



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: "The former Yugoslav Republic of Macedonia"

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2011)

2 057 284

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	1 280 589 198
Regional / federal entity level (total for all regions / federal entities)	NA

##### 3) Per capita GDP (in €)

3 383

##### 4) Average gross annual salary (in €)

5 930

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

61,1

#### A.1

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

Question 2 - estimated amount

State Statistical Office of the Republic of Macedonia  
Exact exchange rate of 1 EURO on 1 January 2010 is 61,1 denars

### 1. 2. Budgetary data concerning judicial system

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

##### 6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	28 541 751
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	24 154 827
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	146 481
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	959 869
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	1 715 319
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	232 275
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	421 588

7. Other (please specify):

 Yes

911 392

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

The court budget includes: budgets of all courts, budget of the Judicial Council and the budget of the Academy for training of Judges and Public Prosecutors.

1. There are allocated additional sources for computerisation from the budget of the Ministry of Justice as well from international organisations as a donors in the framework of some projects of computerisation of Macedonian Judiciary (mostly by the USAID). Also for the purpose of computerisation in the framework of the Project with World Bank there were additional sources.

2. In presented data related to the "allocated to investments in new (court) buildings", there are not included sources from international organisations as a donors (mainly USAID), as well as sources from the credit from World bank for building the new criminal court and renovation of other courts in the Republic of Macedonia. Total amount of the credit is 11.875.000 Euro (several years for realisation of activities regarding the credit).

All mentioned sources in this text are not included in the table above (in the Court Budget).

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to the Law on Civil procedure, court will not proceed or undertake any procedural action if parties have not paid court tax in advance.

In criminal cases there is an exception when expenses, including court tax, as well as necessary expenses for the competent counsel and competent authorised representative of the damaged as a plaintiff, in procedure for crimes prosecuted ex officio are paid in advance from the budget of the body that conducts the criminal procedure, and the persons which are obliged to compensate according to provisions of the Law on Criminal Procedure are charged later.

**9) Annual income of court taxes or fees received by the State (in €)**

10 100 403

**10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)** NA

44 880 556

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	No
Council of the judiciary	Yes
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

Public prosecution services - 4.440.867 Euro  
 Prison system - 8.052.373 Euro  
 Council of Public Prosecutors of the Republic of Macedonia - 296.187 Euro  
 Functioning of the Ministry of Justice - 3.549.378 Euro

**12) Annual approved public budget allocated to legal aid, in € - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	NA	NA	NA

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount 4 740 867

Comment :

It is not included budget of Council of Public Prosecutors.

cf.5/07 (on figure 2.13) : Data is correct and realistic, because Prosecutor's office is carrying the whole investigation procedure in criminal matters. There is no investigation judge in Bosnia and Herzegovina; that is why the budget is pretty high.

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

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

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

The Court Budget Council is responsible body for preparation, management, allocation of the budget among the courts and evaluation of the use of the budget. The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch and the Academy for Training of Judges and Public Prosecutors, determined by the Assembly of the Republic of Macedonia and intended for the financing of the judicial branch and the Academy for Training of Judges and Public Prosecutors.

The Court Budget is a part of the Budget of the Republic of Macedonia as a separate part designated as "Judicial Power."

President of the The Court Budget Council is president of the Court Council of the Republic of Macedonia.

Members of the Court Budget Council are President of the Supreme Court, Minister of Justice, presidents of four appellate courts, presidents of 2 basic courts on system of rotation, President of the Administrative Court and Director of Academy for training of judges and public prosecutors.

With the Court Budget Council presides President of the Judicial Council.

**A.2**

**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

An important segment for the independence of the judiciary is its financing, which was improved through the adoption of the Law amending the Law on Court Budget (November 2010) establishing a fixed percentage for financing of

judiciary, amounting to 0,8 percent GDP, which is twice as high as the current court budget. The level of 0,8 percent of GDP will be reached progressively, with equal INCREASEMENTS until 2015, whereby it is foreseen that in 2012 it reaches the level of 0,5% GDP, 0,6% in 2013, 0,7% in 2014 and 0,8% in 2015. Other new developments in the law are that in a case of rebalancing the Budget of the Republic of Macedonia, the funds to finance the judicial power could not be decreased. Within the Court Budget there are contingency funds as current reserve, and they must not exceed 2% of current expenditures of Court Budget. When allocating the funds from the Court Budget, at least 2,5% must be spent on vocational training of judges, law clerks, court police and other employees of courts.

The Law on the Court Budget define procedure for the drafting, adoption, and enforcement of the Court Budget and the setting up of the Court Budget Council.

By means of the Court Budget the judicial branch of power in the Republic of Macedonia and the Academy for Training of Judges and Public Prosecutors, is financed .

The Court Budget Council has duties as follows:

- set the criteria and methodology for the drawing up of the Court Budget,
- determines the allocation of the funds from the Court Budget to all the courts and to the Academy for Judges and Public Prosecutors and undertakes duly enforcement of the Court Budget,
- approves the funds for new employments in courts and in the Academy for Training of Judges and Public Prosecutors within the framework of the fixed court budget of the mass designated for the pay of salaries,
- appoints the internal auditor,
- enacts the Rules of Order and other internal acts.

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for,

- salaries and compensation for judges,
- salaries and compensation for the state employees, court police and other employees at the courts,
- merchandise and services for court's operations
- expenditures incurred in proceedings,
- payment of other expenditures incurred in daily operations of courts,
- professional training of judges, state employees, court police and other employees at courts,
- salaries and compensation for the employees in the Academy for Training of Judges and Public Prosecutors,
- merchandise and services for operations of the Academy for Training of Judges and Public Prosecutors,
- payment of other expenditures incurred in daily operations of the Academy for Judges and Public Prosecutors, and
- initial training of candidates for judges and deputies public prosecutors and continuous professional development of judges, public prosecutors and their deputies, of the employees in the courts and public prosecution offices, as well as of the civil servants from the Ministry of Justice which perform activities from the area of the justice system.

2. Capital expenditures for:

- purchasing of capital assets for courts,
- investment maintenance of the facilities and court equipment
- purchasing of capital assets for Academy for Training of Judges and Public Prosecutors
- investment maintenance of the facilities and equipment of the Academy for Judges and Public Prosecutors

The drafting of the Court Budget is made on the basis of the fiscal policy and the main categories on the assessed revenues and expenditures for the next budget year, and in compliance with the internal criteria and methodology determined by the Court Budget Council.

The courts and the Academy for Training of Judges and Public Prosecutors submit the following data to the Court Budget Council by June 1 of the current year the latest:

- estimate of the expenditures for the fiscal year, according to the expense items and smaller items,
- estimate of the expenditures for the next two fiscal years according to the expenses under categories,
- review of the expenses for the employment requisite for the carrying out of the functions of the users,
- proposals that contain future obligations or expenditures that shall be incurred over several years, including the investment projects presented individually, and - expenses for every forthcoming year presented individually.

