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CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 16

on the relationship between judges and lawyers and the concrete means to improve the efficiency and quality of judicial proceedings

A. Professional ethics, conduct and responsibility of judges and lawyers

- Does your country have a Code of Ethics or equivalent for judges? (please specify)

Macedonian Association of judges adopted the Code of Judicial Ethics in 1994. The Code is comprised of the most significant guiding principles for judges in their execution of judicial office pursuant to the Constitution, statutes and ratified international treaties. The principles of judicial ethics are based on ethical rules of conduct as well as on fundamental values of the constitutional order, including: Basic freedoms and rights of individuals and citizens as set forth in the Constitution and recognized by the international law, the rule of law, humanism, social justice and solidarity, legal protection of property, market freedom and entrepreneurship.

- Does your country have a Code of Ethics or equivalent for lawyers? (please specify)

The profession of advocacy is regulated in the Law on advocacy (Official gazette No. 59/02, Constitutional Court decisions Official gazettes No. 134/02 and 34/03). This law regulates the manner in which the legal profession provides legal assistance to natural and legal entities for the purpose of realization and safeguard of their rights and legally based interests in proceedings in courts, before state bodies and other legal entities, execution of public office as laid down in this and other laws, as well as the organization of the legal profession, the conditions under which it is conducted, the regulation of its status, as well as the rights and obligations of attorneys. The legal profession is the sole (abolished) autonomous and independent public mandate that secures and provides legal assistance. Attorneys execute their public mandate in accordance with this and other laws.

As to the ethical rules, the name of the document adopted by the Macedonian Bar Association is “Code on professional ethics of lawyers, associates and legal trainees. The Code is a sum of adopted principles, which should serve as directions to lawyers in their work. These principles are in compliance with the general principles of professional ethics of the Bar adopted and developed earlier. Any failure to observe the rules and principles as set out in this Code constitutes violation of the principles, sanctioned by special Act of the Bar. All lawyers are obliged to ensure regular application of this Code. In cases where they represent or defend clients in foreign courts, in addition to observing this Code, they should adhere to the generally adopted principles of professional ethics of the host country.

- Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify)

No

- Does your country plan to establish codes, rules and/or regulations concerning professional ethics, conduct and responsibility of both judges and lawyers, or to develop the existing ones?
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Yes, such joint activities as regards the establishment of a joint ethical code have been already negotiated with the Bar Association, as the two professions have recently started with the joint seminars on the relations between judges and lawyers, code of ethic of judges and lawyers, challenges and perspectives, where such initiatives were very well accepted and encouraged by both professions.

No

- Does your country have any rules and/or regulations dealing in any manner with the issues of relations between judges and lawyers or is there any intention to establish such instruments in a joint manner for both groups (judges and lawyers)? If yes, please specify

Yes

The lawyers in Republic of Macedonia play a significant role in the process of the preparing of the legislation. They are part of the various working groups established in the Ministry of Justice that work on the preparation of the laws concerning the judiciary, and especially when preparing and amending the procedural and substantial codes (criminal, civil and administrative), as well the substantive laws in the criminal, civil and administrative fields that are closely linked to the judiciary issues). Also, the representatives from the judiciary are part of the working groups, working on the preparation and amendments of the laws related to the advocacy, in general. Also, the Bar Association always invites judges and prosecutors, to be take participation in the preparation of their documents. Also, the representatives from the Bar are invited on the conferences and round tables, organized by the Ministry of justice and other judicial institutions. The Bar Association has excellent relations and regular cooperation with the Association of judges and the Association of the public prosecutors. The cooperation between the Bar Association and the Academy for judges and prosecutors represents an excellent example of good cooperation and synergy between the legal professionals, that will be elaborated in details, in the Chapter “Training”.

- In your opinion, what are the main principles which should govern the ethics of:
- Judges?

The principles of independence, professionalism, humanism, understanding of social justice, solidarity, impartiality, courage, audacity, abilities and training for proper relations with the colleagues and the court staff, promotion of the observance of the human rights, molding of a personality, acutance with cultural values, being in line with the cultural, scientific and political achievements, IT and communication technologies, high degree of personal, professional and moral dignity and authority, inside and outside the court, proper relations with the colleagues from the other legal professions, personal engagement and devotion, continuous legal education, resistance to corruption, ability for mediation and alternative modalities of cases resolution, case management capabilities, participation in continuous training.

- Lawyers?

The principles of Independence, confidence, personal dignity, honor, integrity, reliability, refraining inappropriate form of personal promotion, acting in client's best interest, conscience,

B. Training of judges and lawyers

- Which are, in your country, the training institutions:

- Judges ?

The training institution for judges and public prosecutors in Republic of Macedonia is the Academy for Judges and Public Prosecutors as a public institution for admission and professional training of candidates for judges and public prosecutors, continuous training and professional improvement of the judges and public prosecutors, continuous training of the professional services in the judiciary and the public prosecution, as well as the entities that take part in the implementation of the laws in the field of justice, conducting analytical activities in jurisprudence and practice.

- Lawyers?

The Macedonian Bar Association is constantly organizing seminars, round tables and other forms of continuous training for lawyers, wither on their own or in coordination with other institutions, NGO's and foreign projects and international organizations with local and foreign lecturers, on different topics that are of interest to the members of the bar.

- Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:

- Judges ?

The Initial Training Programme of the Academy entails the Programme for Theoretical Training and the programme for Practical Training.
The goal of the theoretical training is to develop the participants' wider general knowledge of substantive and process domestic and international law and EU Law from a practical aspect, the practice of international courts, development of techniques specific to the judicial/prosecutorial function, capability of logical reasoning, familiarisation with the social, cultural and economic aspects of law, familiarisation with other institutions in the system, as well as the civil society, developing openness towards the social environment, ability to use foreign judicial practices, using foreign languages and information technologies in the every-day work.
(The Theoretical Training consists of lectures, individual and group exercises, elaboration of projects, participation of the participants in seminars from the Continuous Training, visits to institutions, participation in the work of other institutions and other appropriate methods which enable practical familiarisation of the participants with the profession.)

The practical training is specialised and it is realised under the guidance and supervision of the mentors – judges and public prosecutors, in the courts and public The initial training lasts 24 months and is conducted in the following two phases: the first phase – theoretical training in the Academy lasting nine months; and the second phase – practical training in the courts and public prosecution offices and other institutions, in accordance with the Initial Training Programme, lasting 15 months.

