



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Estonia

National correspondent

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Job title:

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

1342409

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	4144993239
Regional / entity level	

3) Per capita GDP (in €)

10091,7

4) Average gross annual salary (in €)

7214,6

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

15,6466

Please indicate the sources for the questions 1 to 4

1. Source www.stat.ee, Statistical Office of Estonia
2. Source www.fin.ee, Ministry of Finance
3. Source www.stat.ee (2006), Statistical Office of Estonia
4. Source www.stat.ee, Statistical Office of Estonia

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

24220267

7) Please specify

Includes the budget of the courts of the 1st and the 2nd instance and the Supreme Court, also probation service, business and land registries, training, court building, investments in court buildings. Does not include IT cost and accounting as these costs are borne by the Ministry of Justice.

8) Does the approved budget of the courts include the following items? Please give for each item (or

some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	19031617
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	151838
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	2785033
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	
Other (please specify):	<input type="checkbox"/> Yes	

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

For example in 2002 the annual public budget of the courts was 13,4 million.

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

For other than criminal cases- Yes. At the request of a participant in the proceeding, the court may order that person is released, in part or in full, from payment of the state fee or security, or from bearing other legal costs. He/She must give sufficient proof of his/her insufficient income. There is also several specific conditions expressly regulated in different procedural laws under which one could be released from paying fees.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

3433269

12) Total annual approved budget allocated to the whole justice system (in €)

352692684

13) Total annual approved public budget allocated to legal aid (in €)

2567320

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	2314594	252725

15) Is the public budget allocated to legal aid included in the court budget ?

☐ Yes

☒ No

16) Total annual approved public budget allocated to the public prosecution system (in €)

7933295

17) Is the budget allocated to the public prosecution included in the court budget?

☐ Yes

☒ No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Question 12 includes the budget of the courts of the 1st and 2nd instance, the Supreme Court, Prosecutor's Office, Prison system, Court's Accounting Centre.

Please indicate the sources for the questions 6, 7, 13 et 16

Source for the questions 6, 7 and 16 State Budget 2006. Source for the question 13 Ministry of Justice.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

21) If other, please specify (in regards to question 20):

Criminal case - for example drafting and submitting legal documents. Other than criminal cases - for example representation before other instances, drafting of legal documents.

22) Does legal aid foresee the covering or the exoneration of court fees?

- ☒ Yes
☐ No

If yes, please specify:

The public budget is not foreseen for covering or the exoneration of court fees. But person can request procedural assistance. For example at the request of a participant in the proceeding, the court may order that, as procedural assistance, a recipient of procedural assistance:

- 1) is released, in part or in full, from payment of the state fee or security, or from bearing other legal costs,
- 2) may pay the state fee or security, or other legal costs in monthly instalments within the term prescribed by the court
- 3) is released from the obligation to provide security for covering procedural expenses or for damages that may arise from declaration of a judgement to be subject to immediate execution.

Source: Code of Civil Procedure

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- ☒ Yes
☐ No

If yes, please specify:

Person may request procedural assistance for release the fees related to the execution of judicial decisions.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

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Total	30180
Criminal cases	29880
Other than criminal cases	300

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

☒ Yes

☐ No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	X		
for other than criminal cases?		X	Not fixed

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

☒ Yes

☐ No

28) If yes, is the decision for granting or refusing legal aid taken by:

☒ the court?

☐ an authority external to the court?

☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

☒ Yes

☐ No

Please specify:

Insurance Activities Act establishes legal expense insurance as a class of non-life insurance. To our knowledge several insurance companies offer this kind of insurance, mainly to legal persons.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 24 and 26

Ministry of Justice

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.riigiteataja.ee The Riigi Teataja (State Gazette)
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.riigikohus.ee The Supreme Court of Estonia
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.just.ee Ministry of Justice

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

☐ Yes

☒ No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of

crimes?☒ Yes☐ No

If yes, please specify:

By the Victim Support Act the provision of victim support services is ensured by the Social Insurance Board in accordance with the principle of regionality. A victim will be given both emotional support and information on the forms of assistance available (such as psychological counselling, legal assistance etc), and guidance on how to address the organisations.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?☒ Yes☐ No**36) If yes, does this compensation procedure consist in:**☒ a public fund?☐ a court decision?☐ private fund?