In addition to this data, the users submit an explanation regarding the amount of the funds according to their positions.

After it receives the proposals, the Court Budget Council draws up a Court Budget Proposal and together with the explanation on the amounts of funds submits it to the Ministry of Finances.

Prior to the submission of the Budget Proposal of the Republic of Macedonia to the Government of the Republic of Macedonia, the Minister of Finances together with the President of the Court Budget Council shall mandatory adjust the part of the funds "Court Budget" from the Budget Proposal of the Republic of Macedonia.

The Court budget as a part of State budget is adopted by the Parliament.

The President of the court and the Director of the Academy for Training of Judges and Public Prosecutors is responsible for the enforcement of the financial plan in the court, respectively, the Academy of Judges and Public Prosecutors.

The Court Budget Council follows the enforcement of the court financial plan. If, during the control, it is determined that irregularities and abuses by the President of the Court and by the Director of the Academy for Judges and Public Prosecutors have occurred in the process of enforcement of the financial plan, the Council informs the Supreme Court of the Republic of Macedonia, the Ministry of Justice, the Judicial Council, the Academy for Judges and Public Prosecutors, the Ministry of Finance, and the State Bureau for Revision.

Question 6 : Regarding the questions related to budget for computerisation and investments in new buildings, presented data are just from the court budget that is not corresponding with reality. The reason is that some bid projects for construction of new criminal court and reconstruction of 11 other courts are covered by the loan from World bank. Also, mainly computerisation in Macedonia is supported by international donors and only part of the sources from court budget is spent for that purpose.

Q6#2#3 : Annual public budget allocated for computerization in 2010 is increased due to the fact that since 1 January 2010 in all courts in the Republic of Macedonia Automated Court Case Management Information System is fully

operational. So additional sources were needed for maintenance of the system.

Q6#2#4 : Annual approved budget of the courts allocated to justice expenses in 2010 is not decreased but in 2008 in that category were included some additional lines that in 2010 are differently distributed in the table on the question 6.

Q6#2#6 : In the table on the question 6 are presented only sources for investments from Court Budget those are minor. But the biggest investments are realized not through Court budget but through loan taken from the World bank that is not calculated in the Court budget.

Q6#2#8 : It seems that it is decreased because in 2010 sources from the Q6#2#8 are presented in some other more specific line from the table.

cf.NC 10/07/12 (Q6) :

1. I propose to put the following comment under the table 2.6:

"Republic of Macedonia: The difference in some categories between 2008 and 2010 data (especially parts of the budget allocated for justice expenses and functioning of the courts) are due to the fact that we have used different methodology and in 2010 we have more precise data".

2. I propose to put the following comment under the Figure 2.8 ter :

"Republic of Macedonia: Sources allocated to computerization in the practice are much bigger than presented in the table due to the fact that IPA projects and projects form USAID are not counted in the Court Budget."

3. I propose to put the following comment under the table 2.6 :

"Republic of Macedonia: Sources allocated to investments in new court buildings in the practice are much bigger than presented in the table due to the fact that investment in new Criminal Court is done through loan by World Bank which is not included in Court Budget"

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Court Budget Council  
Public Prosecution of the Republic of Macedonia  
Ministry of Finance  
Ministry of Justice  
Courts in the Republic of Macedonia

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

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

#### 17) Does legal aid include the coverage of or the exemption from court fees?

- Yes  
 No

If yes, please specify:

If yes, please specify:

##### 1. Civil Procedure

According to the Article 163 from the Law on Civil Procedure, the court shall exempt from payment of the expenses for the procedure the party which according to its general state of wealth is not capable of bearing these expenses without damages to the necessary personal support and the support of its family. Also, the exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

##### 2. Criminal Procedure

According to the Article 94 from the Law on Criminal Procedure, if the accused had an appointed counsel and if by his paying of the recompense and the necessary expenses, his own supporting and supporting of persons he is obliged to provide for would be threatened, then the recompense and the necessary expenses for the counsel will be paid from the budget.

3. In The Law on Court Fees there is special Chapter (Articles 10-17) related to exemption of court fees.

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes  
 No

If yes, please specify:

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	No

Comment :

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

Number



Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	Yes

Comment :

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

Yes

No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

If yes, please explain the exact criteria for denying legal aid:

In the Law on Legal Aid there is provision for depriving of the right of free legal aid if the person has given false data regarding his/her status.

**25) Is the decision to grant or refuse legal aid taken by :**

the court?

an authority external to the court?

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

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

### B.1

**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

In order to improve access to the courts, the Law on free of charge legal aid was adopted . The aim of the Law is to provide equal access to the justice for citizens. The Law determines free of charge legal aid provided by the state to the parties realised by lawyers.

This Law stipulates the right to free legal aid, the procedure by which it is realised, the beneficiaries, the conditions and the way it is realised, the providers of the free legal aid, the bodies competent to decide, the protection of the right to free legal aid, the financing and supervision of its realisation, the organisation of days for free legal advice, free legal aid in over-border disputes, as well as supervision of the implementation of the provisions of this Law.

The purpose of this Law is to guarantee equal access of the citizens and of other persons defined with this Law, to institutions of the system, in order to introduce, realise, and provide effective legal aid in accordance with the principle of equal access to justice. The procedure of free legal aid is an urgent procedure.

**Please indicate the sources for answering the questions 20 and 23**

## 2. 2. Users of the courts and victims

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

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes

www.pravda.gov.mk  
www.sobranie.mk,  
www.vlada.mk  
www.pravo.org.mk,  
www.mlrc.org.mk  
www.slvesnik.com.mk  
www.pf.ukim.edu.mk  
www.stat.gov.mk

case-law of the higher court/s? Internet address(es):  Yes

web sites of all courts  
in the Republic of  
Macedonia

other documents (e.g. downloadable forms, online registration)?  Yes

web sites of courts

Comment :

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

Yes

No

If yes, please specify:

In court proceedings, according to the procedural laws, the court is obliged to inform the parties on the foreseeable timeframes for undertaking certain procedural actions as well as for the right to appeal.

Novelties in the Law on amending the Law on Litigation (adopted in 2010) are specified deadlines for procedural actions.

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

- Yes  
 No

If yes, please specify:

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	No
Victims of domestic violence	Yes	Yes	No
Ethnic minorities	Yes	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	Yes	Yes	No

Comment :

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences

According to the new Law on the Criminal Procedure, fund for compensation of victims shall be established. This matter will be regulated by separate law.