Young lawyers can also apply to attend the initial training in the Academy. In that case if they pass the entry test, and if they enter the Academy, enter into employment with the Academy, and they can no longer work as lawyers until their appointment either as judges or prosecutors.

- Lawyers?

The bar does not provide initial training course for future lawyers prior to their entry into the profession.

The continuous trainings for the lawyers are organized independently by the Macedonian Bar Association, as well as in collaboration with domestic and foreign institutions, and with bar associations that have mutual active cooperation. The Programs that are developed by MBA are short term, in order to determine the current needs and interests of the members of the bar.
During the past two years, MBA has organized a large number of training on the following topics
- Amendments to the Criminal Procedure Law in collaboration with the Academy for Training of Judges and Public Prosecutors.
- Amendments to the Criminal Procedure Law in cooperation with the American Bar Association.
- Arbitration as quicker and more efficinet way of dispute resolution, in cooperation with the Permanent Arbitration Court of the Republic of Macedonia
- Law on the lawyers stamps and the Advocacy Law
- News in CPC, the fight against corruption and application of international instruments and standards
- As representatives of clients and lawyers as arbitrators in the arbitration procedure, in cooperation with the German Federal Bar Association and Fermaskata Foundation for International Legal Cooperation-CDI.
- Amendments to the Law on Criminal Procedure
- Code of ethics of lawyers and the relationship between lawyers and clients, and the way of managing lawyers' associations, and the development of communication skills, confidence building and team collaboration
- Application of the provisions of the Companies Law, Bankruptcy Law, Contract Law, Criminal Code -provisions relating to the liability of the members of the Company
- Amendments to the Law on Civil Procedure
- Law on Free Legal Aid
- Arbitration Law and Arbitration rules of the Swiss bar, in cooperation with the Court of Arbitration and Mediation of the Swiss Chamber of Commerce
- Administrative litigation, current problems, comparative experiences and solutions, in cooperation with the German Federal Bar Association and Fermaskata Foundation for International Legal Cooperation-CDI.
- Prevention of money laundering, international terrorism and terrorist financing, and others.
During the above period of time, over 1.500 lawyers have been included and participated on different seminars and training courses.

- What is the duration of the initial training:

- Judges ?

See below

- Lawyers?

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- Does the initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers, their relations with each other, as well as their co-operation with a view of fair and efficient conclusion of judicial proceedings?

According to the novelties of the new Law of the Academy the applicants for the initial training programme need to take internationally recognized psychological tests and to take an integrity test that is a test for checking the moral and ethical abilities for the profession of a judge or a prosecutor. These tests are eliminatory.

All issues as regard the ethics and deontology are part of the Initial Training Programme of judges and public prosecutors, together with the anti-corruption issues, as conflict of interests, gifts, outside paid and non paid activities of judges, the obligation for declaration of assets ect. The teaching methodology is through case study, work in groups and tests.

- Are there joint training courses for judges and lawyers?

Lawyers are also included in the continuous trainings of judges and public prosecutors organized by the Academy and their participation is voluntary in general, and they can attend most of the training courses according to the Annual Catalogue of activities of the Academy for judges and public prosecutors.

If yes:

- What is their content and duration?

Besides the trainings in the Annual Catalogue of activities of the Academy for judges and public prosecutors, that are attended by the lawyers, the most important joint trainings were the trainings on the amendments of the crucial procedural codes in Macedonia, civil and criminal. All judges went through the basic trainings on novelties in the procedural aspects, and the lawyers took part as well. Also, the most significant training on judicial reforms in the criminal justice system is the training in procedural and substantive provisions that apply equally to judges, prosecutors, lawyers and the representatives from the LEA.

As to the trainings on the New Law on Criminal Procedure (NLCP), so far, 35 thirty-five basic training were organized in which were trained: 231 judges working in all criminal court departments with extended and basic jurisdiction, 80 advisers and associates of the aforementioned courts; 181 public prosecutors from the Public Prosecutor's Offices with extended and basic jurisdiction and 34 advisers and associates of the aforementioned offices; 212 lawyers; total of 135 officials within the judicial police in investigation centres of which 98 representatives from the Centre to combat organized and serious crime at the Interior Ministry, 21 of the Customs Administration, 17 of the Financial Police, and 29 representatives from the Ministry of Justice who participated in the training.
Within the close cooperation between the Academy and the Macedonian Bar Association, the lawyers are not only included in the training as participants, but are also part of the 5 teams of trainers (including a lawyer as a trainer in each of the teams), who also participate in the preparation of the materials of the trainings, making of the practicum for application of the NLCP that should include templates and examples of actions on certain contentious issues in the implementation of the new LCP etc. The duration of the trainings was 4 days each.
In the next 2 years specialized trainings on different parts of the procedure (pre-trial proceedings, investigative Procedure, the main hearing, specific (special) procedures and rregular and extraordinary remedies) will be held also including as participants judges, public prosecutors, lawyers and representatives from the police.

- Are they mandatory for judges and lawyers?

The training is mandatory for the judges and voluntary for the lawyers, but a successful cooperation with the Academy for judges and public prosecutors and the Macedonian Bar Association results to a total number of 212 lawyers who have attended the NLCP training, and they also have attended other training sessions according to the Catalogue of activities of the Academy.

- How are these courses funded?

The trainings are organized in by the Academy on its own, as well as by the Academy in cooperation with, and with partial or full funding from other national and international projects, associations, organisations and institutions.

The lawyers participating in the Academy's training are not charged.

If not, are they planned or discussed?

C. Efficiency and quality of judicial proceedings

- Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.

ADMINISTRATIVE PROCEDURE

According to The Law on Administrative disputes "Unless this Law contains provisions on the procedure upon administrative disputes, the provisions of the Law on Litigation shall accordingly apply." So, the instruments of the Law on litigation to facilitate the interaction between judges and lawyers shall accordingly apply during the proceedings in front of Administrative court and Supreme Administrative court.