If yes, which kind of cases does this procedure concern?

Violent actst which result is the death of the victim, in his/her severe health damage or a health disorder that lasts at least 6 months are applicable for compensation. The victim and those who are dependent on him can apply for compensation.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- ☐ Yes
☒ No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- ☐ Yes
☒ No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- ☒ Yes
☐ No

If yes, please specify:

A victim has the right to contest a termination of criminal proceedings. A victim may file an appeal with a Prosecutor's Office or with the Public Prosecutor's Office .

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- ☐ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

If yes, please specify (fund, daily tariff):

It is funded from the state budget, the daily tariff is the minimum monthly salary (fixed by the government) divided by 30 (the number of days in a month) and multiplied by 7.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- ☐ (Satisfaction) surveys aimed at judges
- ☐ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☐ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☐ (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?☒ Yes☐ No**44) If yes, please specify:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	4
Specialised first instance courts (legal entities)	2
All the courts (geographic locations)	22

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Administrative Courts (2).

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

☒ Yes

☐ No

If yes, please specify:

For the time being we have three Courts of Appeal. Two of them will be combined with each other for efficiency reasons. So as of January 1st 2009 we'll have two Courts of Appeal.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	4
a dismissal	4
a robbery	4

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

239

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):**52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

802- Lay judges, it is the maximum number of lay judges courts can nominate. Most of them participate very seldom in the judicial process.

Q52 Lay-judges are mainly used in general procedures. The number of proceedings in which lay-judges are compulsory have been reduced. The amount of lay-judges has been reduced on account of this

53) Does your judicial system include trial by jury with the participation of citizens?☐ Yes☒ No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

1021

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	83
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	842
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	83
technical staff	<input checked="" type="checkbox"/> Yes	13

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Ministry of Justice

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

191

58) Do any other persons have similar duties as public prosecutors?

- ☐ Yes
- ☒ No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

84,5

Please indicate the sources for the questions 57 and 59

The Public Prosecutor's Office

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- ☒ Yes
☐ No

If yes, please specify the name and the address of this institution:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Ministry of Justice

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- ☐ Yes
☒ No

67) Do you have a regular monitoring system of court activities concerning the:

- ☒ number of incoming cases?
☒ number of decisions?
☒ number of postponed cases?
☒ length of proceedings (timeframes)?
☐ other?

Please specify:

68) Do you have a regular system to evaluate the performance of each court?☒ Yes☐ No

Please specify:

The Ministry of Justice analyses court statistics and makes certain resource-related decisions based on the work-load of the courts.

69) Concerning court activities, have you defined performance indicators?☒ Yes☐ No**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**☒ Incoming cases☒ Length of proceedings (timeframes)☒ Closed cases☐ Pending cases and backlogs☐ Productivity of judges and court staff☐ Percentage of cases that are treated by a single sitting judge☐ The enforcement of penal decisions☐ Satisfaction of employees of the courts☐ Satisfaction of clients (regarding the services delivered by the courts)☐ Judicial and organisational quality of the courts☐ The costs of the judicial procedures☒ Other

Please specify:
number of decisions

71) Are there performance targets defined for individual judges?

- ☐ Yes
☒ No

72) Are there performance targets defined at the level of the courts?

- ☐ Yes
☒ No

73) Please specify who is responsible for setting the targets:

- ☐ executive power (for example the Ministry of Justice)
☐ legislative power
☐ judicial power (for example a High Judicial Council or a Higher Court)
☐ other

Please specify

74) Please specify the main targets applied:

75) Which authority is responsible for the evaluation of the performances of the courts:

- ☐ the High Council of judiciary
☒ the Ministry of Justice
☐ an Inspection authority
☐ the Supreme Court
☐ an external audit body

☐ other?

Other, please specify:

Only the workload.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

☐ Yes

☒ No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

☐ Yes

☒ No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

☐ Yes

☒ No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- ☐ Yes
☒ No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- ☐ Yes
☒ No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

The Ministry of Justice

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

NA

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

Please indicate the sources for the questions 82 and 84

82. unfortunately no such statistics is kept.

83. unfortunately no such statistics is kept.

84. Ministry of Foreign Affairs

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☐ criminal cases?

☒ administrative cases?

If yes, please specify:

86) Are there simplified procedures for:

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

For example in civil cases expedited procedure in matters of payment order, written proceeding with consent of parties, written proceedings ordered by court.