**33) If yes, does this compensation consist in:**

- a public fund?  
 damages to be paid by the responsible person (decided by a court decision)?  
 a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes  
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes  
 No

If yes, please specify:

In the Witness protection law victims are included when they appear as witnesses. In this case they can conclude agreement with Witness Protection Unit which shall provide protection and assistance to the idem. Among others, public prosecutor have right to initiate non - procedural measures for protection of the victims. Moreover, the Public prosecutor of the Republic of Macedonia has the competence to put such proposal before the Witness Protection Council. Victims are also being provided with special procedural rights during the criminal procedure as defined in the Law on Criminal Procedure. According to the Law on Criminal Procedure if there is any probability that by giving a statement or by answering a certain question, the witness, collaborator of justice or the victim i.e. the person who suffered some damage, would expose himself or herself or another closely related person to a serious threat to their life, health or physical integrity (endangered witness), the endangered witness may withhold his statement or the presentation of information as referred to in Article 223, paragraph (3) of the Law on Criminal Procedure, until the necessary conditions for his or hers protection are provided for.

In the Law on Criminal Procedure there is special Chapter dedicated to procedural protection measures for witnesses, Pentities and victims.

" Chapter XX

Protection of the Witness, Justice Collaborators and Victims

Article 270-a

(1) Upon proposal by the public prosecutor, the court shall decide on the measures of procedural protection of the endangered witness. If the endangered witness has withheld the presentation of the information, as referred to in Article 223-a, paragraph (1) of this Law, without any delay, the investigative judge or the President of the trial chamber shall inform the public prosecutor and submit a report, with a request that in a period of three days, he or she submits a proposal with a written rationale, for the application of the special method of examination and participation in the procedure.

(2) If the public prosecutor does not submit a proposal for the special method of examination and participation in the procedure of the endangered witness within the deadline prescribed in paragraph (1) of this Article, the investigative judge or the President of the trial chamber shall ask the trial chamber to adopt a decision about the special method of examination and participation (Article 22, paragraph 6). The trial chamber (Article 22, paragraph 6) shall be obliged to adopt the decision within 48 hours after the receipt of the request by the investigative judge or the President of the trial chamber.

(3) The public prosecutor shall deliver the proposal with a written rationale, for the application of the special method of examination and participation in the procedure, to the investigative judge or the President of the trial chamber in a sealed envelope marked as "endangered witness – confidential". In the proposal itself, the public prosecutor shall elaborate on the special method of examination and participation by the endangered witness that are being proposed and the reasons herein.

(4) The public prosecutor may submit the proposal as referred to in paragraph (4) of this Article even before the initial examination of the endangered witness, or later on during the proceedings, but immediately after becoming aware about the existence of the threats to the endangered witness in respect of Article 223-a of this Law.

(5) The investigative judge, i.e. the President of the trial chamber shall decide relative to the public prosecutor's proposal, by issuing a decision.

(6) The parties and the endangered witness shall have the right to appeal the decision as referred to in paragraph (5) of this Article to the Trial chamber (Article 22, paragraph 6), which shall make its own decision within a period of three days.

Article 270-b

(1) The special method of examination may consist of concealing the identity and the appearance of the endangered witness.

(2) When the special method of examination and participation by the endangered witness relates only to concealing the information as referred to in Article 223-a, paragraph (1) of this Law, the concealment of the identity shall be provided for by examination of the endangered witness by using a pseudonym. In certain cases, especially if it is a person who participated in the application of special investigative measures, as referred to in Article 142-b of this Law, during the examination, the person may provide his or hers name and the address of the institution he or she is working for, but no additional personal data. In every other regard, the examination of the endangered witness shall be conducted pursuant to the general provisions for examination of witnesses of this Law.

(3) The concealment of the appearance of the endangered witness who is being examined under a pseudonym, shall be provided for by the use and application of special technical devices for transfer of audio and video pictures, where the appearance of the endangered witness and his or hers voice are modified and distorted. During the examination, the endangered witness is in a separate room, which is physically detached from the courtroom, which houses the investigative judge, i.e. the President of the trial

chamber and other individuals who are present during the examination.

(4) Upon completion of the examination, the endangered witness shall sign the transcript under his or hers pseudonym, in the presence of the investigative judge only, or in the presence of the President of the trial chamber and the court secretary.

(5) Any person, under any competence, who has acquired knowledge about any data related to the endangered witness, shall be obliged to treat it as if it was classified information in accordance with the law.

Article 270-c

The application of measures for protection outside the proceedings shall be done by inclusion in the Witness Protection Program, by applying the provisions regulated with a separate law. "

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

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**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

- Yes  
 No  
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

According to the Article 16 from the Law on Criminal Procedure, criminal procedure is brought on request of an authorised prosecutor. If the public prosecutor finds no basis for initiation or continuing criminal procedure, the damaged may stand instead as a plaintiff under conditions establish by the Law on Criminal Procedure.

That principle was changed with the new Law on Criminal Procedure which was adopted at the end of 2010, but it has 2 years vacatio legis.

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts from 2008 provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions as well as to strengthen the capacities, organizational and personnel, of the body competent for legal representation of RM before ECHR.

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully. This procedure is regulated in the following articles from the Law on Criminal Procedure:

#### Article 578

(1) The right to compensation of the damage due to an unjustified conviction has the person against whom has been pronounced a legally valid criminal sanction or who has been found guilty but released from the punishment and afterwards due to an extraordinary judicial remedy the new procedure has been interrupted with a legally valid decision or with a legally valid verdict has been released from the charge or the prosecution has been rejected, unless in question are the following cases:

1) if the interruption of the procedure or the verdict with which the prosecution has been ejected is due to the fact that in the new procedure the damaged as a plaintiff i.e. the private prosecutor has withdrawn from the prosecution or the damaged has withdrawn from the proposal and the withdrawal has been a consequence of the agreement with the accused, and

2) if with the decision in the new procedure the prosecution act has been rejected due to the incompetence of the court and the authorised prosecutor has initiated the prosecution before the competent court.

(2) The convicted person has not the right to compensation of damage if by his false confession or in another manner he has caused his conviction on purpose, unless he has been forced to it.

(3) In case of a conviction for a serial crime, the right to compensation of damage may also refer to particular crimes in view of which the conditions for allowing compensation are fulfilled.

#### Article 579

(1) The right to compensation of damage becomes obsolete in three years from the day when the verdict becomes legally valid with which the accused is released from the charge or with which the prosecution is rejected, i.e. within a period of three years from the legally valid decision with which the prosecution act has been rejected or the procedure has been interrupted and if on the appeal has decided the higher court within the period of three years from the day of the reception of the higher court decision.

(2) Before submission of the charge for compensation of damage to the court, the damaged is obliged with his request to address to the Ministry of Justice in order an agreement to be made for the existence of the damage and for the type and amount of the compensation.

(3) In case of Article 526, paragraph 1, item 2 of this Code, on the request it may be decided only if the authorised prosecutor has not undertaken prosecution before the competent court within three months from the day of the reception of the legally valid decision. If after the expiry of this period the authorised prosecutor undertakes the prosecution before the competent court, the procedure for compensation of damage will be interrupted until the completion of the criminal procedure.

#### Article 580

(1) If the request for compensation of damage is not accepted or if after it the Ministry of Justice does not reach a decision within three months from the day of the submission of the request, the damaged may bring a charge for compensation of damage at the competent court. If an agreement is made only in view of part of the request, the damaged may bring a charge in view of the rest of the request.