CIVIL PROCEDURE

According to the Law on Litigation "The submissions have to be comprehensible and must contain everything necessary in order to act upon them. They shall especially contain the title of the court, name and surname with a personal identification to prove it, place of permanent residence, i.e. temporary residence for the parties, i.e. for the company and the head office of the legal entity entered in the Central Register of the Republic of Macedonia or another register with a proof from the corresponding register, their legal representatives and attorneys in fact, if any, the subject of the dispute, the value of the dispute, content of the statement and signature of the submitter, i.e. electronic signature, e-mail address and contact phone number."

The e-mail address and contact phone number as parts of the content of the submissions are the instruments to facilitate the interaction between judges and lawyers during the proceedings.

CRIMINAL PROCEDURE -See the answers in the following questions

- If not, how are they planned?

- How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end?

ADMINISTRATIVE PROCEDURE

The communication between judges and lawyers in the administrative-judicial procedure is mainly in written form.

According to the Law on administrative disputes "The complaint shall be directly served to the Administrative Court, or sent by post". If the lawsuit is incomplete or incomprehensible, the president of the council or the sole judge shall summon the complainant, if necessary through another court, to eliminate the established flaws of the lawsuit. Thus, he will provide instructions as to further action, point out the need of an attorney-in-fact and to the consequences that will arise unless the party acts as instructed by the Administrative Court."

If during the court procedure, the body brings another act whereby the administrative act against which an administrative dispute has been initiated is amended or no longer effective, that body, beside the complainant, shall at the same time notify the Administrative Court where the dispute is initiated. In that case the Administrative Court shall call the complainant within 15 days to state whether they are satisfied with the additional motion act or whether they will decide sticks to the complaint and to what extent, i.e. whether he extends the complaint on the basis of the new act as well."

Generally, the Administrative Court in administrative disputes shall decide in a session which is not public. In a dispute on the lawfulness of the acts of the bodies referred to the Law, on the matter referred to the Law, the Administrative Court shall decide by a decision, without a contention."

The court shall hold a public oral contention and shall, by a verdict, decide on the administrative matter itself, if:

- the complexity of the case in the administrative dispute imposes so,
- if is necessary due to better clarification of the administrative matter or determination of the actual condition, the court exhibits evidence and
- in cases anticipated in the Law.

The hearing shall be headed by the president of the council. Minutes shall be kept of the hearings, where only the essential facts and circumstances, as well as the delivery of the decision. The minutes shall be signed by the president of the council and the minute-taker."

Absence of a party from the hearing shall not prevent the work of the court. The absence of the parties cannot be considered as their withdrawal from the dispute and their submissions shall be read. If neither the complainant nor the defendant attends the hearing and the hearing is not postponed, the court shall decide upon the dispute without the presence of the parties."

At the dispute first to speak is the reporter – member of the council, who states the condition and the core of the dispute, thus not giving personal opinion. Second to speak is the complainant in order to elaborate the complaint, then the representative of the defendant and the interested parties, in order to elaborate their legal interests."

The Supreme Administrative Court shall, as a general rule, decide upon an appeal without a contention. When the council of the Supreme Administrative Court finds that due to correct determination of the actual condition it is necessary to repeat the already exhibited evidence, it

shall schedule a contention.” When at a session of the council it will be determined that the verdict against which the appeal has been announced is based on an actual violation of the provisions of this or another law, or on incorrectly or incompletely determined actual condition, and the verdict had once been abolished, the Supreme Administrative Court shall schedule a contention and decide on merit of the case .

The court shall decide upon the complaint for repeating in a session which is not open to the public.”

Regarding to delivery of writs to the lawyers and also to examining records in administrative-judicial procedure shall accordingly apply the Law on litigation .

CIVIL PROCEDURE

The relevant articles regarding to communication between judges and lawyers are the following:

According to the Law on litigation “the parties shall undertake the litigation activities in writing when out of the hearing or orally at a hearing The lawsuit, countersuit, legal remedies and other statements, proposals and announcements given out of the contention shall be submitted in writing or via electronic means to the admissions office of the competent court (submissions).”

The submissions submitted by attorneys at law, state body, i.e. state administration body, local self-government units, legal entities and persons exercising public authorizations, in addition to the data referred to this Law. shall contain data for the electronic mailbox for delivery of the writs, registered in accordance with law.”

The court shall be obliged to give or send via e-mail a copy of the minutes to each of the present parties. In a period of 15 days as of the day of holding the hearing, the court, upon a request of the absent party from the court, shall issue a copy of the minutes from the hearing it had not attended, or send one via e-mail.”

The party or participant in the procedure may orally at the hearing, or by a written submission after the hearing is closed, request from the court to issue a written form of the audio recording.”

The writs shall be served by mail, via electronic means, by an official person of the court, directly in the court, by a notary, enforcement agent or another person determined by law. Within 15 days as of the day the need of service of process is established the court shall make two consecutive efforts to perform due service in one of the manners anticipated in the Law. If the service is unsuccessful, then the writ shall be published on the court's notice board and after eight days as of its publishing it shall be considered that the service of process is completed.”

The service of writs to attorneys at law, state bodies, i.e. state administration bodies, local self-government units, legal entities and entities to which public authorizations have been entrusted, shall be performed via electronic means to the electronic mailbox”

If due to any reason the court is closed on the day of the scheduled hearing, it shall be obliged to publish the day and hour of the new hearing on its web site and on another visible place in the court, and the party shall be obliged to be informed thereof.”

The service of process via electronic means shall be performed via an information system of the court to the address of the electronic mailbox of the receiver of the service.

In case when there are no technical condition to perform service of process to the electronic mailbox, the service of process shall be performed by handing over the writs to the person authorized for receipt of writs or to the employee who will be found in the office, i.e. business premises."

Service to an attorney at law may be also performed by handing in the writ to the person performing any kind of activities in his office."

A lawsuit, payment order, extraordinary legal remedy, verdict, a determination adopted in a procedure due to hindering of possession, as well as a determination against which a special appeal is allowed, shall be personally served to the party that is a natural person i.e. to its legal representative i.e. attorney-in-fact. Other writs shall be personally served when it is explicitly determined by this Law or when the court finds that due to the documents enclosed in their master copy or due to another reason, greater precaution is necessary."

The parties shall have the right to examine, copy in writing or copy the records of the procedure they participate in the presence of an authorized person of the court."