For example in criminal cases settlement proceedings, alternative proceedings.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- ☒ Yes
- ☐ No

If yes, please specify:

The judge lays out the rules, but he/she has to take account the possibilities of the parties. In the end both sides have to reach an agreement.

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil,	22675	33619	34901	20564

commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*	NA	25943	28118	NA
2 Civil (and commercial) non-litigious cases*	NA	17574	9820	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	1111	2552	2542	921
7 Other				
Total criminal cases (8+9)	3104	16538	13940	4070
8 Criminal cases (severe criminal offences)	2266	10687	9353	2418
9 Misdemeanour cases (minor offences)	838	5851	4587	1652

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Severe criminal offences - From the beginning of 2006 a new court it-system was implemented which allows to reflect all criminal cases. The system used till December 31st 2006 did not allow that, therefore is the sum of criminal cases smaller. Data does not include summed up, segregated or forwarded (to another court) cases

Minor criminal offences (Misdemeanour cases) - Statistical data shows the exact sum on minor criminal offence cases. When one person has multiple minor criminal offence cases and these are added together, the sum of incoming cases does not alter.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	977	3171	3075	930
1 Civil (and commercial) litigious cases*	NA	NA	NA	NA
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	436	959	1076	308
7 Other				
Total criminal cases (8+9)	127	1947	1862	134
8 Criminal cases (Severe criminal	122	1778	1708	127

offences)				
9 Misdemeanour cases (minor offences)	5	169	154	7

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	38	266	249	54
1 Civil (and commercial) litigious cases*	23	161	153	32
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	15	105	96	22
7 Other				
Total criminal cases (8+9)	23	134	132	25
8 Criminal cases (Severe criminal offences)	16	80	74	22
9 Misdemeanour cases (minor offences)	7	54	58	3

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases				
Employment dismissal cases				
Robbery cases				
Intentional homicide case				

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

94) Where appropriate, please specify the specific procedure as regards divorce:

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- ☒ to conduct or supervise police investigation?
- ☒ to conduct investigation?
- ☒ when necessary, to demand investigation measures from the judge?
- ☒ to charge?
- ☒ to present the case in the court?
- ☒ to propose a sentence to the judge?
- ☒ to appeal?
- ☐ to supervise the enforcement procedure?
- ☒ to end the case by dropping it without the need for a judicial decision?
- ☐ to end the case by imposing or negotiating a penalty without a judicial decision?
- ☐ other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- ☐ Yes
- ☒ No

If yes, please specify:

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor	Discontinued by the public prosecutor	Discontinued by the public prosecutor	Concluded by a penalty, imposed or	Charged by the public prosecutor
--	-----------------------------------	---------------------------------------	---------------------------------------	---------------------------------------	------------------------------------	----------------------------------

		because the offender could not be identified	due to the lack of an established offence or a specific legal situation	for reason of opportunity	negotiated by the public prosecutor	before the courts
Total number of 1st instance criminal cases	14571	19162	5065	3328	5128	-

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 92 to 94 and question 98

Questions 92-94 - unfortunately no such statistics is kept.

Question 98 Ministry of Justice

Question 88-91 land registry cases, enforcement cases, business register cases - unfortunately no such statistics is kept.

Question 91 - These numbers do not indicate all the procedural applications. By the Courts Act the acceptance for proceedings of matters which fall within the jurisdiction of the Supreme Court shall be decided by a panel of at least three members of the Supreme Court on the basis provided for in law regulating judicial procedure. A matter is accepted for proceedings if the hearing thereof is demanded at least by one justice of the Supreme Court.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☒ an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting judges:

We do not have promotion system for judges.

102) Which procedures and criteria are used for promoting judges? (please specify).

103) How are prosecutors recruited?

- ☐ Through a competitive exam? (for example after a law degree)
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☒ A combination of both
- ☐ Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- ☐ an authority composed of prosecutors only?
- ☐ an authority composed of non-prosecutors only?
- ☒ an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting prosecutors.

We do not have promotion system for prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

107) Is the mandate given for an undetermined period for judges ?

