6) The report with the list referred to in paragraph (5) of this Article, along with the biographies and motivation letters of the candidates, shall be published in full on the website of the Assembly of the Republic of North Macedonia, with information on fulfilment of the requirements from Article 34 of this Law, immediately, and no later than one day from the date of its adoption.

(7) Dissatisfied candidates shall have the right to file a complaint against the list of the Working Group with the Committee on Election and Appointment Issues within 48 hours from the publication of the list on the website. The Committee shall decide on the complaints no later than five days after the expiry of the deadline for submission of complaints and shall publish the final list.

(8) Within five days from the publication of the list referred to in paragraph (7) of this Article, the Committee on Election and Appointment Issues shall organise a public hearing for the presentation of candidates who meet the requirements set forth in Article 34 of this Law, which shall be broadcast on the Parliamentary Channel. If a candidate fails to attend the public hearing without justified reason, the application shall be considered withdrawn.

(9) The Committee shall invite to the public hearing representatives from the Association of Public Prosecutors, the Bar Association of the Republic of North Macedonia, civil society organisations working in the field of the judiciary, rule of law and human rights, representatives of the media and the academic community.

(10) The date and time of the public hearing shall be published on the website of the Assembly of the Republic of North Macedonia on the same day of the publication of the list referred to in paragraph (7) of this Article.

(11) Participants in the public hearing shall have the right to ask questions.

(12) Within 7 days from the conclusion of the public hearing, the Committee shall prepare a report with the proposed list of candidates and shall submit it, together with the documents referred to in Article 34 of this Law, to the Assembly. The Assembly shall schedule a session within 30 days from the date of receipt of the report with the proposed list referred to in paragraph (5) of this Article.

(13) At the session, the Assembly shall deliberate and vote separately for each candidate from the proposed list prepared by the Committee.

(14) If two candidates receive an absolute majority of the total number of Members of Parliament, the candidate who received the higher number of votes shall be considered elected.

(15) If the Assembly does not elect members of the Council, the election procedure shall be repeated in its entirety by publishing a new public call within ten days.

(16) In the procedure for the election of members of the Council, the principles of equitable and fair representation and equal gender representation shall be taken into account.

### **Article 36**

#### **Deadlines for Urgent Administrative Judicial Protection**

(1) Against the decisions referred to in Articles 20 paragraph (5), 22 paragraph (5), 31 paragraph (2), 32 paragraph (3), and 33 paragraph (3) of this Law, the voter or the candidate may file a lawsuit before the Administrative Court within 24 hours of receiving the decision.

(2) The Administrative Court shall render a decision on the lawsuit referred to in paragraph (1) of this Article within 48 hours from the delivery of the case file.

(3) An appeal against the decision of the Administrative Court referred to in paragraph (2) of this Article may be submitted to the Higher Administrative Court within 3 days from the date of receipt of the decision of the Administrative Court.

(4) The Higher Administrative Court shall decide on the appeal referred to in paragraph (3) of this Article within 5 days from the receipt of the appeal.

### **Solemn Declaration**

#### **Article 37**

(1) The elected members of the Council and the ex officio members shall give a solemn declaration before the President of the Assembly of the Republic of North Macedonia.

(2) The solemn declaration reads:

“I declare and swear that I will perform the function of member of the Council of Public Prosecutors with honour, conscience and responsibility, and that I will respect the Constitution of the Republic of North Macedonia, the laws, and the international agreements ratified in accordance with the Constitution of the Republic of North Macedonia.”

(3) The newly elected members shall sign the solemn declaration.

(4) The elected members and the ex officio member of the Council shall give the solemn declaration in the Macedonian language and sign it in the Macedonian language and its Cyrillic script.

(5) The elected members of the Council who belong to communities speaking an official language other than the Macedonian language spoken by at least 20% of the citizens shall give the solemn declaration in accordance with the provisions of the Law on the Use of Languages.

(6) A copy of the signed declaration shall be delivered to the newly elected member.



(7) The term of office of the newly elected member shall commence on the day of giving the solemn declaration.

### **Constitution of the Council**

#### **Article 38**

(1) Upon election of the full composition of the Council, the constitutive session shall be held within 30 days from the election of the majority of the members of the Council.

(2) The constitutive session shall be convened and chaired by the oldest of the elected members of the Council, no later than 30 days from the day of the election.

(3) Until the election of the President of the Council, the session shall be chaired by the oldest member of the Council.