The above –mentioned provisions of the Law on Litigation facilitate the communication between judges and attorneys. There are improvements in the practice regarding to efficient communication between them but we could say that communication is really efficient when fully revive the electronic mode of delivery of the writs.

In the Macedonian courts there is a centralized system of IT management of the court cases that enables following the progress of the cases. Also, there are displays in the entrance of every court buildings with information about the schedule of the hearings, name of the judges and all useful information about the cases. According to the new criminal and civil procedural codes, the lawyers have an opportunity for electronic delivery of the posts, and for that reason they each, should have established and deposited their e-mail addresses in the courts, in order to ensure an efficient delivery of the posts send from and to the lawyers. The new procedural codes introduces an audio-visual recording of the hearings. Also the distribution of the cases has been performed through the IT system.

All judicial verdicts shall be publicly available and accessible in electronic or printed copies, except in cases when the public has been excluded pursuant to the Constitution of the Republic of Macedonia, this Law and ratified international agreements in accordance with the Constitution of the Republic of Macedonia.

Also, a special chapter in the Ethical Code of the lawyers is dedicated to the relations with the court and the other bodies. Namely**,** during the execution of the function, the lawyer is obliged to protect the reputation of the Court, the administrative bodies and other social bodies where he represents his client. - By any appearance of the lawyer, the Court and the other bodies should consider him as a protector of the legality/lawfulness and the client's rights and legal interests.

The lawyer is obliged to respect the court, administrative and other bodies where he represents his client, but he is also obliged, in the interest of the advocacy reputation, to prevent any unfair relation of the representatives of these bodies to him or to his client. He is obliged to prevent such tendencies in a decent manner and by permitted means. He is obliged to give decent

resistance against any attempt to violate the principles of democracy and person's dignity. 12. - The friendly relations of the lawyer with the judge or with other representatives of the aforementioned bodies should not be expressed during the execution of the lawyer's function. It is especially indecent if the lawyer tries to misuse his friendship, connections or acquaintance with these persons in the interest of his own or in the interest of his client, and to the detriment of the opposite party, third party or the court.

- **Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case?**

ADMINISTRATIVE PROCEDURE

The parties during the course of the administrative-judicial procedure can settle upon the subject of the dispute (court settlement).The court shall point the parties to the possibility for court settlement and shall help them conclude a settlement. This isn't regulated by Law on administrative procedure so regarding this issue shall accordingly apply the Law on litigation .

The possibility to elaborate the legal interests of the parties at the hearing, the lawyers could use to make relevant their legal understandings pertaining to the subject of the dispute.

CIVIL PROCEDURE

According to Law on litigation "During the main contention it shall be contended about the proposals of the parties and the actual allegations by which the parties elaborate their proposals, i.e. abnegate the proposals of the opponent, as well as the evidence offered on their part, the evidence shall be exhibited and the results from their exhibit shall be reviewed. The parties may state their legal understandings pertaining to the subject of the dispute"

The president of the council, i.e. the sole judge by asking questions and in another purposeful manner shall exercise care during the contention considering the statement of all decisive facts, supplement the incomplete allegations of the parties in regard to important facts, mark or supplement the substantiating means referring to the allegations of the parties and generally to provide all clarifications necessary to confirm the actual condition important for the decision. The court, if necessary, shall clarify the legal issues in the dispute with the parties."

CRIMINAL PROCEDURE

There are several opportunities provided in the New Criminal Procedure Code that enables resolution of the case in a previous stage of the procedure.

Before raising the indictment, the public prosecutor and the suspect may submit a draft plea agreement requesting from the preliminary procedure judge to impose a criminal sanction determined by type and duration within the legally prescribed limits for the specific criminal offence, however, not lower than the limits for mitigation of the sentence as defined by the Criminal Code. The Public Prosecutor shall be obliged, along with the draft plea agreement, and together with all the evidence, to enclose a written statement signed by the injured party regarding the type and amount of any legal or property indemnification claim.

The plea agreement procedure shall be conducted between the competent public prosecutor and the suspect, in the presence of his or her defense counsel.

The subject of the plea agreement shall be the type and duration of the criminal sanction to be proposed in the draft plea agreement, and if consented by the accused, the subject of the plea agreement may also be the legal or property indemnification claim of the injured party.

The suspect must have a defense counsel present from the moment of commencing the plea agreement procedure.

The judge of the preliminary procedure shall not participate in the plea agreement procedure between the public prosecutor and the suspect and his or her defense counsel.
The judge of the preliminary procedure shall schedule a hearing for assessment of the draft plea agreement within three days from the receipt of the draft plea agreement.

The preliminary procedure judge shall advise the public prosecutor and the suspect and his or her defense counsel of their right to withdraw from the draft plea agreement before the ruling is made. The preliminary procedure judge shall advise the public prosecutor and the suspect and his or her defense counsel that the acceptance of the draft plea agreement shall be considered as waiving the right of appeal against any judgment reached on the basis of the draft plea agreement.

If the preliminary procedure judge accepts the draft plea agreement, he or she shall pronounce a judgment where he or she must not pronounce a criminal sanction different to the criminal sanction contained in the draft plea agreement.
The judgment shall contain the elements of a judgment of conviction pursuant to the Law. The judgment shall be announced immediately and prepared in writing within three days of its announcement. The judgment shall be delivered to the public prosecutor, the suspect and his or her defense counsel without any delay.
In the stage of the examination of the indictment, If the suspect who has a defense counsel, gives a statement and pleads guilty with respect to all or certain counts of the indictment, or if he or she pleaded guilty at the hearing, the judge or the indictment review chamber shall check the following:
1) whether the guilty plea has been given voluntarily, advisedly and with full understanding of the consequences, including the consequences related to any property-legal claim and the expenses of the criminal proceedings; and
2) whether there is sufficient evidence to prove the suspect’s guilt.

If the judge or the indictment review chamber accepts the guilty plea, upon a motion by the suspect and his or hers defense counsel or upon a motion by the public prosecutor, it shall be possible to ask for postponement of the hearing in order to conduct a plea bargaining procedure and file a plea bargaining agreement in accordance with the provisions of the Law.

the judge or the indictment review chamber shall postpone the hearing for a period of 15 days and set the date for the next hearing.

If the judge or the indictment review chamber does not accept the guilty plea, the judge or the chamber shall note that in the record, inform the present parties accordingly and the indictment review hearing shall continue.

