STATEMENT ON THE REMUNERATION OF JUDGES IN THE REPUBLIC OF ALBANIA

Background:

On 10 September 2026 the European Association of Judges (EAJ) was informed by its member the Union of Judges of Albania about recent developments in Albania which caused serious concerns. The Constitutional Court in its Ruling 15/2026 declared the existing salary system for judges, prosecutors, and other court staff unconstitutional and ordered the legislature to amend the relevant provisions in accordance with its directives within a set timeframe. It also specified which provisions are to apply in the event that the legislature failed to act. Not only were these instructions disregarded and payment of the amount set by the court refused, but a bill was even introduced in Parliament that provided for a retroactive recalculation of the remuneration in question.

In a letter to the Union of Judges of Albania of 17 September 2026 the board of the EAJ supported the view that the envisaged law would violate the rule of law, the independence of the judiciary, and the balance of powers. Neither this letter nor the arguments to the same effect which were put forward at the parliamentary hearing on 15 September 2026 by the Union of Judges of Albania, the High Judicial Council, the High Prosecutorial Council, the Supreme Court, the General Prosecutor's Office and the other professional organizations of judges and prosecutors swayed Parliament, which adopted the provisions on 18 September 2026[1].

This bill repeals the regulation that resulted directly from the Constitutional Court's ruling and retroactively introduces a calculation method that appears just as problematic as the one the court found to be unconstitutional. In short, the legislature is attempting to circumvent the implementation of the Constitutional Court's ruling.

Assessment:

The EAJ reminds the Albanian authorities that observance and effective enforcement of court decisions, which stems from their binding nature, is a fundamental element of the rule of law. The very concept of an independent tribunal set out in Article 6 of the European Convention on Human Rights implies that a tribunal has the authority to render a binding decision that is not subject to modification, approval, or ratification by any non-judicial authority.

With regard specifically to the observance and implementation of constitutional court rulings, their final and binding nature necessarily stems from the primacy of the Constitution. These rulings must be observed by all public authorities and individuals. Failure to comply with a constitutional court ruling is tantamount to a violation of the Constitution itself.

[1] Law 95/2026

From this perspective, the developments mentioned above violate the rule of law, the independence of the judiciary, and the balance of powers. They also undermine confidence in the state and the positive reforms of the judicial system in Albania, which have been achieved thus far through great effort.

As regards the importance of adequate remuneration of judges for the independence of the judiciary the EAJ refers to its EAJ Statement on Material Independence of Judges[2].The jurisprudence of the Court of Justice[3] and several international and European standard setting documents[4] support this statement. In applying Article 138 of the Albanian Constitution in its decision 15/2026 the Constitutional Court also followed these principles, among other aspects.

In that decision 15/2026 the Constitutional Court stated that the then existing system of remuneration contradicted the Albanian Constitution, which in turn reflects these international standards.[5] The ruling particularly recognized the dynamic character of the reference system. It made clear that the remuneration of judges must, in principle, follow the development of the reference salary; that the initial formula constituted a protected acquired benefit; and that freezing the remuneration of judicial office holders while the reference salary develops may amount to a disguised reduction of salary. The EAJ assumes that this assessment also applies to the newly adopted salary arrangements.

Conclusion:

The EAJ urges the Albanian authorities to consider the arguments put forward at the hearing of 15 September 2026 and to exclude all salary arrangements which lead to a retroactive reduction of those remuneration arrangements which the Constitutional Court had prescribed for the period between 31 July 2026 and the date when new legal provisions came into force, and to adopt a system of remuneration for judges which is in line with the jurisprudence of the European Courts and the International and European standards.

The EAJ expects that all Albanian authorities will respect and implement rulings of the Constitutional Court to avoid endangering the rule of law and harming the balance of power and the independence of the judiciary.

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

[3] CJEU Case C-64/16 27.2.2018 Grand Chamber Associação Sindical dos Juizes Portugueses, paras 44 and 45; CJEU joint cases C-146/23 and C-374/23 25.2.2025 Sad Rejonowy w Bialymstoku and Adoreike apras 33,53,54 and others

[4] Committee of Ministers Council for Europe Recommendation CM/Rec (2010) 12 para 54; CCJE Magna Carta of Judges, principle 7; CCJE Opinion No.1 para 61; UN Basic Principles of the Independence of the Judiciary principle 11 and others

[5] Article 138 of the Albanian Constitution