### **Termination of the term of office of a Member of the Council**

#### **Article 39**

(1) The term of office of a member of the Council shall terminate:

- 1) upon expiry of the term for which they were elected;
- 2) upon submission of resignation;
- 3) if dismissed from the public prosecutorial function in accordance with the law;
- 4) if dismissed as a member of the Council in accordance with the law;
- 5) upon fulfilment of the conditions for retirement age in accordance with the law, whereby the member of the Council may continue to perform the function in accordance with labour regulations, by submitting a statement to the Council of Public Prosecutors;
- 6) if convicted by a final court judgment for a criminal offence against official duty and authorization in the exercise of the function, or for another criminal offence punishable by at least six months of imprisonment which renders them unfit to hold the function of Council member, or if a sanction of prohibition on exercising a profession, activity or duty has been imposed;
- 7) if the member is found to be permanently incapable of performing the function; and
- 8) if elected or appointed to another public office or profession.

(2) In the event referred to in paragraph (1), item 2) of this Article, the term of office of any Council member shall end when the Council, at the first subsequent session and no later than 15 days from the day of submission, confirms the resignation.

(3) In the event referred to in paragraph (1), item 3) of this Article, the term of office shall end upon the finality of the decision on dismissal from the prosecutorial office.

(4) In the event referred to in paragraph (1), item 4) of this Article, the term of office shall end upon the finality of the decision on dismissal as a member of the Council.

(5) In the event referred to in paragraph (1), item 5) of this Article, the termination or continuation of the function of Council member shall be confirmed by a decision of the Council at its next session.

(6) In the event referred to in paragraph (1), item 6) of this Article, the term of office shall end on the day the decision becomes final.

(7) In the event referred to in paragraph (1), item 7) of this Article, the term of office shall end when the Council, based on a final court decision, determines at a session that the member is permanently incapable of performing the function.

(8) In the event referred to in paragraph (1), item 8) of this Article, the term of office shall end upon election to another function or profession.

### **V. PROCEDURE FOR DISMISSAL FROM OFFICE OF A MEMBER OF THE COUNCIL**



**Dismissal of a Member of the Council****Article 40**

(1) A member of the Council shall be dismissed from the function if:

- 1) the public prosecutor – member of the Council is dismissed from the public prosecutorial function in accordance with the law;
- 2) the grounds for dismissal under the law are met.

(2) The mandate shall terminate upon the finality of the decision on dismissal of the member of the Council of Public Prosecutors.

**Grounds for Submitting a Request for Dismissal of a Member of the Council****Article 41**

A reasoned request to initiate a procedure for the dismissal of a member of the Council, along with the evidence on which it is based, may be submitted to the Council by at least five public prosecutors or at least three members of the Council, if the member of the Council:

- impacts the autonomy of public prosecutors or applies pressure regarding decisions in specific cases;
- is a member of political party, performs a political function in a political party or engages in party or political activity;
- neglects or fails to perform their function and duties in the work of the Council;
- refuses to submit a declaration of assets and interests in accordance with the law, or if the information contained in the declaration is substantially untrue, as determined by a competent institution in accordance with the law; or
- violates the rules on recusal in situations where the member of the Council knew or ought to have known of the existence of grounds for recusal as provided by this Law.

**Procedure for Dismissal of a Member****Article 42**

(1) The procedure for dismissal of a member of the Council shall be urgent and confidential, conducted without the presence of the public and with respect for the reputation and dignity of the member of the Council, ensuring protection of personal data in accordance with the regulations on personal data protection.

(2) By way of exception from paragraph (1) of this Article, upon the request of the member of the Council against whom the procedure is conducted, the Council shall decide that the procedure be public.

(3) The request referred to in Article 41 of this Law shall be submitted to the Council, which, within three days from the date of receipt, shall determine at a public session whether the request is properly submitted and filed by an authorised submitter.

(4) If the request is unduly drafted or filed by an unauthorised submitter, the Council shall reject it at the same session.

(5) If the request is duly drafted or filed by an authorised submitter, the Council shall establish a three-member committee to collect information and evidence relevant to establishing the facts related to the request.

(6) If the information and evidence referred to in paragraph (5) of this Article are in possession of a state authority, a body of a local self-government unit, or a natural or legal person entrusted with public authorisations, they shall them to the committee referred to in paragraph (5) of this Article, or to the member of the Council against whom the procedure is being conducted, free of charge and within the deadline specified in the request referred to in paragraph (1) of this Article.

