



Strasbourg, 16 July 2026

CDL-PI(2026)013

Or. Engl.

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

SERBIA

URGENT FOLLOW-UP OPINION

TO PREVIOUS OPINIONS

ON

THE DRAFT LAW ON THE JUDICIAL ACADEMY

**Issued on 16 July 2026 pursuant to Article 14a
of the Venice Commission's Revised Rules of Procedure**

on the basis of comments by

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Opinion co-funded
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I. Introduction

1. By letter of 15 June 2026, Mr Nenad Vujić, Minister of Justice of the Republic of Serbia requested an urgent follow-up opinion to previous opinions of the Venice Commission on the draft law on the Judicial Academy, [CDL-AD\(2024\)036](#) (“the 2024 Opinion”) and [CDL-AD\(2026\)019](#) (“the 2026 Follow-up Opinion”). The Minister of Justice provided a final consolidated version of the July 2026 amendments of the draft law on the Judicial Academy ([CDL-REF\(2026\)032](#)) (“the revised draft law”), as well as related draft amendments to the Law on Judges and to the Law on the Public Prosecutor’s Office ([CDL-REF\(2026\)033](#)).
2. On 30 June 2026, the Bureau of the Venice Commission authorised the preparation of the Opinion through the urgent procedure, pursuant to Article 14a of the Commission’s Revised Rules of Procedure.
3. Ms Regina Kiener, Ms Hanna Suchocka and Mr Kaarlo Tuori acted as rapporteurs for this opinion, having also acted as rapporteurs for previous relevant opinions.
4. Taking into consideration that a series of on-line meetings with relevant stakeholders were held on 30 April 2026, and that all matters pertinent to the present follow-up opinion were thoroughly addressed during these meetings, it was considered that neither a country visit nor additional on-line consultations with stakeholders were required.
5. This urgent follow-up opinion was prepared in reliance on the English translation of the revised draft law. The translation may not accurately reflect the original version on all points.
6. This urgent follow-up opinion was drafted on the basis of comments by the rapporteurs. In line with paragraph 10 of the Venice Commission’s Protocol on the Preparation of Urgent Opinions ([CDL-AD\(2018\)019](#)), the draft urgent follow-up opinion was transmitted to the authorities of Serbia on 9 July 2026 for comments. The Urgent Follow-up Opinion was then issued on 16 July 2026, pursuant to Article 14a of the Venice Commission’s Revised Rules of Procedure. It will be submitted to the Commission for endorsement at its 148th Plenary Session (Venice, 9-10 October 2026).

II. Scope of the Opinion

7. The current opinion aims at assessing the extent to which the revised draft law on the Judicial Academy and the 2026 July amendments are in line with the Commission’s previous recommendations. The absence of comments on certain provisions of the revised draft law should not be interpreted as tacit approval of those provisions.
8. Concerning the related draft amendments to the Law on Judges and to the Law on Public Prosecutor’s Office submitted by the authorities, the Commission notes that they reflect the implementation of the Judicial Academy as single entry point into judicial professions. This had been presented as Option 2, determined as preferred Option by the Commission in 2024 and discussed again in the June 2026 opinion.¹

¹ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the draft Law on the Judicial Academy and draft amendments to the Law on Judges and the Law on the Public Prosecutor’s Office, para. 46; see also [CDL-REF\(2024\)043](#); Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, paras 20-21.

III. Analysis

A. Key recommendation 1: clarification of competencies of the High Judicial and Prosecutorial Councils regarding the Judicial Academy

9. The first key recommendation in the 2024 Opinion comprised three segments:

10. For the first segment (elaborating and clarifying procedures on monitoring the Academy's operation and professional supervision), proposed amendments to Article 4 provide that the professional supervision will evaluate the quality of the Academy's professional bodies, mentors, and lecturers, while preserving the Academy's autonomy, and result in a report with possible recommendations submitted to the Academy.