The guilty plea, i.e. the record that contains the guilty plea, which was not accepted by the judge or the indictment review chamber, may not be used as evidence in the further criminal proceedings. The judge or the indictment review chamber shall make sure that the motion, i.e. the record with the guilty plea is placed in a separate file and kept apart from the case file.

If, at the plea bargaining motion hearing, the public prosecutor and the suspect and his or her defense counsel file a motion for a plea bargaining agreement, , the judge or the indictment review chamber shall review the proposed plea agreement.

If the judge or the indictment review chamber accepts the plea bargaining agreement, it shall enact a decision pursuant to Law.

If the judge or the indictment review chamber does not accept the plea bargaining agreement, it shall enact a decision for non-acceptance of the plea-bargaining agreement and it shall rule relative to the indictment.

Any plea bargaining agreement that was not accepted may not be used as evidence in the further criminal proceedings. The judge or the indictment review chamber shall make sure that the record with the guilty plea and the proposed plea bargaining agreement are placed in a separate file and kept apart from the case file.

During the main hearing, after the defendant has been advised of his or her rights, regardless of the nature and severity of the crime at hand, the defendant may plead guilty voluntarily, in respect of one or more criminal offenses, i.e. counts of the indictment.

Following such a guilty plea, the individual judge. i.e. the Presiding Judge of the Trial Chamber shall be obliged to confirm that it was a voluntary confession, that the defendant is fully aware of the consequences of the guilty plea, any consequences related to a possible property or legal claim and the expenses of the criminal procedure.

After the court has completed the plea in an evidentiary procedure, the court shall present only the evidence that pertains to the ruling on the sanction.

The defendant shall not be allowed to appeal the verdict or part of the verdict that was passed as a result of the guilty plea by the defendant during the main hearing, claiming that the facts or the case have been wrongly established.

MEDIATION PROCEDURE IN CRIMINAL PROCEDURE

In the event when a criminal offense is prosecuted upon a personal legal action, the competent individual judge, at the reconciliation hearing and for the purpose of expedience, may propose to the parties to agree on referral to mediation. The parties in the mediation procedure shall be the suspect, his or her defense counsel and the injured party and his or her attorney. After the parties have given their consent, the individual judge shall enact a decision, thus referring the parties to mediation. If the parties do not give consent within the prescribed deadline, the individual judge shall enact a decision, noting that the mediation referral proposal has not been accepted and he or she shall set a date for the main hearing according to the summary procedure provisions.

The mediation procedure may end by signing a written agreement, The written statement, the notification or the decision enacted by the mediator, i.e. the statement of withdrawal by the parties shall be delivered to the individual judge without any delays and he or she shall set a date for the main hearing according to the summary procedure provisions. At the hearing, the suspect may give a statement and plead guilty with respect to all or certain counts of the indictment.

The public prosecutor and the defense counsel may respond to the submissions by the opposite party only once. The judge or the indictment review chamber shall declare an adjournment of

the hearing if the judge or the indictment review chamber believes that it can make a ruling with respect to the adequacy of the indictment.

- If yes, is such agreement compulsory?

CIVIL PROCEDURE

- There isn't agreement but expressions of their legal understandings pertaining to the subject of the dispute.

Also, to the Law on litigation "The court, during the course of the procedure, shall point the parties to the possibility for court settlement and shall help them conclude a settlement"

AS FOR THE CRIMINAL PROCEDURE, SEE BELOW

- Do they negotiate certain phases of the procedure?

ADMINISTRATIVE PROCEDURE

No, they don't negotiate.

According to tje Law , generally, the court shall decide upon the dispute based on facts established in the administrative procedure, or based on facts established by the court.

The lawfulness of the disputed administrative act shall be investigated by the court within the limits of the requests in the complaint, wherefore it is not bound to the reasons of the complaint." The court takes care ex officio regarding the annulment of the administrative act.

Article 8 of the Law on litigation accordingly applies in administrative-judicial procedure.

CIVIL PROCEDURE

No, they don't negotiate.

"The court shall grant each party the possibility to declare itself regarding the claims and the allegations of the opposing party.According to its own belief the court shall decide which facts it will consider substantiated, based on a conscientious and thoughtful assessment of each proof separately and all of them together, as well as based on the results of the complete procedure.(article 8 of the Law on litigation)

AS FOR THE CRIMINAL PROCEDURE SEE BELOW

- Are there any legal instruments (substantive or procedural) which potentially could be used by judges to ignore, to disregard or in any manner to avoid taking into
- consideration the claims, demands and arguments of lawyers?

ADMINISTRATIVE PROCEDURE

Potentially the judge could ignore allegations and arguments of the lawyer state in the complaint or in the appeal. Also, the judge could avoid taking into consideration the claims, demands and arguments of lawyers during composition of minutes at the hearing. Minutes shall

be kept for the dispute, where only the essential facts and circumstances, as well as the disposition the decision. The minutes shall be signed by the president of the council and the minute-taker."

CIVIL PROCEDURE

The exhibition of evidence shall be established by the council, i.e. the sole judge with a determination, wherefore the dubious fact for which the evidence and substantiating means shall be exhibited is stated."; "The proposed evidence not considered important for the decision, shall be rejected by the council i.e. the sole judge, and the reason shall be stated in the determination.A special appeal shall not be allowed against the determination allowing or rejecting exhibition of evidence."

The president of the council shall prohibit the party to ask or answer certain question, if the question already contains the preferred answer or the question does not refer to the case.If the president of the council prohibits asking or answering certain question, the party can request the council to decide upon it. On a request of the party the rejected question, as well as the question prohibited to be answered, shall be inserted in the minutes."

The minute shall be composed in a manner that the president of the council, i.e. sole judge tells out loud the minute taker what shall be entered in the minutes."