(7) Within 30 days from the date of receipt of the request, the Council shall hold a session at which the President of the Council shall present all allegations, data and evidence.

(8) The member of the Council subject to the dismissal procedure shall have the right to respond in writing to the allegations in the request or to make an oral statement at the session of the Council at which the request is being considered.

9) Along with the response to the request, the member of the Council shall submit all evidence relied upon in the response.

(10) The member of the Council subject to the dismissal procedure shall have the right to a defence counsel, whom they shall provide themselves and notify of the hearing.

(11) The manner of conducting the procedure for dismissal of a member of the Council shall be further regulated by a bylaw adopted by the Council.

### **Delivery**

#### **Article 43**

(1) If the request is duly drafted and filed by an authorised submitter, the Council shall deliver the request and the evidence personally to the member of the Council subject to the dismissal procedure, through the archives of the Council or by registered mail to their domicile or place of residence.

(2) If the member of the Council is not found at the delivery location referred to in paragraph (1) of this Article, a written notice shall be left indicating the place and time for collection of the request, and such notice shall be deemed duly delivered.

(3) In the response to the request, the member of the Council shall be obliged to state the address for delivery of correspondence during the procedure by registered mail, as well as the electronic address for electronic service.

(4) If the member of the Council is not found at the address specified in the response for service, the deliverer shall leave a written notice for collection of the document, indicating a specific date and time at the premises of the Council. If the member fails to act upon the notice, the delivery shall be considered completed on the date and time indicated in the notice.

(5) Electronic service shall be carried out in accordance with the provisions of the Law on Litigation Procedure.

### **Decision on the Request for Dismissal**

#### **Article 44**

(1) The Council shall adopt a decision on the submitted request for dismissal, as a rule, at its first subsequent session, and no later than three months from the receipt of the request.

(2) The decision to dismiss a member of the Council shall be adopted by the Council by a majority of the total number of members of the Council.

(3) Against the decision on dismissal, the Council member shall have the right to initiate an administrative dispute in accordance with Article 65 of this Law.

(4) The term of office of the Council member shall terminate on the day the dismissal decision is adopted.

### **Temporary Removal from Office of Member of the Council**

#### **Article 45**

(1) A member of the Council may be temporarily removed from office of member of the Council if an order for conducting an investigative procedure has been issued against them, if a summary indictment has been raised—except for criminal offences committed by negligence—or if a disciplinary procedure or a dismissal procedure has been initiated.

(2) The Council shall schedule a session to deliberate on the temporary removal from office within 8 days from receipt of the act referred to in paragraph (1) of this Article.

(3) The decision on temporary removal from office shall be adopted by the Council by a majority of the total number of members, and the member of the Council against whom proceedings have been initiated may attend the session but shall be excluded from voting.

(4) The decision on temporary removal from office shall be reviewed monthly by the Council.

## **VI. ELECTION, TERMINATION AND DISMISSAL FROM THE FUNCTION OF PUBLIC PROSECUTOR**

### **Announcement of Election for Public Prosecutor**

#### **Article 46**

(1) The Council shall adopt a decision to announce a public call for the election of a public prosecutor immediately, and no later than 7 days after the post of the public prosecutor becomes vacant, or upon establishing the need for a prosecutorial post.

(2) The public call shall be published in the “Official Gazette of the Republic of North Macedonia” and in at least two daily newspapers, one of which shall be published in the language spoken by at least 20% of the citizens who speak an official language other than the Macedonian language.

(3) The public call shall inform interested candidates to submit applications to the Council within 15 days from the date of publication in the “Official Gazette of the Republic of North Macedonia”.

### **Election of a Public Prosecutor in a Basic Public Prosecutor’s Office**

#### **Article 47**

(1) The Council shall elect a public prosecutor in a basic public prosecutor’s office from the list of candidates submitted by the Academy for Judges and Public Prosecutors who have responded to the public call, taking into consideration the year of completion of the training and the results achieved, as well as the interview conducted by the Council.

(2) The Council shall conduct interviews with the candidates, assessing their competencies and ensuring conditions for the publicity of the interview.

(3) The manner of conducting the interview shall be further regulated by a bylaw adopted by the Council.