(2) While the procedure under paragraph 1 of this Article lasts, the obsolescence under Article 527, paragraph 1 of this Code does not run.

(3) The charge for compensation of damage is submitted against the Republic of Macedonia.

#### Article 581

(1) The successors inherit only the right of the damaged to compensation of property damage. If the damaged has already submitted a request, the successors may continue the procedure only within the limits of the already submitted request for compensation of property damage.

(2) The successors of the damaged may after his death continue the procedure for compensation of damage i.e. may initiate a procedure if the convicted person died before the expiry of the period for obsolescence and did not withdraw from the request.

#### Article 582

(1) The right to compensation of damage also has the person:

1) who was detained and the criminal procedure was not initiated or the procedure has been interrupted with a legally valid decision or with the legally valid verdict has been released from the charge or the charge has been rejected,

2) who served a sentence of imprisonment, and due to the repetition of the criminal procedure, the request for protection of legality or the request for extraordinary reexamination of the legally valid verdict he is pronounced a sentence of imprisonment for a shorter period than the sentence he served, or he is pronounced a criminal sanction which does not consist of depriving from his freedom or is found guilty and released from the punishment,

3) who due to an error or unlawful matter of the body, he has been deprived from his freedom on unjustified or unlawful grounds or has longer been kept in detention or in the institution for execution of the sentence or the measure, and

4) who has been detained longer than the sentence of imprisonment he was convicted of.

(2) The person who under Article 188 of this Code is deprived from his freedom, without any lawful ground, has the right to compensation of damage if against him detention has not been determined or if the time of his detention is not calculated in the pronounced sentence for a crime or for an offence.

(3) The person who has caused his own deprivation from his freedom by unacceptable behaviour does not have the right to compensation of damage. In cases of item 1, paragraph 1 of this Article the right to compensation of damage is excluded although the circumstances under Article 526, paragraph 1, items 1 and 2 exist or if the procedure is interrupted on the basis of Article 135 of this Code.

(4) In the procedure for compensation of damage in cases of paragraphs 1 and 2 of this Article will be accordingly applied the provisions of this Chapter.

#### Article 583

(1) If the case to which refers the unjustified conviction or the unjustified or unlawful arrest of a person is presented by any mean of public information therefore the reputation of the person is degraded, on his request the court will announce in the newspapers or in another mean of public information an announcement for the decision with which it may be derived that the previous conviction or the arrest is unjustified. or unlawful If the case is not presented in any mean of public information, on the request of that person such an announcement will be delivered to his employer. After the death of the convicted person, the right to such a request have his marital i.e. illegitimate spouse, his children, parents, brothers and sisters.

(2) The request under paragraph 1 of this Article may be also submitted if the request for compensation of damage has not been submitted.

(3) Without reference to the conditions under Article 526 of this Code, the request under paragraph 1 of this Article may be also submitted when due to an extraordinary judicial remedy the judicial qualification of the crime is altered, if due to the judicial qualification in the previous verdict the reputation of the convicted person has more severely been degraded.

(4) The request under paragraphs 1 to 3 of this Article is submitted within six months (Article 527, paragraph 1) to the court which proceeded in first degree in the criminal procedure. On the request decides the Chamber (Article 22, paragraph 6). During the decision for the request are accordingly applied the provisions of Article 526, paragraphs 2 and 3 and Article 530, paragraph 3 of this Code.

#### Article 584

The court which proceeds in first degree in the criminal procedure, will ex officio bring a decision with which the notification of the unjustified conviction in the penalty register is revoked. The decision is delivered to the Ministry of Justice. For the revoked notification no one can have an access to the data from the penalty register.

#### Article 585

The person who is allowed an access to the records and copying them (Article 124) which refer to the unjustified conviction or unjustified arrest, cannot use the data of the records in the manner that might damage the rehabilitation of the person against whom the criminal procedure is conducted. The President of the Court is obliged to warn the person, who has the access to the records of that and it will be notified in the record, with the signature of the person.

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

The results which continuously generates positively trends in the increase of the satisfaction of the citizens in the courts collected in accordance with the survey for measuring the satisfaction of the citizens in the work of courts carried on the basis of the methodology developed in the framework of the USAID Project for the implementation of the judiciary reform are evident indicator of the success of the overall reform.

Namely, surveys showed the following results:

- June 2010 - 79,57%
- December 2010 - 83,83%
- May 2011 - 84,36%

**39) If possible, please specify:**

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
- No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services. In 2010 were received 952 complaints by the citizens regarding the work of the courts and public prosecutors.

Additionally, the Judicial Council in 2010 received 1581 complaints out of which 1310 were examined and solved. The Law Amending the Law on Judicial Council of the Republic of Macedonia (adopted in 2010) prescribes that at least once a month, there will be public session of the Council discussing all petitions and grievances submitted by citizens and legal entities, regarding the work of judges and courts.

According to the Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of court's services, hence not infringing the principles of independence and autonomy



of the judicial authority.

In 2008 the Parliament of the Republic of Macedonia adopted the Law on complains and proposals where the whole procedure for proceeding with complains and propopsals is regulated.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	25
42.2 First instance specialised Courts (legal entities)	3
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	34

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	3
Commercial courts	NA
Labour courts	NA
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	1
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	2

Comment :

Beside Administrative court, there are two more specialised courts in the Republic of Macedonia: Basic Court Skopje 1 that is criminal court for the territory of Skopje and Basic Court Skopje 2 that is civil court for the territory of Skopje.

**44) Is there a foreseen change in the structure of courts [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:

New High Administrative Court was introduced and established with the Law amending the Law on the Courts adopted in 2010.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

a debt collection for small claims	26

a dismissal	26
a robbery	26

**Please give the definition for small claims and indicate the monetary value of a small claim:**

According to the Law on Civil procedure , the amount of the small claims can not exceed 180.000 Denars or 2945 Euro

**Please indicate the sources for answering questions 42, 43 and 45:**

The Law on the Courts

3. 1. 2. Judges and non-judge staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Please provide in the "comment" box below any useful comment for interpreting the data above.

\*\*\*\*\*

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	664	288	376
1. Number of first instance professional judges	537	221	316
2. Number of second instance (court of appeal) professional judges	103	50	53
3. Number of supreme court professional judges	24	17	7

Comment :

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	29	21	8
1. Number of first instance court presidents	24	17	7
2. Number of second instance (court of appeal) court presidents	4	3	1
3. Number of supreme court presidents	1	1	NA

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure  Yes 2 342

**50) Does your judicial system include trial by jury with the participation of citizens?**

- Yes  
 No

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

Below figure 7.7 please add the following comment :

"Republic of Macedonia: There is no trial by jury in Macedonia. However, in some types of cases lay judges are included in court panels".