- ☒ Yes
☐ No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

- ☒ Yes
☐ No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

☐ yes, please
specify the
length

for prosecutors

☐ yes, please
specify the
length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

**110) Nature of the training of judges.
Is it compulsory?**

- ☐ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☐ In-service training for management functions of the court (e.g. court president, court managers)
- ☐ In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**112) Nature of the training of prosecutors.
Is it compulsory?**

- ☒ Initial training
- ☐ General in-service training
- ☐ Specialised in-service training (e.g. specialised public prosecutor)
- ☐ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☐ In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

Question 110 Not sanctioned.

Question 112 General in-service training and specialised in-service training are highly recommended.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	24840	19127
Judge of the Supreme Court or the Highest Appellate Court	34115	26259
Public prosecutor at the beginning of his/her career	15384	11845
Public prosecutor of the Supreme Court or the Highest Appellate Instance	23846	18361

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

Judges- additional pay based on the length of the tenure.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:**119) Can prosecutors combine their work with any of the following other professions?**

Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

☐ Yes

☒ No

If yes, please specify:

Please indicate the source for the question 114

Judges

According to the Courts Act the salary is the national average annual salary multiplied by 4 (first instance judge) and by 5,5 (a judge of the Supreme Court).

Prosecutor

Prosecutor's Office Act

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

I Judges

By the Courts Act the following have the right to commence disciplinary proceedings:

- 1) the Chief Justice of the Supreme Court, against all judges
- 2) the Chancellor of Justice, against all judges
- 3) the chairman of a circuit court, against judges of courts of first instance in his territorial jurisdiction
- 4) the chairman of a court, against the judges of the same court
- 5) the Supreme Court en banc against the Chief Justice of the Supreme Court.

II Prosecutors

By the Prosecutor's Office Act the following have the right to initiate disciplinary proceedings:

- 1) the Minister of Justice and the Chief Public Prosecutor against all prosecutors
- 2) a leading prosecutor against prosecutors who serve in his or her subordination.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**I Judges**

By the Courts Act the Disciplinary Chamber of the Supreme Court shall hear matters of disciplinary offences of judges and impose disciplinary punishments to judges.

II Prosecutors

By the Prosecutor's Office Act the following have the right to impose disciplinary penalties on a prosecutor:

- 1) the Minister of Justice on the proposal of the prosecutors' disciplinary committee on all prosecutors
- 2) the Chief Public Prosecutor on the proposal of the prosecutors' disciplinary committee on all prosecutors.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	2	1
1. Breach of professional ethics	2	1
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	1	1
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine	1	
5. Temporary reduction of salary		1
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

621

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

☐ Yes

☒ No

128) Number of legal advisors?

number is not available

129) Do lawyers have a monopoly of representation:

☒ Civil cases*

☒ Criminal cases - Defendant*

☒ Criminal cases - Victim*

☒ Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Civil cases: In courts of first instance and appeal - No. In the Supreme Court of Estonia - Yes.

Criminal cases - Defendant: In courts of first instance and appeal - No. In the Supreme Court of Estonia - Yes.

Criminal cases - Victim: In courts of first instance and appeal - No. In the Supreme Court of Estonia - Yes.

Administrative cases: In courts of first instance and appeal - No. In the Supreme Court of Estonia - Yes.

130) Is the lawyer profession organised through:

☒ a national Bar?

☐ a regional Bar?

☐ a local Bar?

Please specify:

The Estonian Bar Association is a central organisation which compromises all particitioners of the lawyer profession (sworn advocate´s, sworn advocate´s senior

clerks, sworn advocate´s clerks).

Please indicate the source for the question 126

The Estonian Bar Association.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- ☒ Yes
☐ No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- ☒ Yes
☐ No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- ☐ Yes
☒ No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- ☒ Yes
☐ No

135) Are lawyers fees:

- ☐ regulated by law?
- ☐ regulated by the Bar association?
- ☒ freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- ☐ Yes
- ☒ No

137) If yes, who is responsible for formulating these quality standards:

- ☐ the Bar association?
- ☐ the legislature?
- ☐ other?

Please specify (including a description of the quality criteria used):

138) Is it possible to complain about :

- ☒ the performance of lawyers?
- ☒ the amount of fees?

Please specify:

It is possible for clients to file a complaint concerning the activities and conduct of their lawyers to the Court of Honour of the Estonian Bar Association.

139) Which authority is responsible for disciplinary procedures:

- ☐ the judge?
- ☐ the Ministry of Justice?
- ☒ a professional authority or other?

