



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Albania

National correspondent

First Name - Last Name: **BALLA Rezana**

Job title:

Organisation: **Ministry of Justice**

E-mail: **rezana_balla@yahoo.com**

Phone Number :

First Name - Last Name: **HUSA Rovena**

Job title: **Head of the Judicial Archives Unit**

Organisation: **MJU**

E-mail: **rhusa@justice.gov.al**

Phone Number : **+355 4 22599388 Ext.**

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

3170048

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

	Amount
State level	2852606
Regional / entity level	NA

3) Per capita GDP (in €)

2785

4) Average gross annual salary (in €)

5180

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

123

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Ministry of Finance (www.minfin.gov.al)

1. 2. Budgetary data concerning judicial system

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

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

10727875

7) Please specify

The budget includes the budget allocated to Supreme Court, Second and First Instance Courts, Legal Aid.

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 or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	8008510
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	71124
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	2127166
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	59992
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	NAP
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	20985
Other (please specify):	<input checked="" type="checkbox"/> Yes	440098

Comment :

The amount for legal aid in...

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:

Increase of salaries regarding judges and judicial staff, investments in new courts buildings. Average increase over the past five years is 5,4%.

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:

Exclusion from court tax/fee obligations according to Art. 105/b Civil Procedure Code is possible.

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

1937915

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

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 70449797

Comment :

Ministry of Justice, High Council of Justice, Prosecution and Judicial System, Enforcement Service, Penitentiary Service, Constitutional Court and School of Magistrates.

The budgets for Ministry of Justice (including Enforcement Directorate and Penitentiary), the Judiciary (High Council of Justice and Courts) and of the General Prosecution Office are each separate due to the independence of these institutions.

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

Please provide comments to explain the figure provided under question 13:

. Amount 111927

Comment :

Cases of legal aid; Representation, experts, translators, psychology etc.

The amount has been increased due to reallocation of funds.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	125068	NA

Comment :

The figures refer to 2008; due to recent reforms in legal aid issues, data in non criminal cases will be available in 2010.

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 €)

Please provide comments to explain the figure provided under question 16:

. Amount 8176518

Comment :

Includes salaries, operational costs, building investments.

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	No	No	Yes	Yes
Other ministry	Yes	No	Yes	Yes
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

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

Ministry of Finance, Judicial Budget Administration Office.

The board of the Judicial Budget Administration Office is composed of the chairmen of courts, one representative of the Ministry of Finance and one of the Ministry of Justice etc. According to Art. 9 Law Nr.. 8363, dated 1.7.1998

Duties of the board are:

- a) Approves the draft budget presented by the Office for every level of the courts, and sends it for review to the competent organ for the approval of the state budget.
- b) Controls the use of the allocated funds and analyses the requirements of courts for funds that may be needed during the budgetary year.
- c) Approves the transfer of budgetary funds with the competencies that the law allows and the use of the reserve fund.
- d) Nominates and impeaches the director of the Office. The nomination of the director of the Office is made by secret ballot and with alternative candidatures.
- e) Determines the structure of the Office, as well as the number of its administrative staff, and the criteria for their nomination.
- f) Determines salaries of the Office's staff in compliance with the general criteria for the determination of salaries of the administration staff.
- g) Approves the regulation for the functioning of the Office.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Ministry of Finance www.minfin.gov.al

Judicial Budget Administration Office www.zabgj.gov.al

General Prosecution Office www.pp.gov.al

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	Yes

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

Public legal education concerning specific problems of the society, media campaign regarding specific legal issues in public interest.

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

- Yes
 No

If yes, please specify:

But exclusion from court tax/fee obligations according to Art. 105/b Civil Procedure Code is possible. Exclusion is also possible in cases of execution of courts decisions.

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

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	NA

Comment :

NA at the moment due to recent developments in legal aid issues.

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:**

	Yes	Amount in €
for criminal cases	X	NA
for other than criminal cases?	X	NA

Comment :

It depends on social security schemes.

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

Please provide comments to explain the answer under question 27:

According to Art. 15 of the Law on Legal Aid the Commission granting legal aid has to consider if the claim is reasonably based on legal arguments and facts.

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:

There are several insurance companies offering legal insurance according to Art.7 of Law nr.9267 date 29.07.2004.

