
BALKAN NETWORK TEMPLATE EMPTY

MONTENEGRO

Official name in original language	Sudski savjet Crne Gore
Official name in English	Judicial Council of Montenegro
Address	Miljana Vukova bb, 81000 Podgorica
Telephone number	+382020231126
Website	http://sudovi.me/sscg
e-mail	Info@sudstvo.me
Brief history (300-400 character)	Specialized body that deals with personnel management in the judiciary was introduced by 1991 Law on courts. Since then, the composition and competencies of the council has constantly been changing. The Judicial Council become a constitutional category by adoption of the current Constitution in 2007 and its subsequent amendments of 2013.
Legal acts regulating the Status of the Organization	The Constitution governs position, composition, and the competencies of the Council. The Council related issues are regulated in detail by <i>the Law on Judicial Council and Judges</i> .
Composition (Generally)	The Council is composed of president and nine members: the president of the Supreme Court, four judges, four eminent jurists, and the Minister of Justice.
	1. Total number of members: 10
	2. Term of office of the members: four (4) years
	Election process: Members of the Council from among judges are appointed by the Conference of all judges by secret ballot. A member of the Council from among eminent jurists appointed in public call procedure by the Parliament in accordance with the proposal of the relevant parliamentary committee.
	3. Is there a possibility to be renewed as a member? Yes.

BALKAN NETWORK TEMPLATE EMPTY

4. **Do the members have a full-time position or not?** No, they don't hold a full-time position.

Is there a majority of Judges?

See above. Out of 10 members five are judges.

Presidency (Generally)

President of the Council is appointed from non-judicial members by two-third majority of votes of the Council's members. The Minister of Justice cannot be appointed as the Council's president. President of the Council has a casting vote in case of parity of votes.

Role of the Presidency

The President of the Judicial Council:

- Represents the Judicial Council before the State bodies, International organizations and Institutions and all third parties,
- Ensures the organization and the legality of work of the Judicial Council and the Secretariat,
- Convenes the Judicial Council sessions, propose the agenda for the sessions and preside the sessions,
- Ensures the application of the Rules of Judicial Council,
- Inform the public on matters of importance for the work of the Judicial Council,
- Signs the documents on behalf of the Judicial Council and the Judicial Council acts.

Main Competences of the Council:

According to the Constitution, the Council: 1) appoints and releases from duty the president of the Supreme Court; 2) appoints and releases from duty the president of the Judicial Council; 3) submits the Report on the performance of the judicial council and the overall judicial situation to the Parliament; 4) appoints and releases from duty the judge, the president of the court and the lay judge; 5) deliberates on the report on the court activities, applications and complaints regarding the work of the court and take a standpoint with regard to them; 6) establishes the termination of the judicial duty; 7) establishes the number of judges and lay judges; 8) proposes to the Government the amount of funds required for the work of courts; 9) performs other duties as stipulated by the law. The Council makes decisions by majority vote of all its members except in the cases provided by the Constitution. The Minister of Justice does not vote in disciplinary proceedings.

In addition to the competences entrusted by the Constitution, the Council: 1) decides on disciplinary liability of judges and court presidents; 2)

BALKAN NETWORK TEMPLATE EMPTY

provides for the use, functionality and uniformity of the judicial information system, in the part referring to the courts; 3) takes care of the training of judges and court presidents; 4) keeps records of data on judges and court presidents; 5) considers complaints against the work of judges and court presidents; 6) inspects complaints of judges and take positions regarding threats to their independence and autonomy; 7) proposes framework criteria on the necessary number of judges and court administration; 8) issues opinions on the incompatibility of performing certain duties with the exercise of judicial office; 9) establish the Commission for Professional Evaluation of Judges; 10) appoints the disciplinary plaintiff; 11) adopts it`s Rules of Procedure; 12) determines the methodology for preparation of reports on work of courts and the annual work distribution in court; 13) issues official identity cards of judges and court presidents and keep records of official identity cards; and 14) issues opinions on draft regulations in the field of judiciary.

1. **Career of judges and/or prosecutors:** The Judicial Council is competent for appointment and management of careers of judges. The Prosecutorial Council is competent for appointment and management of careers of prosecutors.

2. **Judicial training:** Both for judges and prosecutors judicial training is conducted by a centralised body – The Centre for Training in Judiciary

3. **Discipline:** As for the judges, the Judicial Council conducts disciplinary proceedings. The new system of disciplinary liability fully meets legality principle. The Law on Judicial Council and Judges of 2015 introduced three lists of detailed infringements, divided, according their seriousness in: *minor disciplinary offences* (5 infringements), *severe disciplinary offences* (12 infringements) and *the most serious disciplinary offences* (5 infringements). The new provisions further respect the legality and proportionality principles for sanctions: they envisage four disciplinary sanctions: reprimand, fine, prohibition of promotion and dismissal, and they further associate each sanction to a group of disciplinary offences according to the seriousness of the violation. Dismissal shall be imposed for committing the most severe criminal offences. The laws consider dismissal of judges as a sanction for a disciplinary infringement and clearly define the cases of dismissal, thus protecting the judges' independence and judges' and their irremovability.

Ethics: New Code of Ethics for Judges was adopted in March 2014. The Commission for monitoring the application of the Code of ethics has the task of monitoring the implementation of the code of ethics and make requests to the the Judicial Council for disciplinary proceedings. Every

BALKAN NETWORK TEMPLATE EMPTY

citizen can file a complaint alleging the violation of the Code.

4. **Opinions on legislation/other opinions:** N/A

5. **Others:**

**Status of decisions
(Opinion, authorization,
recommendation,
decision)**

N/A

**Supervision
(Transparency)**

1. **Over the Council:** The Judicial Council is highest body when it comes to appointment and careers of judges.

2. **Over the decisions:**
Decisions of the Judicial Council can be challenged before the Administrative Court.

International relations

1. **Global relations:** The Judicial Council is an observer in the ENCJ

2. **Regional relations:** The Judicial Council has intensive relations with all the similar bodies in the Western Balkan countries.

3. **Bilateral relations:** The Judicial Council of Montenegro has intensive relations with a number of similar council Europe wide

Ongoing projects

1. **With the European Union:** The Judicial Council is actively involved in the implementation of the EU funded project EUROL

BALKAN NETWORK TEMPLATE EMPTY

2. Regional: The Judicial Council is involved in the regional project “Support to Judicial Reform in the Western Balkans” implemented by Norwegian Courts Administration and UNDP

3. Internal:

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