(4) The Council may elect as a public prosecutor in a basic public prosecutor’s office a public prosecutor from another basic public prosecutor’s office who has responded to the public call, if no candidate from the Academy for Judges and Public Prosecutors has responded.

### **Election of Public Prosecutors in the Public Prosecutor’s Office of the Republic of North Macedonia, the Higher Public Prosecutor’s Offices, and the Basic Public Prosecutor’s Office for Prosecuting Organised Crime and Corruption**

#### **Article 48**

The Council shall elect public prosecutors in the Public Prosecutor’s Office of the Republic of North Macedonia, the Higher Public Prosecutor’s Offices, and the Basic Public Prosecutor’s Office for Prosecuting Organised Crime and Corruption from among the candidates who applied at the public call and who meet the requirements and criteria in accordance with the law.

#### **Article 49**

During their term of office, a member of the Council may not be elected as a public prosecutor in a public prosecutor’s office or as the public prosecutor of the public prosecutor’s office.

### **Decision on the Election of Public Prosecutors**

#### **Article 50**

- (1) The Council shall deliberate and decide on the election of public prosecutors at a session attended by at least two-thirds of the total number of Council members.
- (2) Council members shall vote separately for all candidates on the ranking list.
- (3) Each member of the Council shall orally explain their decision in favour of or against the election of a public prosecutor at the session.
- (4) The candidate who receives a majority of votes from the total number of Council members shall be considered elected as a public prosecutor.
- (5) The decision adopted by the Council must be reasoned, individualised, and subject to comparison.
- (6) The Council shall deliver the decision on the election of a public prosecutor to each candidate.

**Election of the Higher Public Prosecutor of a Higher Public Prosecutor's Office, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption, and the Basic Public Prosecutor of a Basic Public Prosecutor's Office**  
**Article 51**

- (1) The Council shall elect the higher public prosecutor of a higher public prosecutor's office and the basic public prosecutor of a basic public prosecutor's office from among the candidates who applied, from the ranks of elected public prosecutors in the Republic of North Macedonia who meet the conditions and criteria prescribed by law.
- (2) The candidate who receives a majority of votes from the total number of members of the Council shall be considered elected as the higher or the basic public prosecutor referred to in paragraph (1).
- (3) The election of the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption shall be carried out in accordance with the law.
- (4) The Council of Public Prosecutors shall appoint the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption within seven days from the day of voting.
- (5) In the cases referred to in paragraph (1) of this Article, the Council shall adopt a separate decision.

**Equitable and Fair Representation in the Election of Public Prosecutors**  
**Article 52**

When the Council elects public prosecutors in the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption, a basic public prosecutor or a public prosecutor in a basic public prosecutor's office established for the territory under the jurisdiction of two or more courts—of which at least one court is seated in a municipality where, in addition to Macedonian, another official language is spoken by at least 20% of the citizens living in the territory of those municipalities—and a higher public prosecutor or public prosecutors in a prosecutor's office located in a municipality where 20% of the population speaks an official language other than Macedonian, the Council shall decide in accordance with Article 50 of this Law, ensuring a majority of votes from the present members belonging to non-majority communities in the Republic of North Macedonia.

**Reannouncement of Election**  
**Article 53**

If none of the registered candidates meets the prescribed conditions or is elected, the Council shall, at the same session, adopt a decision to reannounce the election for public prosecutor.

**Deadlines for Election**

**Article 54**

- (1) The Council shall complete the procedure for the election of a public prosecutor in a basic public prosecutor's office within 2 months from the day of publication of the public call.
- (2) The procedure for election of a basic public prosecutor in a basic public prosecutor's office, a higher public prosecutor in a higher public prosecutor's office, and a public prosecutor in a higher-level prosecutor's office shall be completed by the Council within 3 months from the receipt of the evaluations of the candidates.
- (3) The procedure for the election of a public prosecutor in the Basic Public Prosecutor's Office for Prosecuting Organised Crime and Corruption shall be completed within 3 months from the day of the presentation of the candidates.

**Termination of the Office of Public Prosecutor****Article 55**

The Council shall adopt a decision establishing the termination of the office of a public prosecutor when any of the grounds determined by the Law on the Public Prosecutor's Office have been met.

**Termination of the Office of a Public Prosecutor upon Own Request****Article 56**

The Council shall adopt a decision on termination of the office of a public prosecutor when the public prosecutor personally requests it (submits a resignation), without examining the reasons stated in the request, at the first subsequent session following receipt of the request (resignation).