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

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

The legal aid law no. 10039 date 22.12.2008 determines conditions and proceedings on legal aid granted by state on protection of human rights. Legal aid can be asked at any stage of court proceedings.

Please indicate the sources for answering the questions 24 and 26

www.zabgj.gov.al; 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:

- | | | |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.qpz.gov.al |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.gjykataelarte.gov.al ; www.gjk.gov.al |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.justice.gov.al ; www.kld.gov.al |

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

- Yes
 No

If yes, please specify:

According to Art.158/a Civil Procedure Code, the judge has to set up a preparatory session in order to make the timeframes of the proceeding foreseeable. In the preparatory session the judge shall discuss with the parties how and when evidences (including witnesses) has to be presented or clarify the legal arguments on which the claim is based, or to ask the parties if legal aid is needed etc.

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:

Victims of domestic violence: www.mpcs.gov.al/dpshb/sq/fjale/66-denonco-dhunen;
 Victims of Trafficking: www.moi.gov.al (free number 0800 12 12)

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

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Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	Yes	Yes	Yes	No
Children/Witnesses/Victims	Yes	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes	Yes
Ethnic minorities	No	No	No	No
Disabled persons	Yes	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes	Yes
Other	Yes	No	No	No

Comment :

Victims of trafficking are offered unconditionally rehabilitation assistance, even if she/he is not ready to collaborate with the investigative units. It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence; and they can not be arrested when accused of a criminal contravention (Art. 103, 255 Criminal Code).

Victims of domestic violence may request from the relevant court, as an urgent interim measure, to prohibit the partner accused of violence to reside in the common place (Art. 62 Family Code).

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?
 a private fund?

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

Victims of organized crime have the possibility of being compensated through a public (state) fund consisting of confiscated assets from organized crime (Art. 37 et. seq On Preventing and Striking at Organised Crime Trafficking through Preventive Measures Against Assets). Additionally, victims are in general entitled to claim compensation in criminal and civil proceedings.

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:

According, to Art.59/2 Criminal Code the prosecutor participates in trials initiated by the aggrieved accuser in certain criminal cases and may request for the conviction of the accused person.

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

Yes

No

If yes, please specify:

According to Art.325, 329 Criminal Code the victim is entitled to appeal the decision of the prosecutor dismissing the charge or the case in the district court.

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):

Parties are entitled to request compensation for wrongful detention or imprisonment in proportion with the duration of the sentence and personal and familiar consequences deriving from the sentence. The request has to be submitted to the secretary of the court that has rendered the decision. There is no daily fee; the amount of compensation depends on individual circumstances. Funds are provided by the Ministry of Finance. A second possibility is the law on the liability of public entities for misconduct, which also provides compensation mechanism for persons who has suffered damages, which includes also the cases on non execution of court decisions.

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 possible, please specify:

Yes (surveys at a regular interval: for example annual)

Yes (incidental surveys)

Surveys at national level	No	No
Surveys at court level	No	No

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

Yes

No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	Yes	No
High Council of the Judiciary	Yes	No
Other external organisations (e.g. Ombudsman)	No	No

Comment :

The president of the relevant court is requested to deliver information with regard to issues raised in the complaint. If there are serious problems which do not concern the merits of the specific case (in this case a higher court is competent), general or special inspections can be initiated.

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	22
Specialised first instance Courts (legal entities)	1
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	31

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

Serious Crimes Court

47) Is there a change in the structure in 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:

Administrative Courts (first instance and appeal) shall be established as a separate branch of the judicial power according to a pending draft law on Administrative Justice.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	22
a dismissal	22
a robbery	22

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

There is no specific definition for small claims, but with the new (draft) changes in the Civil Procedure Code cases not exceeding 8500 Euro are adjudicated in an accelerated procedure in accordance with the Late Payment Directive.

Since some modification of the Civil Procedure Code in December 2008 all civil cases up to a sum of ca. 150000 Euro are regularly only decided by a single judge if not both parties explicitly ask for a decision by a panel of 3 judges.

Please indicate the sources for answering the questions 45 and 48:

Ministry of Justice; www.justice.gov.al

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**Please provide comments to explain the answer under question 49:**Number . 374

Comment :

374 full time Judges for the first and second instance, and 17 full time Judges for the Supreme Court.