**51) Number of citizens who were involved in such juries for the year of reference:**

NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	2302
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	334
3. Staff in charge of different administrative tasks and 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	1620
4. Technical staff	<input checked="" type="checkbox"/> Yes	170
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	178

Comment :

Q52#2#3 : Number of non-judge staff whose task is to assist the judges is not decreased. In answers on the questionnaire for 2008 in that category were included other persons due to the fact that that time we did not have system that enables us to separate court staff on all subcategories. That mistake is corrected in answer on questionnaire for 2010 data.

Q52#2#4 Increase (836.42%) of staff in charge of different administrative tasks and of the management of the courts between 2008 and 2010 explained by the same reason that I mentioned in previous answer.

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

In the Republic of Macedonia there are not Rechtspfleger.

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

- Yes  
 No

If yes, please specify:

**C.1**

**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 have been implemented over the last two years

In 2011 140 new persons (non -judge staff) were employed in courts in the Republic of Macedonia

With the Amendments on the Law on Courts adopted in 2010 new High Administrative Court was established

Q49 : Number of non-professional judges increases because in the period 2008 – 2010 there were appointments of new non-professional judges.

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Court Council of the Republic of Macedonia and Court Budget Council

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	201	104	97
1. Number of prosecutors at first instance level	161	83	78
2. Number of prosecutors at second instance (court of appeal) level	29	14	15
3. Number of prosecutors at supreme court level	11	7	4

Comment :

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	27	22	5
1. Number of heads of prosecution offices at first instance level	22	17	5
2. Number of heads of prosecution offices at second instance (court of appeal) level	4	4	NA
3. Number of heads of prosecution offices at supreme court level	1	1	NA

Comment :

**57) Do other persons have similar duties to public prosecutors?**

- Yes
- No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

Yes

No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

Yes

205

## C.2

**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 have been implemented over the last two years**

New Law on Criminal Procedure was adopted in November 2010 and it has vacatio legis of 2 years. The Law foresees changes to the structure of the preliminary procedure and the trial procedure, as well to the competences and organization of the main participants in the procedure. Also, within the preliminary procedure, a new role, more active compared to the previous situation, is foreseen for the public prosecutors. Main points of the reform are: extended application of the principle of opportunity in criminal prosecution; affirmation of the out-of-court settlements and simplified procedures; abandoning court paternalism by shifting the burden of proof to the parties; providing an active, leading role of the public prosecution in the preliminary procedure, with efficient control over the police; abolishing the judicial investigation and the public prosecution taking the lead in the preliminary procedure; introducing a system of preclusions for certain procedural actions and measures against abuse of procedural competences by parties; strict deadlines for passing and writing the verdict and decision; optimisation of system of legal remedies; implementation of European Union and Council of Europe documents on penal procedure; creation of efficient public prosecution and establishing new operational and managerial structure, as well as leading and cooperating with police and other law enforcement bodies.

**Please indicate the sources for answering questions 55, 56 and 60**

Public Prosecution Office of the Republic of Macedonia

### 3. 1. 4. Court budget and new technologies

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	Yes

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

---

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	100% of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	Yes	No

Comment :

### C.3

**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

An important segment influencing the efficiency and transparency of the judiciary is the functioning of electronic judiciary. Outstanding progress in the area of information technology in judiciary is achieved through the introduction of Automated Court Cases Management Information System (ACCMIS), which is fully functional and which generates, on an ongoing basis, reports for judges and court management to track the court cases and hearings for any case, date, courtroom and judge.

To ensure functioning of ACCMIS, in 2010 additional technical equipment was installed (hardware, software, additional services and central data backup solution) in all courts, providing state-of-the-art IT equipment to support ACCMIS in the judiciary.

In all courts in the Republic of Macedonia, Internet and anti-virus protection are functional; fully functional are also displays and touch-screen facilities, continuously publishing data on scheduled court hearings.

The Legal Database Information System (LDBIS) continuously and daily receives entries of new laws, regulations and acts published in the Official Gazette of the Republic of Macedonia, whereby between June 2008 and 15 April 2011 entered was a total of 21.772 legislative acts.

Also, the Database of International Legal Instruments is available from the web-site of the Ministry of Justice. It contains 180 documents (142 multilateral and 38 bilateral).

To upgrade the ICT in the Public Prosecutor's Offices, the Government of RM, on 29.03.2011 published the Information on Advancing the Functionality, Spatial Needs and Information Technology in Public Prosecutor's Office, establishing measures to implement the activities for introduction of Internet, web-sites and network linking all public prosecutor's offices.

## 3. 2. Performance and evaluation

## 3. 2. 1. Performance and evaluation

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

- Yes  
 No

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

Ministry of justice, Court Council of The Republic of Macedonia, Supreme Court of the Republic of Macedonia, State Statistical Office of The Republic of Macedonia.

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes  
 No

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

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

If other, please specify:

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- Yes  
 No

Please specify:

The Supreme Court of Republic of Macedonia makes regular evaluation, based on the annual reports submitted by the courts.

Ministry of Justice monitors the efficiency of the courts, by preparing quarterly, semi annual and annual statistical reports.

The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes  
 No



**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

**73) Who is responsible for setting the targets for each judge?**

- 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:

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- Yes
- No

**75) Who is responsible for setting the targets for the courts?:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

**76) Please specify the main targets applied to the courts:**

On the level of the court performances targets are made presented in the annual programme for the work of the court in accordance with the targets defined by Supreme Court of the Republic of Macedonia.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- High Council of judiciary

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

If other, please specify:

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes  
 No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes  
 No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases  
 in criminal law cases  
 in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**

-----  
**This question does not concern the specific evaluation of performance indicators.**

- Yes  
 No

Please specify the frequency of the evaluation:

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- Yes  
 No

If yes, please give further details:

Public Prosecution of the Republic of Macedonia and the High Public Prosecution offices in the Republic of Macedonia conduct regular visits to the Basic Public Prosecution Offices in order to evaluate their work. The visits are conducted according to the Annual Programmes for work of the High Public Prosecutor's Office and the Public Prosecutor's Office of the Republic of Macedonia.

**C.4**

**You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**

In July 2011 Minister of Justice adopted Metodology for Judicial Statistic. It contains framework for gathering, analysis and processions of statistical data for the number of received and resolved cases in the courts, the duration of the procedure for all types of cases, the duration of the procedure in all kinds of cases, the duration of the procedure in all the phases of all kinds of cases, sanctions pronounced for the perpetrators of criminal acts on grounds, pronounced confiscation measures, pronounced sanctions for legal entities, data for the backlog of cases in the courts, structure of the perpetrators of criminal acts, etc.

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

7

**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):

1 546

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	29	7	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	1	NA
Criminal proceedings - Article 6§1 (duration)	NA	2	2	NA

**Please indicate the sources:**

Ministry of Justice

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Question 86. Two additional friendly settlements in administrative cases.

### 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?  
 there is no specific procedure

If yes, please specify:

In administrative procedure there are urgent procedure for administrative disputes before Administrative Court in the following fields: elections, public procurements, asylum, contemporary measures and misdemeanor cases in which there is seized items.