**Termination of the Office of a Public Prosecutor due to Loss of Citizenship****Article 57**

The Council shall adopt a decision on termination of the office of a public prosecutor due to loss of citizenship, based on a final decision of the competent authority, at the first subsequent session following the receipt of the decision. The competent authority shall deliver the decision on loss of citizenship to the Council.

**Termination of the Office of a Public Prosecutor due to Permanent Loss of Capacity for its Performance****Article 58**

- (1) The Council shall, ex officio, initiate proceedings before the competent court to establish permanent loss of capacity to perform the office of public prosecutor when it obtains such knowledge or upon initiative by the Public Prosecutor of the Republic of North Macedonia, a higher public prosecutor, or a basic public prosecutor.
- (2) Based on a final court decision, the Council shall adopt a decision on Termination of the Office of a Public Prosecutor due to permanent loss of capacity to perform the office, at the first subsequent session following receipt of the decision.

**Termination of the Office of a Public Prosecutor due to Fulfilment of Retirement****Conditions****Article 59**

- (1) The Council shall adopt a decision on Termination of the Office of a Public Prosecutor when the conditions for old-age retirement have been fulfilled in accordance with the law, whereby the public prosecutor may continue to perform their function in accordance with labour legislation by submitting a written statement to the Council of Public Prosecutors.
- (2) In the event referred to in paragraph (1) of this Article, the termination or continuation of the office shall be confirmed by a decision of the Council at the first subsequent session.

**Termination of the Office of a Public Prosecutor Due to Criminal Offence****Article 60**

- (1) The Council shall adopt a decision on Termination of the Office of a Public Prosecutor when the prosecutor is convicted by a final judgment for a criminal offence punishable by at least six months of imprisonment or for a criminal offence against official duty, at the first subsequent session.
- (2) The first instance court shall immediately submit a copy of the final judgment to the Council.

**Termination of the Office of a Public Prosecutor due to Election or Appointment to Another Public Office****Article 61**

- (1) The Council shall adopt a decision to establish termination of the office of a public prosecutor when the public prosecutor has been elected or appointed to another public office, except in the events where the law provides for temporary suspension of the public prosecutor's office as of the date of election or appointment.
- (2) The body that has elected or appointed the public prosecutor to another public office shall submit the act for the election or appointment to the Council immediately.

**Article 62**

- (1) A member of the Council may submit an initiative for determining the disciplinary responsibility of a public prosecutor to the authorised submitters of a proposal for determining disciplinary responsibility.
- (2) A member of the Council who has submitted an initiative for determining the disciplinary responsibility of a public prosecutor may not participate in the second-instance procedure for determining disciplinary responsibility or in the procedure for dismissal of a public prosecutor.

**Dismissal of a Public Prosecutor****Article 63**

The Council shall, based on a completed procedure for establishing responsibility, dismiss a public prosecutor by decision in accordance with the grounds laid down in the Law on the Public Prosecutor's Office.

**Decisions of the Council****Article 64**

- (1) As a second-instance body, the Council, when deciding upon appeal, may annul, modify, or confirm the decision of the Committee for Determining Responsibility of a Public Prosecutor, in accordance with the Law on the Public Prosecutor's Office.
- (2) When confirming the decision of the Committee referred to in paragraph (1) of this Article, by which disciplinary responsibility has been established and dismissal is proposed, the Council shall adopt a separate decision dismissing the public prosecutor and establishing the termination of their office.
- (3) The decision on dismissal from the office of public prosecutor and the decision on termination of the office shall be delivered to the public prosecutor and to the Public Prosecutor's Office of the Republic of North Macedonia.
- (4) Against the decisions of the Council referred to in paragraph (3) of this Article, the public prosecutor shall have the right to initiate an administrative dispute in accordance with Article 65.

**Right to File a Lawsuit****Article 65**

- (1) Against the decisions referred to in Article 8 paragraph (8), Article 44 paragraph (3), Articles 50 and 51, and Article 64 paragraph (3), the President, the Deputy President, the member of the Council or the public prosecutor shall have the right to file a lawsuit before the Administrative Court within 8 days from the date of receipt of the decision of the Council of Public Prosecutors.
- (2) The Administrative Court shall decide on the lawsuit referred to in paragraph (1) of this Article within 8 days from the date of receipt of the case files.
- (3) An appeal against the decision of the Administrative Court referred to in paragraph (2) of this Article may be filed with the Higher Administrative Court within 8 days from the receipt of the decision.
- (4) The Higher Administrative Court shall render a decision within 8 days from the date of receipt of the appeal.
- (5) In the proceedings under Article 8 paragraph (8) and Article 64 paragraph (3), an administrative dispute shall be allowed only with respect to the legality of the procedure.
- (6) The Council shall act upon the decision of the Administrative Court within 30 days from the date of delivery of the decision.