11. The Commission welcomes the explicit reference to the Judicial Academy's autonomy in Article 4. While the amendments list some subjects for supervision, notably the work of professional bodies, mentors and lecturers of the Academy, the Commission is of the opinion that the draft law would benefit from indicating general criteria for professional supervision, such as training standards, curriculum quality and institutional performance, which could then be detailed in secondary legislation. Further, the regularity of the reporting obligation on the exercised professional supervision could be specified as annual.

12. The Commission also notes that the annual report on the Academy's work referenced at Article 4 paragraph 4, could include evaluation methods and outcomes, although this may be further addressed through secondary legislation, as now explicitly provided for in Article 4 paragraph 5.

13. For the second segment (elaborating and clarifying procedures on reviewing the entrance examination report and ranking), Article 38 introduces new conditions under which the High Judicial or High Prosecutorial Council may reject the entrance examination report: significant breaches of regulations, conflicts of interest, violation of candidate equality, or other substantiated irregularities influencing the outcome, with specific reasoning required. Article 38 paragraph 3 provides that "[i]n the case [of the rejection of the entrance examination report], the entrance exam shall be annulled." In addition, Article 38 paragraph 4 specifies that "[c]andidates who participated in the entrance examination may institute an administrative court procedure against the decision annulling the entrance examination."

14. The Commission is satisfied that these amendments fulfil the second segment of the first key recommendation.

15. For the third segment (elaborating and clarifying procedures on the Councils' discretion in reviewing candidates following successful completion of the "prior training" programme at the Academy), the revised draft law contains no provision. As the Commission has been informed by the authorities, these matters are regulated in the Laws on the High Judicial Council, on the High Prosecutorial Council, on Judges and on the Public Prosecutor's Office, in the provisions governing the procedure for the appointment of judges and public prosecutors. The Commission finds it acceptable that this point be regulated in other laws, and recalls that these laws must respect the constitutional mandates of the two Councils having the final decision on the election of judges (Article 150(2) of the Constitution) and prosecutors (Article 162(2) of the Constitution).

16. In light of the above, the Commission considers the first and second segments of the first key recommendation of 2024 as implemented, although clarification of professional supervision competences could be strengthened by including general criteria and the regularity of the reporting obligation. As concerns the third segment, the Commission

considers that the decision of the national authorities not to address it in the law on the Judicial Academy is acceptable, since it is regulated in the above-mentioned laws.

B. Key recommendation 2: removal of the *ex officio* participation of the Minister of Justice in the Management Board of the Judicial Academy

17. The Commission notes that the references to the Minister of Justice have now been removed from Article 8 and consequently from Articles 11 and 13 of the revised draft law, with the structure of the Management Board therefore becoming as follows: Five members appointed by the High Judicial Council from judges (two at the proposal of the Judges' Association); four members appointed by the High Prosecutorial Council from prosecutors (one at the proposal of the Prosecutors Association); one member appointed by the Government from among professors of the Faculty of Law or from among scientific advisors or scientific associates in the field of legal science, and one member appointed by the Government from Academy employees.

18. In its 2026 Follow-up Opinion, the Commission clarified that the removal of the Minister of Justice from the Management Board should apply equally to any representative or delegate from the Ministry of Justice.² As the Academy becomes the sole entry channel to judicial and prosecutorial careers, the law should specify that Government-appointed members must not be delegated by or hold advisory or staff posts in the Ministry of Justice. Concerning the member appointed from among professors of the Faculty of Law or from among scientific advisors or scientific associates in the field of legal science, candidatures could be additionally restricted to senior law professors or appointment from a list proposed by law faculties of Serbian universities could be required.

19. On the basis of the above, the Commission considers the Management Board composition in Article 8 now fully implements the second key recommendation of 2024. In line with its 2026 Follow-up Opinion, the Commission encourages authorities to further restrict eligibility for government-appointed members to ensure that they are not delegated by or hold advisory or staff posts in the Ministry of Justice.