There are two urgent special procedures defined in the Law on Civil procedure: procedure in labor disputes and procedure in disputes for disturbance of possession. Namely, in the Article 405 from the Law on Civil Procedure it is defined that in the procedure of labor disputes, and especially when determining the time limits and the hearings, the court will always pay special attention to the need of quick resolving of the labor disputes. In procedures of labor disputes the time limit for response to a complaint is eight days. Iso, it is defined that in the labor disputes, which refer to the termination of the employment, the main hearing must be hold within thirty days from the day of the reception of the answer to the complaint. In this procedure, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed. Also, in the procedure of labor disputes the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance. Regarding the procedure in disputes for disturbance of possession it is important to mentioned that when determining the time limits and the hearings in regard to complaints for disturbance of possession, the court will always pay special attention to the need of a quick resolution according to the nature of each individual case. In this procedure, the time limit for response to a complaint is eight days and the main hearing must be held within thirty days from the day of the reception of the answer to the complaint. Also, in the procedure of disputes for disturbance of possession, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed, while the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance.

Also, the Bankruptcy procedure is urgent procedure.

In the Law on Juvenile Justice and the Law on Criminal procedure is defined that proceedings with cases connected with juvenilles and detention are urgent.

**88) Are there simplified procedures for:**

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

According to the Article 163 from the Law on Criminal procedure, the investigating judge may agree with the proposal of the public prosecutor the investigation not to be conducted, if the collected data referring to the crime and criminal give a sound ground to initiate the prosecution act. Also, if for the crime a sentence to five- year imprisonment is proscribed, out of the conditions mentioned in the Law on Criminal Procedure (Art 163 para 1-5), the public prosecutor may initiate a prosecution act without investigation if the collected data referring to the crime and criminal are a sufficient ground for accusation.

Also Articles 456 and 457 from Law on Criminal procedure define simplify procedure when individual judge has competence to decide:

#### Article 456

(1) Before the assignment of the trial for crimes in the competence of an individual judge for which they are prosecuted on a private charge, the individual judge may call only the private prosecutor and the accused on a certain day to come to the court due to previous clarification of the matters, if he considers that it would be appropriate for a faster completion of the procedure. For the accused with the court summons is also enclosed a copy of the private charge.

(2) If the parties do not reconcile until the withdrawal of the private charge, the judge will obtain statements from the parties and will summon them to make their own proposals in view of the collection of evidence.

(3) If the individual judge does not find that there are reasons for rejection of the charge, he will bring a decision which evidence will be presented at the trial and according to the regulation, will immediately assign the trial and he will announce it to the parties.

(4) If the individual judge considers that collecting evidence is not important and there are no other reasons for a special assignment of a trial, he may immediately open the trial and upon the presented evidence before the court, bring a decision on a private charge. Of this will particularly be warned the private prosecutor and the accused at the delivery of the summons.

(5) If the private prosecutor does not reply to the summons under paragraph 1 of this Article is valid and applicable the provision of Article 54 of this Code.

(6) In case the accused does not attend the trial and if the judge decides to open the trial, the provision of Article 428, paragraph 4 of this Code will be applied.

#### Article 457

(1) When the second degree court decides on an appeal against the verdict of the first degree court brought in a brief procedure, of the session of the Chamber of the second degree court will be informed both parties only if the Chairman of the Chamber or the Chamber finds that the presence of the parties would be useful for the clarification of the matters.

(2) If it is a crime when the procedure is conducted on the request of the public prosecutor, before the session of the Chamber the Chairman of the Chamber will deliver the records to the public prosecutor who may submit a written proposal in the period of eight days.

In the Law on Civil Procedure, there is special part named: "SEPARATE PROCEDURE" that contains following procedures: procedure in labor disputes, procedure in disputes for disturbance of possession, issuing a payment order, procedure for small claims, procedure for commercial disputes and procedure before selected courts.

### **89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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:

Timeframes are defined in procedural laws and there are not subject to agreement between judge and lawyer. But they can conclude agreement for certain issues not exactly regulated by the law (for example additional submission of information by the parties) as well as on appointing the dates of hearing.

#### 4. 2. 2. Caseflow management and timeframes of judicial proceedings

### **90) Comment:**

**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of**

member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1:** cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

**Note 2:** check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	793 787	312 769	574 029	532 527
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	35 039	55 959	53 243	37 755
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	252 539	243 464	458 658	37 345
3. Enforcement cases	494 793	249	52 451	442 591
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	10 340	9 792	6 322	13 810
7. Other cases (e.g. insolvency registry cases)	1 076	3 305	3 355	1 026

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

In point 1 "Civil (and commercial) litigious cases" there are included: civil cases, commercial cases, family cases and labour cases

In point 2 "Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc." there are included payment orders and other non-contentious cases

**93) If "other cases", please indicate the case categories included:**

In "other cases" there are presented data for bankruptcy cases

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note:** please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	96 505	110 498	131 057	75 946
8. Criminal cases (severe criminal offences)	10 413	15 046	14 714	10 745
9. Misdemeanour	86 092	95 452	116 343	65 201

and / or minor offences cases				
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**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

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**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

In point "8. Criminal cases" there are included all criminal acts defined in Criminal Code of the Republic of Macedonia, while in point "9. Misdemeanour and / or minor offences cases" there are included misdemeanors that are only in court competence.

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

Regarding the question 93, point "3. Enforcement cases", it is important to mention that from 2006 in Macedonia was introduced system of enforcement by the enforcement agents. In the table above there are not presented cases in the competence of the enforcement agents. Presented data are for the old enforcement cases (passive cases) that were not transferred from the courts to the enforcement agents. According to the new reforms, all enforcement cases from the courts will be obligatory transferred to the enforcement agents (from 1 July 2011 until 31 December 2011).

Also, with the reform of judiciary from 1 July 2011 payment orders that are not disputable were transferred to the notaries.

Q91#2#1 : The reason of increase of 214.60% of the total of other than criminal law cases / incoming cases between 2008 and 2010 is that in 2008 data in this line were not included payment orders.

Q91#3#1 : The reason of increase of 125.03% of the Total of other than criminal law cases / Resolved cases between 2008 and 2010 is that in 2008 data in this line were not included payment orders.

Q91#4#1 : The reason of the increase of 86.88% of the Total of other than criminal law cases / Pending cases on 31 Dec.'10 between 2008 and 2010 is that in 2008 data in this line were not included payment orders.

Q94#1#1 : The reason of the decrease of 47.91% of the Total criminal law cases / Pending cases on 1 Jan.'10 between 2008 and 2010 is changing in the system of misdemeanors. Namely the new system introduced state commissions which are competent to decide on the most misdemeanors instead of courts as it was in previous system. Result of that reform was decreasing of misdemeanors for which courts have the competence.