CRIMINAL PROCEDURE

As to the access to the Court, according to the New CPC, only a licensed attorney may act as a counsel for the defense. For crimes that entail a prison sentence of at least ten years, the defense counsel shall be an attorney with at least five years or working experience, following the passing of the bar exam. The defense counsel is obliged to submit a letter of attorney to the body before which the procedure is conducted. The defendant may also verbally accredit his or her counsel on record, before the body that conducts the procedure. The victim, the injured party, the marital i.e. illegitimate spouse of the victim, injured party or the plaintiff, and their direct blood relatives of first degree, may not assume the role of a defense counsel. A person summoned as a witness in the procedure may also not be a counsel, unless, according to this Law, the person has been relieved from his or her duty to testify and has stated that he or she is not going to testify or if the counsel is being heard as a witness as referred in the Law, neither a person who is a co-defendant in the same case may not be a defense counsel, nor a person who has acted as a judge, public prosecutor or a police official. Also in the Law, there are the cases, listed for providing a compulsory defense The assigned counsel may ask to be dismissed only for justified reasons. The President of the Court, upon request of the accused or with his or her consent may dismiss the assigned counsel who has not exercised his duties in a responsible and competent manner.

As to the right to access to the court files, during the criminal procedure, the defense counsel shall have the right to review the case file and any available evidence, in accordance with the provisions of this Law.

The defense counsel shall have the right to access and to get a copy of all reports and other files related to actions to which the defense had a right to be present at, which are being kept at the public prosecution office.

As to the right for communications with the accused Communication between counsel and defendant in detention, the defense counsel shall have the right of free and unsupervised

correspondence and communication with him or her. In exceptional cases, the judge of the preliminary procedure may subdue this right to visual supervision only, if detention has been imposed if the danger for judges and there is some probability that the accused might abuse the contacts with his or her counsel.

The court shall punish any participant in the procedure, with a pecuniary fine of 200 to 1200 Euros, payable in Macedonian Denars, who, in the motion or verbally, or in any other manner offends either the court or the person who participates in the procedure. The Bar Association of the Republic of Macedonia shall be informed by the Court about any punishment of an attorney

According to the Constitution, the principle of fair trail within a reasonable time, is one of the basic principles of, and it is transposed in the procedural laws.

Shortly, the New Code on criminal procedure, that will come into effect in December 2013 th, is introducing a new, adversarial model of the procedure, thus, introducing a new system of relations between all the participants in the procedure, including the lawyers. Namely, the prosecutor is having the leading role in the investigation stage, working together with the judicial police, the institute if investigative judge is abandoned and a new institute- the judge for investigation will be introduced. This judge will take care on the legality of the procedural acts undertaken or proposed by the judicial police and the prosecution office, and the defense, in regard of protection of the rights and freedoms. Also, new institutes are introduced in order to strengthen the principle of equality of arms, the active role and the equal position of the defense and the prosecution, through the possibility for the defense to undertake its own investigations, to play an active role in proposing the plea bargaining and proposing the other forms of the negotiation foressen in the code, to have an active role in submitting the evidences, obligatory presence of the counsel during performing the investigative acts (search, scene crime investigation, ect) Any person that is subject of the procedure, shall have the right to be taken before a court within a reasonable time and tried without any unjustified delays. The court shall be obliged to conduct the proceedings without any delay and to preclude any abuse of the rights that belong to the persons that participate in the proceedings. Each natural person will be sanctioned with a fine from 700 to 1000 Euros payable in Macedonian Denars and each legal entity will be sanctioned with a fine from 2500 to 5000 Euros payable in Macedonian Denars according to the current exchange rate, for misusing the rights to which he is entitled during the procedure. These measures shell be as well applied to the lawyers, who by misusing their procedural rights, are undertaking actions, that contrary to this principle, are aimed at postponing the procedure (by not timely submitting the proposals for evidences ,submitting unlawful requests for exclusion of the judge or the prosecutor ect.

During the first examination of the defendant, in a case of an obligatory defense, the person may not waive his or her right to a defense counsel, if the defense is compulsory in accordance with this Law. If the defendant does not have an attorney or if he or she is not capable of contacting the attorney, he or she shall receive the list of public defenders on call compiled by the Bar Chamber of the Republic of Macedonia. If the defendant did not want a defense counsel initially, but later on has asked for one, the examination shall be adjourned and continued only after the defendant has been provided with a defense counsel that he or she may consult with.

One of the methods to achieve more transparent work of the court and the prosecutor is the novelty introduced for audio-visual recording of the procedural acts and the main hearing.

As regard the investigative acts, If the search is conducted in an attorney's office in the absence of the attorney that the office belongs to, a representative of the Bar Chamber shall be invited, or if that is not possible, another attorney. If the attorney who was called does not arrive within a

period of three hours from the moment when he or she was summoned, the search may be conducted in his or her absence. By means of a court order, written letters of the defendant addressed to his counsel may not be seized, unless the defendant turns them in voluntarily;

The defense counsel of the defendant can not have the staus of a witness in the procedure on anything confided by the defendant in him or her as counsel, unless the defendant himself or herself demands it.

The public prosecutor shall be obliged, in a convenient manner, to inform the defense counsel, the injured party and the suspect about the time and location of the investigative actions that they may be present at, except if there is a danger of procrastination. If the suspect has a defense counsel, as of a rule, the public prosecutor shall inform the defense counsel only.

The suspect, his or her counsel and the injured party may complain to the higher public prosecutor in the event of any irregularities or delays of the investigation procedure. In such a case, the higher public prosecutor shall investigate the allegations in the complaint, and if he or she establishes that they are grounded, shall take any necessary measures for the completion of the investigation procedure or elimination of the irregularities.

The public prosecutor shall be obliged to disclose to the defendant all the evidence that was collected during the investigation procedure against him or her, as well as any exculpatory evidence that might be useful to the defense.
In the event when, upon request by the suspect or his or her defense counsel, the public prosecutor is collecting certain evidence, this shall have to be completed within a period of 30 days from the day of submission of the request.

During the procedure, the defense counsel may give suggestions to the public prosecutor on possible investigative actions for the purpose of collecting specific evidence.

The defense counsel may undertake actions in order to find and collect evidence that would be beneficial to the defense case. The authority as referred to e may be utilized by the defense counsel throughout the entire procedure. Any actions as referred in the Law, may be conducted by the defense counsel, his or her deputy, authorized private detectives and if a specific specialty is needed, by the technical advisors.

