

# CCJE Opinion on the Disciplinary Liability of Judges



**eu crim**

European Law Forum: Prevention • Investigation • Prosecution

**Thomas Wahl**

**News**

On 13 December 2024, the Consultative Council of European Judges (CCJE) of the Council of Europe adopted an [opinion on the disciplinary liability of judges](#). The opinion was drafted in the light of the fact that liability of judges has become a topic of great concern in recent years. Several decisions by the European courts found that the executive has used disciplinary measures to silence or remove judges who did not decide in their favour. Against this background, the opinion reflects on the basis, justification and limits of the disciplinary liability of judges. It provides a set of core principles and recommendations applicable to all CoE member states and is designed to deal with situations where judicial independence and impartiality may be jeopardised.

The CCJE reaffirmed that disciplinary liability of judges contributes to maintaining public confidence in the administration of justice, but, at the same time, cannot undermine the function of the judiciary to decide cases impartially and according to law.

The opinion lists 23 recommendations, of which the key ones are:

- Establishing clear rules ensuring that the bodies initiating and deciding on disciplinary proceedings are independent of the executive and legislative powers;
- Enabling judges to participate fully in disciplinary proceedings and having the right to appeal, in accordance with Art. 6 ECHR;
- Exempting judges' decisions, including their interpretation of the law or weighing of evidence, from disciplinary sanctions (unless there are cases of malice or serious misconduct);
- Drawing up and making available an exhaustive list of sanctions, and considering dismissal only in exceptional circumstances;
- Ensuring that vetting does not replace disciplinary measures.

## **AUTHOR**

**Thomas Wahl**

Senior Researcher  
Max Planck Institute for the  
Study of Crime, Security and  
Law

---

Published in  
2024, Vol. 19(4) [eu crim](#)  
ISSN: 1862-6947  
<https://eu crim.eu>

---



---

## About eu crim

eu crim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eu crim.eu/news/>

Stay informed by emailing to [eu crim-subscribe@csl.mpg.de](mailto:eu crim-subscribe@csl.mpg.de) to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



Co-funded by  
the European Union