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

	Number
gross figure	0
if possible, in full time equivalent	0

51) Please provide comments to explain the answer under question 50:**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).****Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?		

Comment :

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 (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 723

Comment :
See below

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes
- 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 Yes 386
- 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) Yes 167
- technical staff Yes 170

Comment :

Persons working as non-judge staff have the status of public servants. 30 Chancellors included in the staff in charge with different administrative tasks, are persons who - together with the court president - direct and are responsible for the 'auxiliary' services (managing of case files) in the court, which are performed by the judicial secretariat, the branches and section of administration, the economy, finance, computerization etc.

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

There are no Rechtspfleger.

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 321

Comment :

17 public prosecutors are working at the General Prosecution Office, 66 public prosecutors deal with serious crimes court cases.

59) Do any other persons have similar duties as public prosecutors? Yes No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**Please provide comments to explain the answer under question 60:**Number . 427

Comment :

Non prosecutors staff include judicial police (=persons with legal background) for investigation issues, chancellors for administrative issues and technical staff secretary, it experts, etc. Additionally, for investigative issues state police employee shall be assigned to public prosecutors.

3. 1. 4. Court budget and new technologies**61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	Yes	No	Yes
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	Yes
Head of the court clerk office	Yes	Yes	Yes	Yes
Other	No	No	No	Yes

62) You can indicate below:

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

Management Board refers to Judicial Budget Administration Office as stated above, which has a board composed of Judges from all three instances in order to assure full independence of the judiciary, and a management elected by the board.

63) 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	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	No	Yes	No
E-mail	Yes	No	No	No

Internet connection	No	Yes	No	No
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64) 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	No	Yes	No	No
Court management information system	No	Yes	No	No
Financial information system	No	No	No	No

65) 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	No	No	No	No
Special Website	No	Yes	No	No
Other electronic communication facilities	No	No	No	No

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

Ministry of Justice www.justice.gov.al

You can indicate below:

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

In January 2010 the implementation of the IT system for court administration and case management will be finalized. The introduction of the "Integrated Case Management Information System" (CCMIS/ICMIS) was financed by the European Community. The CCMIS/ICMIS project started in 2007. This new system includes case registration, lottery assignment of cases to judges, statistics, webpage etc. CCMIS/ICMIS will replace the existing Ark IT system, which is active in some courts for the moment and also facilitates the day to day work for all courts and courts users.

Additionally, for the period 2010- 2012 a new electronic archive system for all court cases will be implemented with the support of the Ministry of Justice and USAID. Both systems will be compatible for management and archive of court cases.

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

68) 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:

Courts are requested to provide to the Ministry of Justice on quarterly basis case statistics regarding the number of decisions, length of proceedings, incoming cases, cases adjudicated by individual judges etc. The Ministry of Justice is then responsible for analysing the information and drafting a statistical report on an annual base. Information obtained through general inspections reports organised by the High Counsel of Justice or the Ministry of Justice is also included in the annual statistical report. The report is public and every person can monitor the court activity performance (see for example www.gjykataetiranes.gov.al).

69) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

Professional evaluations of judge's performance is carried out by the High Counsel of Judiciary (HCJ), the HCJ establishes the criteria for the evaluation of judges, controls and guarantees the process of evaluation and reviews complains of judges regarding their evaluation. The majority of the members of the HCJ are chosen judges by the National Judicial Conference. Courts presidents are also involved in the evaluation of judges.

The Ministry of Justice based on statistical reports is also responsible for the preparation of legal and administrative recommendations issues concerning the judicial organisation, such as number of courts, number of administrative staff within the judiciary etc in order to continuously improve the performance of court.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is 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
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

In order to avoid any misunderstandings, judicial quality and organisational quality indicates the partial output according to the measures taken by the Ministry of Justice together with the HCJ and the court president to establish the number of judges, delegations of judges, number of administrative staff, equipment or legislative changes etc for a proper functioning of courts. Additionally, judicial quality includes also the well reasoning of the court decision and the sustainability of the decision in the higher instance courts.