The defense counsel may ask the person whom he or she speaks with to provide a written statement or a report. Any person who has been already interviewed or examined by the judicial police or the public prosecutor may not be asked to provide information about the questions asked and answers provided. For the purpose of getting statements or information from a person in detention, the defense counsel shall have to get a special approval by the preliminary procedure judge, but only after the person has had a conversation with his or her defense counsel and has been examined by the public prosecutor. For the purpose of the defense, in accordance with the law, the defense counsel may ask for information and reports from state entities, local self-government bodies, legal and natural persons with public authority and other legal entities, asking for documents, files and reports to be delivered to him or her.

If the entities do not respond within the deadline as referred to the Law, the defense counsel may ask from the preliminary procedure judge to order for the requested data to be delivered to him or her, i.e. from the court, during the main hearing. if they fail to respond to the council, s

request the court will issue a fine to the responsible, i.e. official representative person in the entities in the amount from 2500 to 5000 Euro payable in Macedonian Denars.

In the course of preparation of the main hearing the Presiding Judge of the Trial Chamber may reject any tendered evidence: if the proposal refers to a manner of gathering evidence that is prohibited by law, to evidence whose use is not allowed by the law or to a fact that cannot be proven under the law (unlawful proposal); if it is unclear, incomplete or aimed towards a significant postponement of the procedure; or if the facts that need to be established according to the proposal are not relevant to the decision making, i.e. if there is no connection between the facts that need to be established and the decisive facts, or if such a connection cannot be established due to legal reasons (irrelevant proposal) .
The Presiding Judge of the Trial Chamber may summon the parties to appear before the court on a specific date in order to elaborate their proposals i.e. their objections in regard to any proposed evidence. The decision rejecting the proposal for presenting evidence must be elaborated. Upon proposal from the parties, the Trial Chamber may alter or withdraw this decision in the later stages of the procedure.

The Presiding Judge of the Trial Chamber shall forewarn any public prosecutor, defendant, defense counsel, injured party, legal representative, proxy, witness, expert witness, translator, i.e. interpreter or any another person who attends the main hearing and disturbs the order or does not yield to the orders of the presiding judge for the purpose of maintaining the order. If such a warning is ineffective, the Trial Chamber may order for the defendant to be removed from the courtroom, whilst all other persons present may not just be removed, but the Trial Chamber may also impose a fine as provided in this Law.

The Trial Chamber may deprive the defense counsel or the proxy from any further defense, i.e. representation at the main hearing, if, after being fined, he or she continues to disturb the order. In such an event, the party shall be invited to appoint another defense counsel i.e. proxy.

If the defense counsel fails to appear at the main hearing, although regularly summoned, and fails to inform the court about the reasons thereof, as soon as he or she becomes aware of those reasons, or if the defense counsel leaves the main hearing without an approval, and there is no possibility to assign a new counsel immediately without any detriment to the defense, upon a motion by the defendant, the main hearing shall be postponed, but it can also be held in the absence of a defense counsel, if the defense is not mandatory. In the event of a postponement, the Trial Chamber shall decide, with a decision, for the defense counsel to bear all the expenses that have been incurred as a result of the postponement, if he or she can be considered responsible.

The audio or the visual-audio recording of the proceedings at the main hearing is part of the court case, which is included into the automated case management information system (ACMIS).
The audio or the visual-audio recording must not be made public, broadcasted or to be used for aims and purposes outside of the criminal procedure.
The parties and the defense counsel shall have the right to get a copy of the audio or visual-audio recording or the stenographer’s record within three days of the main hearing, in a hard copy or an electronic format. The copy of the recording shall be provided immediately, and not later than 24 hours.

During the main hearing, each of the parties, with consent by the other one, may withdraw the presentation of some evidence that was previously tendered.

The Presiding Judge of the Trial Chamber shall control the manner and order of examination of witnesses and expert witnesses and the presentation of evidence, providing for the efficiency, economics of the proceedings and as the need arises, for the establishing of the truth. Upon objection, the Presiding Judge of the Trial Chamber shall prohibit questions and answers to questions that have been previously asked, if he or she considers it inadmissible or irrelevant for the case.
The Presiding Judge of the Trial Chamber shall refuse presentation of evidence if he or she considers it unnecessary and of no importance for the case and shall briefly explain the reasons for it. Upon an objection by the parties, the Presiding Judge of the Trial Chamber shall prohibit asking questions that contain both a question and an answer within, i.e. leading questions, except during cross-examination.
The Presiding Judge of the Trial Chamber shall approve a cross-examination of the witness as suggested by the party that summoned that witness, if as a result of his or her testimony, he or she can no longer be considered as a witness of the party that summoned him or her. During the evidentiary hearing, the Presiding Judge of the Trial Chamber shall attend to the dignity of the parties, the defendant, witnesses and expert witnesses. During the entire evidentiary proceeding, the court i.e. the Presiding Judge of the Trial Chamber shall take care of the admissibility of questions, validity of answers, fair examination and justification of objections.

According to the principle of objectivity, the court and the state authorities shall be obliged to pay equal attention to the investigation and determination of both aggravating and exculpatory facts (in favor of the defense) The right of the court and any state authorities which participate in the criminal procedure to evaluate the existence or non-existence of facts shall not be bound nor limited by any special formal rules of evidence. The court and the other state authorities shall be obliged to clearly elaborate and indicate the reasons for their decision. That means that all the claims ,requests and demands of the layers as regard the procedural rights of the defendant should be taken with a due consideration, should be decided and properly elaborated.

- Are there any legal instruments (substantive or procedural) which potentially could be used by lawyers to delay the consideration of the case, or to affect in any way its fair and efficient resolution?

ADMINISTRATIVE PROCEDURE

In administrative-judicial procedure the lawyer can request exemption of the judge with whom the procedure is conducted, to delay the consideration of the case, or to affect in any way its fair and efficient resolution.

The provisions of the Law on Litigation shall accordingly apply regarding this issue.

CIVIL PROCEDURE

The parties can request exemption of the judge i.e. lay judge with whom the procedure is conducted, i.e. the president of the court who should decide upon the request for exemption.

The sole judge or the president of the council, can by means of a determination, against which a special appeal is not allowed, decide and further continue the work should he assess that the request for exemption is obviously requested for the purpose of obstructing the court while undertaking certain activities, i.e. for the purpose of postponing the procedure."

Ungrounded proposal of the lawyer for postponing of the hearing is also instrument to delay the consideration of the case.