Q94#2#1 : The reason of the decrease of 21.65% of the Total criminal law cases / Incoming cases between 2008 and 2010 is changing in the system of misdemeanors. Namely the new system introduced state commissions which are competent to decide on the most misdemeanors instead of courts as it was in previous system. Result of that reform was decreasing of misdemeanors for which courts have the competence.

Q94#3#1 : The reason of the decrease of 42.03% of the Total criminal law cases / Resolved cases between 2008 and 2010 is changing in the system of misdemeanors. Namely the new system introduced state commissions which are competent to decide on the most misdemeanors instead of courts as it was in previous system. Result of that reform was decreasing of misdemeanors for which courts have the competence.

Q94#4#1 : The reason of the decrease of 24.23% of the Total criminal law cases / Pending cases on 31 Dec.'10 between 2008 and 2010 is changing in the system of misdemeanors. Namely the new system introduced state commissions which are competent to decide on the most misdemeanors instead of courts as it was in previous system. Result of that reform was decreasing of misdemeanors for which courts have the competence.

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	7 879	21 560	22 999	6 440
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	7 879	21 560	22 999	6 440



2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
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 (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	884	12 787	12 679	992
8. Criminal cases (Severe criminal offences)	447	4 575	4 385	637
9. Misdemeanour and/or minor offences cases	437	8 212	8 294	355

Comment :

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 042	3 335	2 443	1 934
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	861	1 630	1 228	1 263
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	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 (litigious and non-litigious)	58	1 071	632	497
7. Other cases (e.g. insolvency registry cases)	123	634	583	174

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases	139	784	824	99

(8+9)				
8. Criminal cases (severe criminal offences)	139	784	824	99
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	977	3 537	3 332	1 182
Employment dismissal cases	2 798	6 911	6 503	3 206
Robbery cases	2 798	3 158	3 144	2 812
Intentional homicide	95	62	53	104

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

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**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	8	NA	117	73	NA	NA
Employment dismissal cases	42	NA	165	81	NA	NA
Robbery cases	21	NA	123	213	NA	NA
Intentional homicide	NA	NA	98	60	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

The Law on civil procedure is applied in divorce cases. In addition to that in the Law on the Family there is special part (five articles) dedicated to divorce of marriage, but it does not contain provisions regarding the court procedure.

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

Length of procedure is calculated according to data received by all courts.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

- Yes  
 No

If yes, please specify:

Public prosecutor has competency to file Request for protection of legality in the procedure for administrative disputes. (Article 49 from Law on Administrative Disputes)

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	39 720	22 131	10 892	12 708

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	22 131
1. Discontinued by the public prosecutor because the offender could not be identified	17 229
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	4 902
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

**109) Do the figures include traffic offence cases?**

- Yes  
 No

**D.2**

**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

Q91#1#1 : Increase of 80.15% compared to 2008 is due to the fact that in 2008 I did not have data about payment orders and I did not include it in the 2008 answers on the report.

Q98#1#1 : Registered increase of 129.02% of the Total criminal law cases / Pending cases on 1 Jan.'10 between 2008 and 2010. This type of cases increased continuously previous years, but in the same time number of solved cases was smaller than number of incoming cases.

Q98#4#1 : Registered increase of 26.69% of the Total criminal law cases / Pending cases on 31 Dec.'10 between 2008 and 2010. This type of cases increased continuously previous years, but in the same time number of solved cases was smaller than number of incoming cases.

Q99#1#1 : Registered decrease of 33.33% of the Total of other than criminal law cases / Pending cases on 1 Jan.'10 between 2008 and 2010. The reason is bigger number of solved cases in comparison with incoming cases in 2008 and 2009.

Q99#2#1 : Registered increase of 93.22% of the Total of other than criminal law cases / Incoming cases between

2008 and 2010 due to the novelties in the Law on the Courts which introduced new competence on Supreme court to decide on trial in reasonable time (length of procedure).

Q99#4#1 : Registered increase of 64.04% of the Total of other than criminal law cases / Pending cases on 31 Dec.'10 between 2008 and 2010 due to the novelties in the Law on the Courts which introduced new competence on Supreme court to decide on trial in reasonable time (length of procedure).

Q100#1#1 : Registered increase of 183.67% of the Total criminal law cases / Pending cases on 1 Jan.'10 between 2008 and 2010 due to the fact that number of incoming cases previous years was increased.

Q100#3#1 : Registered increase of 28.35% of the Total criminal law cases / Resolved cases between 2008 and 2010 as a result of increased number of incoming cases which forced courts to solve more cases.

Question 109 The figures include traffic offence cases (only criminal acts defined in Criminal code and not misdemeanors)

cf. NC 10/07 (Q91) : Please add the following comment below the Figure 9.6:

"Republic of Macedonia: Very high number of resolved civil non-litigious cases in connection with incoming cases is result of undertaken activities for decreasing backlog of payment orders. Namely, in all courts in 2010 there were incoming 236.702 cases (payment orders), while there were 452.069 resolved cases (payment orders). Most of these cases were resolved in the biggest court in the Republic of Macedonia – Basic Court Skopje 2 which is Civil Court. Namely in 2010 additional court clerk staff was involved in solving the payment orders as assistants of judges. As a result of these activities in 2010 in Basic Court 2 there were 133.565 incoming cases (payment orders) and there were 340.461 resolved cases."

Below the figure 9.18 please add the following comment:

"Republic of Macedonia: In the Republic of Macedonia there is system of enforcement by bailiffs (enforcement agents). In the courts in 2010 there were just old enforcement cases that were not transferred by the parties to the bailiffs. From 1 July 2011 all old enforcement cases from the courts were transferred to the bailiffs."

Below the figure 9.32 please add the following comment:

"Republic of Macedonia: Presented data of the Republic of Macedonia included all labor dispute cases and not only employment dismissal cases."

**Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Ministry of Justice and Public Prosecution Office of the Republic of Macedonia

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

Judges are elected by the Court Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Until 1 January 2013 50% of judges will be elected by the candidates which have finished initial training in the Academy for Judges and public prosecutors and other 50% from the other legal professions that satisfy conditions according to the former Law on the Courts.

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Court Council of the Republic of Macedonia

##### 112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

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

The amendments on the Law on the Courts from 2010 introduced a carrier system as a means of promotion of judges from a lower to a higher court, through the prescribing of the special conditions for elections of a judge in a basic court, an appellate court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia

That are the following conditions:

- for a judge in a Basic court a person who has completed the initial training in the Academy for Training of Judges and Public Prosecutors shall be elected

- for a judge in an Appellate court a person may be elected provided that has a working experience of at least four years of uninterrupted judicial length of service as a judge in a Basic court up to the moment of his/her application for an election, who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law and

- for a judge in the Administrative court a person may be elected provided that he/she has a working experience of at least four years uninterrupted judicial length of service as a judge in an Basic court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has five years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in

accordance to the law, and

- for a judge in the Higher Administrative court a person may be elected provided that he/she has a working experience of at least three years uninterrupted judicial length of service as a judge in the Administrative court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has six years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law.