C. Follow-up to other recommendations and other issues

20. In its 2026 Follow-up Opinion, to ensure equal opportunity at the Judicial Academy, the Commission had noted that draft Article 37(4) could be interpreted as treating self-funded candidates differently from state-funded ones by not admitting them strictly based on exam ranking. The Commission had emphasised this interpretation should be excluded to guarantee equality.³ Article 38 now foresees a significant violation of candidate equality as grounds to reject the entrance exam report, which the Commission considers to be a positive step in the right direction.⁴

21. In its 2026 Follow-up Opinion, the Commission had reiterated its recommendation to consider provisions for a gender-balanced composition of the Academy's bodies. Article 7 paragraph 2 of the draft law now provides that "[w]hen electing members of the Management Board and the Programme Council, due regard shall be given to the equal representation of genders". The Commission welcomes this as a step in the right direction, which must be implemented in practice, and is satisfied that this recommendation is met with the present amendment, thus contributing to the inclusiveness and legitimacy of key legal institutions.

² Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, paras 39, 47.

³ Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, para. 23.

⁴ The Commission also notes that Article 47 of the Draft Law provides that the certificate of completion does not contain any information on a candidate's source of funding.

22. Furthermore, in its the 2026 Follow-Up Opinion the Commission recommended that the ongoing process of elaborating the draft law should ensure transparency, inclusiveness, and broad participation.⁵ As the legislative process regarding the draft law on the Judicial Academy remains in early stages, the Commission takes note that a public debate on this matter took place in October 2024, and reiterates this recommendation for future purposes.

IV. Conclusion

23. At the request of the Minister of Justice of the Republic of Serbia, Mr Nenad Vujić, the Venice Commission assessed the revised draft law on the Judicial Academy. In the present Urgent Follow-up Opinion, the Venice Commission has examined to which extent the revised draft law and the July 2026 amendments reflect the Commissions previous opinions ([CDL-AD\(2024\)036](#) and [CDL-AD\(2026\)019](#)).

24. The Venice Commission commends the Ministry of Justice's efforts to revise the draft law in line with its previous recommendations. It further commends the implementation of provisions on the Judicial Academy as single entry point into the Laws on Judges and on the Public Prosecutor's Office.

25. The Commission notes that the first key recommendation of 2024, to elaborate on and to clarify "*the procedures related to the exercise by the Judicial and Prosecutorial Councils of the specific competencies granted to them, namely: (i) the monitoring of the Academy's operation and its professional supervision, (ii) the review of the entrance examination report and ranking, (iii) the exercise of discretion in reviewing candidates following successful completion of 'prior training' programme at the Academy*",⁶ has been implemented in the proposed draft law, with further areas for improvement indicated within the text of this opinion.

26. The Commission welcomes the fact that its second key recommendation of the 2024 Opinion regarding the removal of the *ex officio* membership of the Minister of Justice on the Management Board of the Judicial Academy⁷ has been implemented in the proposed draft law. It invites the authorities to further ensure that government-appointed members are not representatives of or delegated by the Ministry of Justice, in line with its June 2026 recommendation.

27. Regarding its recommendation to consider provisions for gender-balanced Academy bodies, the Commission welcomes the addition of Article 7 paragraph 2 of the proposed draft law, which however should also be implemented in practice. The Venice Commission reiterates the need for an inclusive law-making process, ensuring full participation of all relevant stakeholders, including civil society.

28. The Venice Commission remains at the disposal of the Serbian authorities for further assistance in this matter.

⁵ Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, paras 41, 49.

⁶ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, para. 48; see also Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, para. 46.

⁷ Venice Commission, [CDL-AD\(2024\)036](#), Serbia - Opinion on the Draft Law on the Judicial Academy and Draft Amendments to the Law on Judges and the Law on the Public Prosecutor's Office, para. 48; see also Venice Commission, [CDL-AD\(2026\)019](#), Serbia - Follow-Up Opinion to the Opinion on the Draft Law on the Judicial Academy, para. 47.