### **Temporary Removal from the Office of Public Prosecutor**

#### **Article 66**

- (1) If a public prosecutor is removed from office due to the imposition of detention or house arrest, or if criminal proceeding or a disciplinary procedure have been initiated, they shall have the right to appeal the removal decision to the Council within eight days from the day of receipt of the decision.
- (2) The Council shall decide on the appeal within 8 days from the receipt of the appeal referred to in paragraph (1) of this Article, and shall confirm, annul, or modify the decision.

## **VII. PROFESSIONAL SERVICE OF THE COUNCIL**

#### **Article 67**

- (1) The Council shall have a Professional Service.
- (2) The Professional Service shall be managed by a Secretary.
- (3) The Council shall adopt acts on internal organisation and systematisation of job positions.
- (4) When employing staff in the Professional Service of the Council, equitable and fair representation of citizens belonging to non-majority communities in the Republic of North Macedonia shall be ensured.

#### **Article 68**

The candidate for Secretary, in addition to meeting the general requirements for establishing an employment relationship in the public prosecutor's office, must also have at least four years of work experience after passing the bar examination.

#### **Article 69**

- (1) The Council shall have a Professional service that performs administrative, professional-technical, organizational, informational, research, and financial tasks for the needs of the Council.
- (2) The Professional service of the Council shall consist of a Secretary General, Council servants, and individuals employed in the Professional service who perform auxiliary-technical tasks.
- (3) The Professional service shall be managed by the Secretary General.
- (4) In the employment process within the Professional service of the Council, fair and equitable representation of citizens belonging to all communities in the Republic of North Macedonia



- shall be ensured, without compromising the criteria of expertise and competence.
- (5) The Secretary General shall attend Council sessions without the right to vote and may propose items on the agenda related to the work of the Professional service.
  - (6) The act on internal organization and the act on systematization of job positions within the Service shall be adopted by the Council.
  - (7) The act on internal organization shall regulate:
    - the type and number of organizational units,
    - the scope of work, obligations of the organizational units, and their interrelations, and
    - the management of organizational units.
  - (8) A graphical representation (organigram) of the organization of the Council's Professional service shall be an integral part of the act on internal organization.
  - (9) The act on systematization of job positions within the Council's Professional service shall determine the number of Job positions and the number of employees, in accordance with the need for the efficient execution of the Council's responsibilities.
  - (10) The acts referred to in paragraph (6) of this Article shall be submitted by the President of the Council to the Ministry of Information Society and Administration for informational purposes and shall be published on the Council's website

### **Status of Employees in the Professional Service of the Council**

#### **Article 70**

- (1) The Secretary General and the Council servants shall have the status of administrative servants. The provisions of the Law on Public Sector Employees, the Law on Administrative Servants, and labour relations regulations shall apply to the Secretary General and the Council servants, unless otherwise regulated by this Law.
- (2) In addition to the general conditions for establishing employment in a court i.e. the conditions stipulated by the Law on Administrative Servants, candidates for the position of Secretary General must also have six years of service following the passing of the bar exam.
- (3) Persons employed in the Council's Professional service who perform auxiliary-technical tasks shall not have the status of administrative servants, and the provisions of the Law on Public Sector Employees and labour relations regulations shall apply to them.

### **Classification of Job Positions of Council Servants**

#### **Article 71**

- (1) The job positions of the Council servants are classified into four categories in accordance with the criteria established in the Law on Administrative Servants:
  - Category A – Secretary General,
  - Category B – Head Council servants,
  - Category C – Expert Council servants,
  - Category D – Assistant-Professional Council servants.
- (2) Within each category under paragraph (1) of this Article, several levels of job positions are determined for the Council servants.

