# STATEMENT
# on the
# REMUNERATION of JUDGES
# in the
# REPUBLIC OF SERBIA

1. At its meeting in Lisbon on 16 October 2026 the European Association of Judges – "EAJ" – was advised by the Judges' Association of Serbia of the current situation concerning the remuneration of the judiciary in Serbia.

2. The EAJ understands that, following certain amendments to the constitution, the legislature enacted in 2023 amendments to the Law on Judges which provided *inter alia* that judges are entitled to remuneration and pension provision consistent with the dignity of judicial office and the responsibilities which it entails; that the amount of a judge's salary and pension must be such as to guarantee judicial independence and financial security; and that judges' remuneration shall be regulated by that Law. However, despite the legislature having thus recognised the importance of adequate judicial remuneration for the independence of the judiciary and the proper functioning of a judicial system, which requires that holding judicial office be attractive to those who have undergone the necessary education, study and training, the relevant competent authorities in Serbia have persistently failed to give practical effect to those principles.

3. Concerns over the low levels of expenditure on the justice system and the inadequacy of judicial remuneration have been expressed for a number of years by the Judges' Association of Serbia and more recently by the High Judicial Council. At an international level, proceeding on data for 2022 the Council of Europe CEPEJ Report 2024 noted that, of the member states of the Council of Europe which submitted data, Serbia ranked among the three lowest in terms of investment in the judicial system and, particularly, judicial remuneration. The average the nett annual salary of a judge embarking on a judicial career in the member states was € 35,265 and the median figure was € 27,076; but in Serbia the corresponding figure was only € 12, 649. The relative value of the judicial salary to average earnings has declined, the ratio being 2,0 in 2022, 1.67 in 2024 and 1.35 in July 2026. Further, statistics for salary increases in the period 2017 – 2025 demonstrate that reveal that the judicial salaries have increased by a smaller percentage than the salaries paid in comparable professions. The purchasing power of judges' salaries has been in decline.

4. According to the Recommendation of the Committee of Ministers of the Council of Europe 2010/12, the remuneration of judges should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions.[1] These principles are recognized by several other standard setting documents[2] and are contained in settled case law of the Court of Justice of the European Union.[3] While these principles may be acknowledged in the text of the

[1] Council of Europe: Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities para 54.

[2] CCJE Magna Carta of Judges, principle 7; CCJE Opinion No.1 para 61; Universal Charter of the Judge Article 8 et alt.

[3] The Grand Chamber in its landmark decision in the case Associação Sindical dos Juizes Portugueses stated "Like the protection against removal from office of the members of the body concerned (....), the receipt by those members of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to

Law on Judges 2023, it is self-evident that they require to be implemented practically by the payment of salaries which do in fact satisfy the relevant requirements.

5. The EAJ views with disquiet the financial position of judges and judicial employees in Serbia. It points out that proper remuneration for judges is an essential element of an independent judiciary and the rule of law. The importance of the material independence of judges and what is involved in ensuring material independence are set out in a statement on the material independence adopted by the EAJ in 2025[4] .

- The situation in Serbia contradicts the requirements expressed in that document in multiple ways: The remuneration does not correspond with the position as representatives of one of the three powers of the state and their responsibility and lags behind the income of comparable public office holders[5], especially keeping in mind the restrictions regarding the income of judges.

- The adequate level of remuneration is not secured on a legal basis.[6]

- The purchase power of the remuneration declined and there was no increase as was provided to other state employes.[7]

6. The EAJ expresses its serious concern that the level of remuneration provided to the judiciary in Serbia is not sufficient to provide the necessary material independence. Accordingly, the EAJ –

- Reminds the competent Serbian authorities of the importance of adequately remunerating judges for both the independence of the judiciary and the rule of law and for the provision to citizens of a properly functioning system of justice; and

- Urges those authorities to review the salaries currently paid to judicial office holders and to ensure that those salaries are at levels sufficient fully to satisfy the requirements of material independence laid out in international standards.

judicial independence." Judgment of 27 February 2018 in Case C-64/16 Associação Sindical dos Juizes Portugueses, paras 44 and 45; see also: Judgment of 7 February 2019 in Case C-49/18 Carlos Escribano Vindel, para 66.

[4] EAJ Statement on material independence of judges Yerevan 2025 - IAJ-UIM

[5] *Ibid* „9. As representatives of one of the powers of the state, judges should have a corresponding remuneration (and material privileges in addition to it) as the representatives of the other powers of state.

11. In accordance with the responsibilities assumed, the system of remuneration for judges should be comparable to those of the legislative and executive branches of government. Judges should have at least the same remunerations (including extra material privileges) as those of members of parliament and comparable high positions in the executive branch of the state."

[6] *Ibid* "5. Preferably the scheme and height of judges' remuneration should be secured on a legal basis. If this is not the case equally matched means should protect judges' remuneration against unilateral changes. 6) If the height of remuneration is not directly fixed in the law itself, the modalities and procedures of fixing it should be regulated in a law."

[7] *Ibid* "21 The purchase power of the remuneration should be considered and the remuneration should be adapted to inflation. At least if the income of other state employees increases with inflation indices or the average income in the country judges should not be excluded from such increase."