Also, If the attorney-in-fact is removed from the court room due to violating the order, the council shall on a request of the party postpone the hearing, and if the party is not present at the hearing, the council shall always postpone the hearing and notify the party that its attorney-in-fact is removed from the hearing due to violating the order.(article 304 paragraph(3)).

During the procedure, the court can punish the party, the legal representative, attorney-in-fact or intervener, who with their litigation activities has abused the rights recognized by this Law.

AS FOR THE CRIMINAL PROCEDURE SEE BELOW

- To what extent does the successful interaction between judges and lawyers depend on objective factors such as legislation, structures and procedures? Are there any plans to improve them?

ADMINISTRATIVE PROCEDURE

The both factors, objective factors such as legislation, structures and procedures and subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc, are equally relevant for the successful interaction between judges and lawyers.

The new procedural laws (both criminal and civil), have enabled a better and more successful interaction between the courts and the parties. Recently ,the courts are introducing the system on case management of the cases, where the judges and the lawyers can make an agreement about the time schedule of the hearings, giving contribution in a efficient resolution of the case in a timely manner according to the art.6 of ECHR. Also , the new institutes for obligatory publishing of every court judgement on the web sites of the courts, electronic management of the cases, the adversarial system of the procedures introduced very strict deadlines for submitting the evidences from the parties, very short deadlines for procedural acts, completing of the different type of cases (for example labour law cases), writing and announcing the judgement by the judge.These provisions actually gave the parties the key role in the procedure, the new legislation imposed a strict procedural discipline by the parties but in the same time with ensuring procedural guarantees for their procedural rights not to be infringed.

CIVIL PROCEDURE

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- To what extent does such interaction depends on subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc.?

ADMINISTRATIVE PROCEDURE

In terms of subjective factors, taking into account the scope of the jurisdiction of the Administrative Court, good knowledge of substantive laws by judges and lawyers is very important for successful interaction between them.

Regarding to the subjective factors, according to Attorney's Law of the Republic of Macedonia, "attorneys provide legal assistance to the client conscientiously and professionally, in accordance with the law, the Code of Ethics of the Legal Profession and other acts of the Bar Association, and preserve the confidentiality of the information disclosed to them by their client and the attorneys are accountable for the professional and conscientious discharging of the legal profession and for upholding the repute of the profession.

According to Code of Judicial Ethics "When performing his/her work, a judge shall preserve the dignity and authority of the court, and endeavor to insure the preservation of the dignity of the court by anyone with whom he or she interacts in the performance of his/her office. Also, the judge must foster proper relationships with all parties involved in the proceedings before the court. Outside the courtroom, he or she shall always endeavor to provide for the presence of both parties at the same time, i.e., counsellor, attorney, plaintiff and the like.

CIVIL PROCEDURE

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The joint training sessions organized in cooperation between the Academy and the Bar association enable establishing a spirit of mutual cooperation, culture of better understanding of the competences and the role of each of the professions, without interfering in each other professions and the principles that are prevailing in the each of the professions, independence, impartiality for the judges, autonomy and independence of the lawyers, but indispensible is the fact that both professions should be respectable, professional, very well trained in the legal issues ,but also on the non legal issues like ethics, communication skills, relations with the media, case management ect.

- How would you assess the relationship between judges and lawyers in your country? Are there any plans to take steps to improve the legal culture and to foster co-operation between judges and lawyers?

The relationship between judges and lawyers in the country in general is correct. Education of the judges and the lawyers on legal culture through the Academy for judges and public prosecutors and the Bar Associtaion, mutual work on the legislation framework, joint working meetings and round tables are the steps that are useful for improving their relations .

D. Role of judges and lawyers in responding to the needs of parties

- Please give some examples of co-operation between judges and lawyers in specific categories of cases (e.g. those ending in the peaceful settlement in civil claims).

The alternative dispute of resolutions, mediation are more and more becoming popular frequent, but still they are not enough to reduce the workload of the courts.According to the new responsibilities of the presidents of the courts, introduced in the novelites of the Law on the courts, they are obliged to increase the efficialncy of the courts, and thus to encourage the judges in more often using the alternative procedures for settling the cases.

- Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ?

Yes, but it is not that frequent. According to the amendments of the Law on courts there will be no more opportunities for a lawyer to become a judge in a Appellate and Supreme court without having previous experience as a judge in the lower courts. The laywer can become a judge or a prosecutor in a first instance jurisdiction, only after completing the initial training in the Academy. Now there will be only a possibility for the lawyer to enter in the judicial profession only through entering in the initial training of the Academy that lasts 2 years. Probably, for the future, it will be attractive only for the younger generations of lawyers who want to become judges.

- Can lawyers act, in your country, as deputy judges and if so, under what conditions?

There are no deputy judges in Macedonia

E. Judges, lawyers and media

- Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation?

The media (TV companies) are always covering the criminal cases in the organized crime field and sometimes they report from the courtrooms about the penalties imposed by the judges for not respecting the order and the discipline in the courtroom from out the defense lawyers.

- To what extent lawyers and judges comment in the media on pending cases and on judgments?

The lawyers usually comment the pending cases, especially in the attractive cases like organized crime and corruption cases. They are always involved in the cases against journalists

when the plaintiff are the politicians. Fortunately, recently Macedonia has decriminalized the defamation that now became a civil delict. The statements of the lawyers, sometimes violate the principle of the presumption of the innocence, but so far, the Bar has not sanctioned a lawyer for giving prejudiced statements and for predicting the outcome of the process and the case in the media. The lawyers sometimes use to give in the media statements like -that the judges are not efficient, that are not impartial, that the sentence is too high, that there were not enough evidences for the court decision, that the judge was not capable to manage the case in a proper and efficient manner, that they did not have an access to the evidences ect.The judges are bound by the ethics not to comment the pending case before them so they do not have an opportunity to react on the truthfulness of the lawyer's statements. In that case when the court remain silent, there is no space and no opportunities to check the correctness of these statements that are causing damage to the judiciary.The Association of judges do not react on these statements of the lawyers in the media.Some steps are been taken in order to improve the relations between the judges and lawyers, and in raising the awareness about the role that the lawyers play in the process of creating the image of the justice in the society, and in creating of the public opinion about the judicial activities, in general, through joint training that have been organized between judges, journalists and the lawyers, but still, a lot has to be done in that direction.