Percentage of cases that are treated by single sitting judges is an evaluation criteria established by HCJ.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

High Counsel of Justice has established the evaluation criteria for single judges by decision and has issued a decision on the expectable workload per each judge per year according to different case types.

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
- No

75) 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

If other, please specify:

76) Please specify the main targets applied

Respecting the time limits imposed by procedural law in administrative cases. Reducing backlogs and pending cases. The adjudication of at least 200 cases per year, as an evaluation requirement, by a single sitting judge. Well reasoning and sustainability of decisions lower court instance.

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

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

78) 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:

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

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

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

Yes

No

If yes, please specify:

Requesting information from the court president. Some courts have also published in their WebPages procedural steps taken during a court procedure.

82) 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):

General Inspections (with data gathering character) are performed following a detailed schedule approved by the High Counsel Justice (or in coordination with the Ministry of Justice) with the purpose of evaluating the functioning of the courts mainly within a period of two years, based on a preliminary agenda. However depending on the results of the last visit, the frequency may increase. Ministry of Justice also based on an annual work calendar - in coordination with the High Counsel of Justice - inspects courts regarding work organisation and work of legal services and legal administration in general.

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

Yes

No

If yes, please specify:

General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytical report for the Parliament regarding General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytical report for the Parliament regarding the progress on fighting criminality, intensity of criminality, recent forms of criminality etc.

You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

the characteristics of your court monitoring and evaluation system

Disciplinary procedures against judges are initiated by the Minister of Justice and the decision is made by the High Counsel of Justice. Judges are entitled to appeal the decision of the High Council of Justice to the Supreme Court.

Evaluation for single judges is conducted at least once in a three years period by the High Counsel of Justice (HCJ).

There is a need to draft specific (quality) standards for each court for improving more quality assurance in decision making.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NAP

85) 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):

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	0	2	1
Civil proceedings - Article 6§1 (non-execution)	1	0	11	1
Criminal proceedings - Article 6§1 (duration)	0	0	0	2

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

Interim Measures (Securing Measures or Preliminary Injunctions) are possible in all three types of cases (according to the relevant procedural laws).

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):
According to Art.334 Criminal Procedure Code, Defendant or Prosecutor may demand for direct or accelerated trial. In civil cases with the new (draft) changes in the Civil Procedure Code cases not exceeding 8500 Euro are adjudicated in an accelerated procedure in accordance with the Late Payment Directive. According to the changes 2008 the single judge is competent for claims not exceeding 150000 Euro.

89) 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:

Only within the limits of Art.158/a of Civil Procedure Code (preparatory session).
However no agreement is signed in this case. (Please also refer to question 32)

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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	7495	54393	50714	11174
1 Civil (and commercial) litigious cases*	4807	19980	18418	6369
2 Civil (and commercial) non-litigious cases*	1400	29259	27943	2716
3 Enforcement cases	152	827	788	191
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	1136	4327	3565	1898
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	2066	7365	7349	2082
8 Criminal cases (severe criminal offences)	62	83	76	69
9 Misdemeanour and / or minor offences cases	2004	7282	7273	2013

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

Civil cases (=Contract law cases, property law cases,, unjust enrichment law case, tort law cases, insurance law cases, intellectual property law cases, company law cases, heritage law cases);
Administrative cases (= appeals against an administrative act to the court); Minor offences cases (= cases with pecuniary penalties or prison up to max 2 years, all other cases are severe criminal

cases).

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	3356	4997	4148	4205
1 Civil (and commercial) litigious cases*	2883	3383	2988	3278
2 Civil (and commercial) non-litigious cases*	32	322	303	51
3 Enforcement cases	89	285	222	152
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	441	1292	857	876
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	1148	2809	2057	1900
8 Criminal cases (Severe criminal offences)	938	1854	1268	1524
9 Misdemeanour and/or minor offences cases	210	955	789	376

Comment :

Land registry and business registry cases are assigned to administrative bodies. Appeal to court in these cases against the administrative act is possible; however in the statistics they are included under administrative case law.

As enforcement cases in this questionnaire are presented those cases in which a party has the right to appeal to court against bailiff's behaviour in an enforcement procedure.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of

civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	2722	2788	1184	4326
1 Civil (and commercial) litigious cases*	NAP	NAP	NAP	NAP
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	376	580	209	746
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	907	912	584	1235
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

The number presented at total of civil row includes all civil law cases,(litigious and non-litigious) administrativ law cases and commercial law cases.

