



## EUROPEAN ASSOCIATION OF JUDGES

### STATEMENT

#### on the restriction of judicial remuneration

in

CZECHIA

#### Background

1. At its plenary meeting on 9 May 2025 in Yerevan the European Association of Judges (EAJ) was informed by its member, the Czech Union of Judges (Soudcovská unie České republiky), that once again a law has been adopted in the Czech Republic which places restrictions on judicial remuneration.
2. Legislation enacted prior to the adoption of that measure laid down an automatic method for the yearly adjustment of judges' remuneration whereby the base level for calculating judicial salaries was a figure equal to three times the average earnings of employees in the Czech Republic two years earlier. The same base was also used for the calculation of salaries for the President of the Republic, members of parliament, the government, and a few other officials.
3. The measure now adopted, which entered into force on 5 March 2025, retroactively changes the application of that method of adjusting judicial salaries for the year 2025 by reducing the base level and thereby reducing the expected salaries for about 5%. The reduction was also directed to salaries for the President of the Republic, members of parliament, government ministers, and the other officials, who fall under the automatic mechanism. But other public servants' salaries were not affected.
4. This measure which came into force on 5 March 2025 takes place against a history of efforts by the Czech authorities to restrict or reduce judicial salaries. Legislative or regulatory provisions brought into force in 2022 and 2024 to prevent any increases in judicial salaries were found to be unconstitutional by the Constitutional Court of the Czech Republic, which in the 2024 case ordered retroactive salary compensation. And looking further back, the EAJ notes that since 1995 the Constitutional Court has dealt with judicial salaries fifteen times and in most cases found the judges' claims wholly or partly justified.
5. The legislative proposal to reduce judicial salaries by altering the mechanism for 2025 was seen as unconstitutional and in conflict with the jurisprudence of the Constitutional Court by the Czech Union of Judges and by several members of the academia. The proposal was rejected by the Senate (second Chamber of Parliament) and vetoed by the President of the Republic but was nevertheless approved by a second vote in the first Chamber.

## Assessment

6. The EAJ recalls that the importance of financial security for judges as an essential element of their independence is clearly stated in European standards<sup>1</sup> and is a central element of the case law of the Court of Justice of the EU<sup>2</sup> on the independence of the judiciary.

7. The EAJ also points out that, unlike politicians, judges are not able to earn additional income due to their professional obligations and the conditions attaching to their office.<sup>3</sup>

8. The EAJ reminds that recently the Court of Justice of the EU ruled that judges' remuneration can be reduced only under strict conditions when extraordinary circumstances exist.<sup>4</sup>

9. The EAJ also seeks to ensure the observance of European standards according to which legislative initiatives concerning the financial security of judges should involve the judiciary in general<sup>5</sup> and judges' associations in particular<sup>6</sup>.

### The EAJ therefore

- Urges the Czech authorities to end attempts to reduce or freeze the remuneration of judges and to abide by the decisions of the Constitutional Court.
- Encourages the Czech Republic to remedy the recently adopted provision suspending the adjustment of judges' remuneration for 2025.

Yerevan, 9 May 2025

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<sup>1</sup> Committee of Ministers of the Council of Europe Recommendation CM Rec (2010)12, para 54; European Charter for Judges Article 6.1; see also UN Basic Principles of the Independence of the Judiciary, principle 11.

<sup>2</sup> CJEU case C-64/16 *Associação Sindical dos Juizes Portugueses* judgment of 27 February 2018

<sup>3</sup> Universal Charter of the Judge, Article 6-4

<sup>4</sup> CJEU joined cases C-146/23 *Sad Rejonowy w Białymstoku et C-374/23 SR and RB vs. Lithuania* esp. para 90.

<sup>5</sup> Consultative Council of European Judges (CCJE) Opinion (2001) 2 para 10; CCJE Opinion (2007) para 87; CCJE Opinion18(2015) para 50; Universal Charter of the Judge, Article 2-3 para 6;

<sup>6</sup> CCJE Opinion (2020)23 para 37-43