### **Levels of Job Positions of Council Servants by Category**

#### **Article 72**



(1) Within each category, the following levels and titles shall be established for the Council servants:

1. Category A:
  - A1 Secretary General.
2. Category B:
  - B1 State Adviser, Head Council Servant, first level, code SUS 01 01 B01000,
  - B2 Head of Department, Head Council Servant, second level, code SUS 01 01 B02000,
  - B3 Assistant Head of Department, Head Council Servant, third level, code SUS 01 01 B03000,
  - B4 Head of Unit, Head Council Servant, fourth level, code SUS 01 01 B04000.
3. Category C:
  - C1 Advisor, Expert Council Servant, first level, code SUS 01 01 C01000,
  - C2 Senior Associate, Expert Council Servant, second level, code SUS 01 01 C02000,
  - C3 Associate, Expert Council Servant, third level, code SUS 01 01 C03000,
  - C4 Junior Associate, Expert Council Servant, fourth level, code SUS 01 01 C04000.
- Category D:
  - D1 Independent Officer, Assistant-Professional Council Servant, first level, code SUS 01 01 D01000,
  - D2 Senior Officer, Assistant-Professional Council Servant, second level, code SUS 01 01 D02000,
  - D3 Officer, Assistant-Professional Council Servant, third level, code SUS 01 01 D03000,
  - D4 Junior Officer, Assistant-Professional Council Servant, fourth level, code SUS 01 01 D04000.

The codes of the Council servants referred to in paragraph (1) of this Article shall be incorporated into the Catalogue of Job Positions in the Public Sector maintained by the Ministry of Public Administration.

### **Methods of Filling Job Positions**

#### **Article 73**

(1) Job positions in the Council's Professional Service shall be filled through the following procedures:

- employment, by public announcement,
- promotion, by internal announcement, and
- mobility, through reassignment or transfer.

(2) The procedures referred to in paragraph (1) of this Article shall be conducted in a transparent, fair and competitive manner, respecting the principle of equitable and appropriate representation.

(3) Filling of positions by internal announcement shall be a priority when filling job positions in the Council's Professional Service.

(4) The procedures referred to in paragraph (1) of this Article shall be carried out upon prior approval of secured financial resources from the Council's Budget, within the funds provided for the Council and in accordance with the annual employment plan.

### **Application of Other Laws in Employment Procedures**

#### **Article 74**

(1) The procedures for employment and promotion of council servants shall be conducted in accordance with the Law on Administrative Servants.

(2) The procedures for mobility of council servants shall be conducted in accordance with the Law on Public Sector Employees.

(3) The recruitment procedures for auxiliary-technical staff shall be conducted in accordance with the Law on Public Sector Employees and the regulations on labour relations.

(4) The procedures for filling job positions by concluding a fixed-term employment contract, regardless of the basis, shall be conducted upon prior approval of secured financial resources from the Budget of the Council of Public Prosecutors of the Republic of North Macedonia, within the funds allocated in the Council's budget.

### **Procedure for Adoption of the Annual Employment Plan**

#### **Article 75**

(1) The Secretary General shall prepare a Draft Annual Employment Plan for the upcoming year and submit it, along with the Draft Budget Request, to the President of the Council of Public Prosecutors of the Republic of North Macedonia for approval.

(2) The Council of Public Prosecutors of the Republic of North Macedonia shall adopt the plan and issue a decision on the provision of financial resources later than 1 September.

(3) The President of the Council shall submit the plan, along with the approval, to the Ministry of Finance, the Ministry of Public Administration and the Agency for Administration for information purposes.

(4) If the Council of Public Prosecutors of the Republic of North Macedonia does not act on the request for approval within 15 days from receipt of the draft plan, it shall be considered that the approval has been granted.

### **Reporting on the Implementation of the Plan**

#### **Article 76**

The Council shall submit a report twice a year to the Ministry of Public Administration and the Ministry of Finance, for information, on the implementation of the plan from Article 75 of this Law, no later than 15 July for the period January–June of the current year, and no later than 15 January of the current year for the July–December period of the previous year.

### **Salary and Score Value for Salary Calculation**

#### **Article 77**

(1) The basic component of the salary of the Council servants shall be comprised as follows:

- the minimum salary,
- salary component for degree of education,
- salary component for job level,
- salary component for years of service.

(2) The minimum salary is the amount published by the Minister of Labor and Social Policy in the "Official Gazette of the Republic of North Macedonia" in accordance with the law.