The number presented at total of penal row includes all criminal cases (severe criminal offences) and misdemeanour cases (minor offences).

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	855	5254	5089	1020
Employment dismissal cases*	331	1339	1176	494
Robbery cases	297	1254	1292	259
Intentional homicide	65	84	89	60

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the tale. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2nd instance (average length)	Total procedure (average total length)
Litigious divorce cases*	3.93	0	73	246	319
Employment dismissal cases*	51.27	1	153	588	741

Robbery cases	33.82	0	73	365	438
Intentional homicide	77.52	0	246	258	504

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

In non-litigious divorce cases a draft agreement is presented to the court signed by both partners. The court may after consultation with each partner alone and together, approve the agreement by decision. If the judge realises that the agreement doesn't provide enough security for the children or one of the partners, he shall suspend the procedure for three months and if the partners, after the suspension of the procedure, have not rectified the agreement accordingly, the judge shall refuse the approval for the non-litigious divorce.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

Calculation of the case turnover ratio dividing 365 according to the GOJUST Guidelines formula for the calculation of the disposition time.

98) 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 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:

In civil cases (please see below)

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

- Yes
- No

Please specify:

The court may declare a person disappeared or dead upon the request of the prosecutor (Art. 375 Civil Procedure Code).

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in

the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	21208	4632	NA	NA	NA	6497

Comment :

There are 4647 cases suspended by the public prosecutor, from that 4632 are suspended cases that the offender could not be identified.

There are 4235 cases discontinued.

You can indicate below:

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

Land registry and business registry cases are assigned to administrative bodies. Appeal to court in these cases against the administrative act is possible; however in the statistics they are included under administrative case law.

Please indicate the sources for answering the questions 90 to 95 and 100:

Ministry of Justice

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

Other, please specify:

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

Judges are appointed by the President of the Republic upon proposal of the High Council of Justice. The Promotion of Judges is competence of the High Council of Justice.

104) Which procedures and criteria are used for promoting judges? Please specify.

The High Council of Justice (HCJ) is responsible for promotion of Judges. Promoting procedure and criteria, approved by decision of the HCJ, are: experience, general professional skills, professional judicial and technical skills, organisational and applicable skills, professional commitment skills (these criteria includes mainly the ability on planning specific actions related to the case-law, ability on utilizing judiciary knowledge, participation in different professional activities, hearing and communicative skills with parties and colleges etc.).

105) 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

Other, please specify:

106) 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?

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

- Yes
- No

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

Clarification: Prosecutors are nominated and promoted by the President of the Republic upon proposal of the General Prosecutor after the opinion of the Council of Prosecutors.

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Similar to judges' for prosecutors is also required (for higher positions promotion); experience, general professional skills, professional judicial and technical skills, organisational and applicable skills, professional commitment skills etc.

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

- Yes
- No

Are there exceptions? Please specify:

There are no exceptions.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	X	One year

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

- Yes
- No

Are there exceptions? Please specify:

There are no exceptions.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	X	One year

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes

for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
 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

High Council of Justice

5. 1. 2. Training

114) 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)
 In-service training for the use of computer facilities in the court)

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	No
In-service training for management functions of the court (e.g. court president)	No	Yes	No
In-service training for the use of computer facilities in the court	No	Yes	No

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
 General in-service training
 Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	Yes	No
In-service training for the use of computer facilities in the public prosecution service)	No	Yes	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

Judges and Prosecutors have in principle at the beginning of their carrier the same initial training. After the admission exam in the School of Magistrates they have one year of theoretical training, one practical year under the care of a pedagogue or a judge/prosecutor with high qualification and one year of practice in the courts (training includes also particularities of the profile for judges or prosecutor). The School of Magistrate assures professional training of magistrates (judges and prosecutors) and the professional training includes the Initial training program and the continuous training program for the in-service judges and prosecutors. During the period when candidates are following the initial program, they receive a compensation equal to 50% of the salary of a judge or prosecutor depending on their profile. (Law on "School of Magistrates")

5. 2. Practice of the profession**5. 2. 1. Salaries**

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	7250	5604
Judge of the Supreme Court or the Highest Appellate Court	14486	11778
Public prosecutor at the beginning of his/her career	7250	5604
Public prosecutor of the Supreme Court or the Highest Appellate Instance	14486	11778

Comment :

The salaries in the table above do not include other benefits such as bonus, or other benefits for special work conditions.