Please specify:

The disciplinary procedures are conducted by the Court of Honour of the Estonian Bar Association.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	7			

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	1				

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

Professional inadequacy is not a reason for disciplinary proceedings, but a reason for assessing professional suitability by a professional suitability assessment committee.

Criminal offence is not a reason for disciplinary proceedings, but a reason for removal of membership in case of a court verdict coming into force regarding a lawyer.

Violation of legislation which provides for the activities of advocates is a reason for disciplinary proceedings.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

☐ Yes

☒ No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

☐ Yes

☒ No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

☐ yes,
number:

family cases?

☐ yes,
number:

administrative cases?

☐ yes,
number:

employment dismissals?

☐ yes,
number:

criminal cases?

☐ yes,
number:

Please indicate the source for the question 145

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

Q146 - The Arbitration Court of The Estonian Chamber of Commerce and Industry is a permanent institutional arbitration court which settles disputes on contractual and other civil law cases, among them disputes concerning foreign trade and other international economic cases. Agreement to solve cases in the Arbitration Court is facultative, so none can be subject to arbitration court without their consent. „No arbitration agreement, no arbitration“ principle is applied.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

48

148) Are enforcement agents:

- ☐ judges?
- ☐ bailiff practising as private profession ruled by public authorities?
- ☐ bailiff working in a public institution?
- ☒ other enforcement agents?

Please specify their status:

A bailiff is an independent person who holds an office in public law. A bailiff engages in liberal profession and holds office in his or her own name and at own liability.

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- ☒ Yes
- ☐ No

150) Is the profession of enforcement agent organised by?

- ☒ a national body?
- ☐ a regional body?
- ☐ a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- ☒ Yes
- ☐ No

152) Are enforcement fees:

☒ regulated by law?

☐ freely negotiated?

Please indicate the source for the question 147

Source: Ministry of Justice

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

☒ Yes

☐ No

154) Which authority is responsible for the supervision and the control of enforcement agents:

☐ a professional body?

☐ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☐ other?

Please specify:

155) Have quality standards been formulated for enforcement agents?

☐ Yes

☒ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- ☐ Yes
☒ No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministry of Justice

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- ☐ no execution at all?
☐ non execution of court decisions against public authorities?
☐ lack of information?
☒ excessive length?
☐ unlawful practices?
☐ insufficient supervision?
☒ excessive cost?
☐ other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☐ Yes
- ☒ No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- ☐ for civil cases?
- ☐ for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- ☐ between 1 and 5 days
- ☒ between 6 and 10 days
- ☐ between 11 and 30 days
- ☐ more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input type="checkbox"/> yes, number:	
Professional inadequacy	<input checked="" type="checkbox"/> yes, number:	9
Criminal offence	<input type="checkbox"/> yes, number:	
Other	<input type="checkbox"/> yes, number:	

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	5
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input type="checkbox"/> yes, number:	
Fine	<input checked="" type="checkbox"/> yes, number:	4
Other	<input type="checkbox"/> yes, number:	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

- ☐ Yes
- ☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- ☐ Yes
- ☒ No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- ☒ Yes
☐ No

166) Is the status of notaries:

- | | | |
|---|---|-----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,
number: | 100 |
| a public one? | <input type="checkbox"/> yes,
number: | |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

- ☒ within the framework of civil procedure?
☒ in the field of legal advice?
☒ to authenticate legal deeds?
☒ other?

Please specify:

Operates as a single point of access in certain cases by drawing up and forwarding to state and private bodies notices and applications which are connected to a certified notarial act.

Please indicate the source for the question 166

Chamber of Notaries

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

☒ Yes

☐ No

169) Which authority is responsible for the supervision and the control of the notaries:

☒ a professional body?

☐ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☐ other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

The new Code of Civil Procedure was entered into force 1 January 2006. According to the Code a claim against another party arising from a private law relationship directed at the payment of a certain sum of money shall be adjudicated by the court based on a petition by way of expedited procedure prescribed for matters of payment order. The aim of payment order is to decrease court´s work-load in civil cases. From the middle of 2008 we have a plan to gather payment order to one centre (today you can submit payment order to all county court´s (4)). Also expedited procedure in matters of payment order will be fully electronical. Today procedure is carried out on the paper.