(3) The salary component for degree of education, which is the statutory minimum for the respective job level, shall be valued as follows:

<b>LEVEL OF QUALIFICATION/EDUCATION</b>	<b>POINTS</b>
Level of qualifications VI A, 240 credits according to ECTS or completed VII/1 degree	56
Level of qualifications VI B or 180 credits according to ECTS	31
Level of qualifications VA, 60 to 120 credits according to ECTS or a Higher Education	11
Level of qualifications IV, 240 credits according to ECVET or MCSGE or four years secondary school education	1

All levels of Category C, regardless of the degree of education, shall be valued with 56 points.

(4) The salary component for the level at which the administrative servant is assigned shall be calculated as follows:

<b>LEVEL</b>	<b>POINTS</b>
A2 – Secretary General	750
B1 – Head Council Servant, First Level	664
B2 – Head Council Servant, Second Level	630
B3 – Head Council Servant, Third Level	485
B4 – Head Council Servant, Fourth Level	386
C1 – Expert Council Servant, First Level	300
C2 – Expert Council Servant, Second Level	223
C3 – Expert Council Servant, Third Level	198
C4 – Expert Council Servant, Fourth Level	175
D1 – Assistant-Professional Council Servant, First Level	145
D2 – Assistant-Professional Council Servant, Second Level	130
D3 – Assistant-Professional Council Servant, Third Level	120
D4 – Assistant-Professional Council Servant, Fourth Level	110

(5) The salary component for years of service as Council servant shall be valued in the amount of 0.5% of the sum of the minimum salary, the salary component for degree of education, and the salary component for job level for each completed year of career, but not more than 20%.

(5) The portion of the salary for work experience shall be calculated at the rate of 0.5% of the sum of the minimum wage, the portion of the salary for education level, and the portion for job level for each completed year of service, up to a maximum of 20%.

### **Article 78**

(1) The value of the point for calculation of salaries of the Council servants shall be determined each year by a Decision from the Council of Public Prosecutors upon the proposal of the Council, which shall be adopted within 15 days from the day of adoption of the National Budget, and in the framework of the planned budget allocations for the Council and on the basis of the total number of Council servants set on particular levels in the current year.

(2) The value of the point for calculating the salaries of the Council servants referred to in Article 77 of this Law shall not be lower than 0.3% of the minimum wage, starting from the salary payable from the date of entry into force of this Law.

### **Article 79**

Employees in the Professional service of the Judicial Council of the Republic of North Macedonia are entitled to a salary supplement for:

- Particularity of tasks and assignments in the amount of 20% of the employee's base salary
- Confidentiality in the amount of 15% of the employee's base salary.

The salary supplements from paragraph (1) of this Article are not mutually exclusive.

## **VIII. FUNDS FOR THE WORK OF THE COUNCIL**

### **Article 80**

The funds for the operation of the Council shall be provided from the Budget of the Republic of North Macedonia through the budget user – Council of Public Prosecutors.

### **Article 81**

- (1) The salaries of the members of the Council, the Secretary, and civil servants shall be determined by law.
- (2) Members of the Council shall be entitled to a salary and other salary-related compensations equal to those of the members of the Judicial Council of the Republic of North Macedonia.
- (3) A member of the Council who does not own a residence in the seat of the Council shall be entitled to the use of an appropriate official apartment.
- (4) Until the right referred to in paragraph (3) of this Article is realised, the member of the Council shall be entitled to compensation for increased housing expenses or reimbursement of actual travel expenses.

### **Alternative 2:**

- (1) Members of the Council of Public Prosecutors who have established labour relations shall be entitled to absence from work for the purpose of performing duties in the Council of Public Prosecutors.
- (2) Members of the Council of Public Prosecutors whose salaries are provided from budgetary funds shall, during the absence referred to in paragraph (1) of this Article, receive their salary and other allowances based on their labour relations with the body in which they are employed.
- (3) Members of the Council of Public Prosecutors from the ranks of public prosecutors may, based on a decision of the Council and for the purpose of performing work within the Council of Public Prosecutors, work up to 70% (or 50%) of their working hours during the year within the Council.
- (4) In the event referred to in paragraph (3) of this Article, the workload of the public prosecutor in the prosecutor's office where they work may be appropriately reduced.
- (5) Members of the Council of Public Prosecutors shall be entitled to compensation for their work in the Council in the amount of 80% of the average gross salary from the previous year, while the President of the Council of Public Prosecutors shall be entitled to a net amount equal to 120% of the average salary from the previous year.