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	Yes	Yes
Other financial benefit	Yes	Yes

120) If other financial benefit, please specify:

Bonus; annual salary increase; financial benefits for special work conditions.

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	Yes	No
Other function	Yes	No	No

122) If other function, please specify:

Judges can work any time in the Ministry of Justice or other justice institutions or at the Magistrate School; their status is maintained for a period of three years. Judges may also participate in associations for training or in order to protect their rights.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	No	Yes	No
Other function	Yes	No	No

124) If other function, please specify:

Prosecutors have also the possibility to work in the Ministry of Justice or other justice institutions; their status is maintained for a period of four years. Prosecutors may create and

participate in associations, similar like judges.

125) 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 answering the question 118

Ministry of Justice; High Council of Justice, General Prosecutor Office.

5. 2. 2. Disciplinary procedures

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

Minister of Justice for Judges; General Prosecutor for Prosecutors.

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

High Council of Justice for judges (Law "On Functioning and Organisation of the Judicial Power") ; General Prosecutor after an investigation report and the opinion of the Prosecutors Counsel, for prosecutors (Law "On functioning and Organisation of Prosecution").

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 128:

	Judges	Prosecutors
Total number (1+2+3+4)	9	14
1. Breach of professional ethics	9	2
2. Professional inadequacy	0	12
3. Criminal offence	0	0
4. Other	0	0

Comment :

Ministry of justice initiated 9 disciplinary proceedings against judges for breach of professional ethics.

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

| | | |

	Judges	Prosecutors
Total number (total 1 to 9)	9	3
1. Reprimand	2	0
2. Suspension	0	0
3. Withdrawal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Degradation of post	0	0
7. Transfer to another geographical (court) location	1	0
8. Dismissal	6	3
9. Other	0	0

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

4000

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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:

Lawyers do not have any monopoly of representation, as legal representation by a lawyer is not mandatory in any of the civil cases

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

The National Chamber of Advocacy and the Regional Chambers of Advocacy; in exercising its functions the chamber is independent from any other governmental institution; Obligatory membership for every lawyer.

Please indicate the source for answering the questions 130 and 132:

Ministry of Justice; National Chamber of Advocacy

6. 1. 2. Training

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

- Yes
 No

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

- Yes
 No

137) 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

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

- Yes
 No

Please provide comments to explain the answer under question 138

Lawyers cannot request any other compensation, unless it is agreed before with the client or is determined by law. Additionally, in Art.12 of the Law 'On Advocacy" it is stated that lawyers are not allowed to request from their clients compensation in percentage during the representation period. Such compensation is allowed, only if it is stipulated by the parties (lawyers and client) before in an agreement and in case of successfully decision for the client.

139) Are lawyers fees

- regulated by law?
 regulated by Bar association?
 freely negotiated?

Please provide comments to explain the answer under question 139:

In cases of legal aid, fees are determined by mutual decision of Ministry of Justice and the National Chamber of Advocacy.

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) 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):

Law "On Advocacy"; Code of Ethics drafted by the National Chamber of Advocacy. To continuously participate in trainings seminars; have continuously knowledge of the case-law; maintaining secrecy; avoiding conflict of interests; integrity and loyalty when representing the clients; maintaining records of the services provided to their clients etc.

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

Complains about the performance and fees can be issued to the chairman of the regional chamber, in which the lawyer is registered. The chairman shall direct the complaint to the National Chamber of Advocacy (ad hoc composed verification commission) within 5 days. The ad hoc verification commission may dismiss the complaint or direct it to the disciplinary commission of the National Chamber of Advocacy for decision.

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

Chamber of Advocacy (Disciplinary commission).

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

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

Comment :

In the last year in a total of 40 complaint cases not a single disciplinary measure was taken,

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	NA NA NA NA	NA NA NA NA	NA NA NA NA	NA NA NA NA	NA NA NA NA

Comment :

You can indicate below:

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

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. Divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

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

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NAP

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

- civil cases? Yes
family cases? Yes
administrative cases? Yes
employment dismissals? Yes
criminal cases? Yes

Please indicate the source for answering the question 150:

Ministry of Justice

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

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

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

114

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

Bailiff working in a public institution; are natural persons employed by the State and performing their duties regarding the enforcement of executive titles in accordance with the procedural law.

Private Judicial Bailiff; an independent natural person carrying out its enforcement activity in compliance with the procedural law; exercising an independent authorised function of public nature under his own responsibility (distinction to the bailiffs working in a public institution).

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes

- No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Ministry of Justice; General Bailiff's department

8. 1. 2. Supervision

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

- Yes
 No
 Not applicable

160) 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:

For State Bailiffs responsible for the supervision and the control is the General Bailiffs Department subordinated to the Ministry of Justice. For Private Bailiffs responsible is the National Chamber of Private Bailiffs and the Ministry of Justice.

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

Law "On State Enforcement Service"; Law "On Private Enforcement Service"; Code of Ethics drafted by General Bailiffs Department together with the Ministry of Justice; which is the implementation of the Rec(2003)17 Council of Europe on enforcement and is applicable for all Bailiffs.

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

Mainly through quarterly collections of statistical data; complains by parties involved in enforcement procedures.

8. 1. 3. Complaints and sanctions

164) 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:

State bailiffs are sometimes not very active in finding debtors assets. This is also the reason for excessive length.

165) 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:

Establish of the new private judicial enforcement service (Law nr.10031 date 11.12.2008). Private Judicial Bailiffs exercise an independent function of public nature under their own responsibility. Enforcement activities are regulated by the procedural law.

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

- for civil cases?
 for administrative cases?

167) 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 sits:

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

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input type="checkbox"/> number:	
for breach of professional ethics	<input checked="" type="checkbox"/> number:	1
for professional inadequacy	<input type="checkbox"/> yes, number:	
for criminal offence	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	1
Reprimand	<input checked="" type="checkbox"/> number:	1
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

You can indicate below:

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

Establish of the new private enforcement service for better effectiveness, as mentioned above. Additionally with the introduction of the new private enforcement service, an IT system for Bailiffs is planned to be implemented within the first quarterly of 2010. Funds by the state budget are already planned and the IT project model is approved. The system will provide access to other government agencies such as Immovable Property Registration Office, Central Address Register etc..., improve a better supervision, will help maintaining statistics and secure better enforcement procedure. The server will be very restricted and in compliance with the law "On Data Protection".

Private enforcement Bailiffs are recruited through a competitive exam, which includes also psychological tests. The Chamber of Bailiffs is from other government agencies independent

body, and will provide among others continuously training.

Please indicate the source for answering the questions 167, 168 and 169:

Ministry of Justice

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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):

The authority entrusted with the enforcement of judgements in criminal matters is the public prosecutor.

171) 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 in this chapter
 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

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input checked="" type="checkbox"/> number	319
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

174) Do notaries have duties:

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

Please specify:

Real estates transaction, transfers of company shares (especial for the limited liability companies).

Please indicate the source for answering the question 173

Chamber of Notary, Ministry of Justice.

9. 1. 2. Supervision

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

- Yes
 No

176) 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?
- not applicable

Please specify:

You can indicate below:

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

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

According to Art. 126 of Criminal Procedure Code the court interpreter is obligated to do a clear interpretation and also is obliged to keep confidentiality.

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

A new law on Administrative Justice is pending as a draft law waiting for adoption by parliament and amendments on the Civil Procedure Code in order to shorten the duration of court proceedings are currently in the process of preparation. Additionally with these new changes in the Civil Procedure Code is foreseen the right of a party to complain against delays of proceedings to a higher instance court. If the complain is justified the higher instance court will set time limits to the competent court to perform with its procedural activities.

Furthermore a new draft law on court administration staff is pending to be approved by the Parliament. Also amendments on the judicial power law regarding the role of the court chancellor are on the table. Regulations on Court Administration Staff and on Ethics for Court Administration Staff have been drafted. A draft law on the National Judicial Conference (this is a plenary congregation of all judges who elect the members of the HCJ) has been prepared.