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- Yes  
 No

**115) Is the status of prosecution services:**

- Indépendant?  
 Under the authority of the Minister of justice ?  
 Other?

Please specify:

In the Macedonian Constitution public prosecutors are defined as "Samostojni". This term means one level below independence.

**116) How are public prosecutors recruited?**

- Mainly through a competitive exam (for instance, following a university degree in law)  
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)  
 A combination of both (competitive exam and working experience)  
 Other

If "other", please specify:

According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except Public Prosecutor of the Republic of Macedonia are elected by the Council of public prosecutors. In the new Law on Public Prosecution the public prosecutor can be elected among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:

- to be a citizen of Republic of Macedonia
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in Republic of Macedonia or arecognized diploma from abroad and
- to have the Judicial exam of Republic of Macedonia passed,

For Public Prosecutor of Republic of Macedonia can be appointed a person who meets the above mentioned terms, as well as the following special terms:

- 8 years professional experience in legal matters, after taking the judicial exam, or a full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.

For Public prosecutor in the Public Prosecution of Republic of Macedonia can be elected a person who besides mentioned basic conditions meets the following terms:

- 8 years professional experience in legal matters with acknowledged results, after taking the judicial exam.

For Higher public prosecutor of a Higher Public Prosecution can be elected any person that besides the mentioned basic conditions has professional experience of at least 5 years as a public prosecutor with acknowledged results in the work.

For public prosecutor in a higher Public Prosecution can be elected any person who besides the basic conditions meets the following special terms:

- 5 years professional experience in legal matters with acknowledged results, after taking the judicial exam

For Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the basic conditions has professional experience of at least 4 years as a public prosecutor with acknowledged achievements in the work.

For public prosecutor in a Basic Prosecution can be elected any person who besides basic conditions mentioned above meets the following special terms:

- Completed training at the Academy for training of judges and public prosecutors.

In the Law on Public Prosecution is defined that in the position of the Public prosecutor of Republic of Macedonia, high public prosecutor and in the public prosecution for prosecution of the organised crime and corruption, the council will select a person with confirmed results at work, who has professional and experts qualities who as well enjoys authority in performing his function, based on the following criteria:

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,
3. capability for professional solving of the legal issues,
4. undertaking of additional work during the execution of the function of public prosecutor through the participation in the preparation of the rules, facilitation, education etc.
5. Enjoying and keeping of the authority of public prosecutor and public prosecution's office, that can be confirmed by the communication manner with the parties and other institutions, independence, impartiality and reliability in performance of the function of public prosecutor and outside of the working hours,
6. professional relation with the public prosecution experts service.

Beside the mentioned criteria, the High public prosecutor of the high public prosecution office, Public prosecutor for the prosecution of the organised crime and corruption and the Basic public prosecutor of the basic public prosecution office should posses ability to perform duties of managerial character.

Also it is important to mention that the higher public prosecutors, the Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and the public prosecutors in the Public Prosecution for Prosecuting Organized Crime and Corruption and basic public prosecutors in the Basic Public Prosecution are elected from the ranks of public prosecutors in Republic of Macedonia, abiding by the procedure and manner for electing a public prosecutor in the respective Public Prosecution.

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited**

by:

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Council of Public Prosecutors of the Republic of Macedonia

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes
- No

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

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the elected public prosecutors of the Republic of Macedonia and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

The candidate, who wins the majority of votes from the total number of Council members, shall be elected a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor.

In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public prosecutors at the same public prosecutor's office.

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes
- No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	NAP

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes
- No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:



According to the Amandement XXX of the Constitution of the Republic of Macedonia public prosecutors are appointed for a life except Public Prosecutor of the Republic of Macedonia who is appointed for a mandate of 6 years.

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	NAP

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

NAP

### E.1

**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

In 2010 amandments on the Law on the Courts were adopted introducing psychological test and test of integrity, obligatory knowledge on foreign language and career system of promotion in higher court.

Also in 2010 amandments on the Law on Court Council were adopted introducing by the law criteria for evaluation of judges and presidents of the courts.

## 5. 2. Training

### 5. 2. 1. Training

#### 127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Compulsory

#### 128) Frequency of the in-service training of judges:

General in-service training	Annual
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

**129) Training of public prosecutors**

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

**130) Frequency of the in-service training of public prosecutors**

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

**Comment :**

New Law on Academy for Judges and Public Prosecutors was adopted in July 2010. Its purpose is to create high profile professional staff to perform the offices of a judge or public prosecutor, through redefinition of the requirements for enrolment of candidates for the initial training (BA in law, with average grade of at least 8, proficiency in at least one of the official languages of the European Union – out of which English is mandatory, computer proficiency); introduction of psychological test and test of integrity; increased duration of the initial training, to two years (9 months theoretical training and 15 months practical training); the right of the best-ranked candidates in the first stage of initial training – theoretical part – to decide whether they would perform the office of a judge or of a public prosecutor; as well as continuous vocational development of judges and public prosecutors.

**E.2****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

**Continuos training**

In the period between 1st January 2010 and 31st December 2010, the Academy organised and realised a total of 242 training events, with 2043 hours spent in training, which were attended by 7047 participants, of whom 3759 judges, 1161 prosecutors, 951 court associates, 109 expert associates from prosecutor's offices, 45 management officials from the judiciary, 19 management officials from the prosecutor's offices, 40 administrative court clerks, 8 administrative clerks from the prosecutor's offices and 955 other participants employed in ministries or other domestic institutions, organisations, the non-governmental sector, all of whom work in areas related to the theme of the training, and who attended at the invitation of the Academy.

From the total of 242 training events organised in the reporting period, 69 training events focused on the area of civil law, 81 on the area of criminal law, 39 pertained to the area of international law, 16 training events were devoted to EU law, 11 to trade law, 7 training events focused on administrative law, and 1 training on the area of constitutional law, whereas 18 were general training events.

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

#### 132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	17 219	11 451
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	21 221	14 080
Public prosecutor at the beginning of his/her career	14 147	9 535
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	17 179	11 579

Comment :

In 2009 the Parliament adopted a legislation according which public prosecutors from a certain level (instance) receive same salaries as judges at the same level (instance).

#### 133) Do judges and public prosecutors have the following additional benefits?

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

#### 134) If other financial benefit, please specify:

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

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

#### 136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Authorisation for judges is needed just for teaching and it is issued by the Court Council of the Republic of Macedonia.

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	No	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

Authorisation for prosecutors is needed just for teaching and it is issued by the Council of Public Prosecutors of the Republic of Macedonia.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

- Yes  
 No

If yes, please specify the conditions and possibly the amounts:

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures****140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?  
 This is not possible

If "executive power" and/or "other", please specify:

In Article 55 from Law on Judicial Council of the Republic of Macedonia is defined that the initiative for instituting a disciplinary procedure shall be raised by a member of the Council, the President of the court, the President of the higher court or by the general session of the Supreme Court of the Republic of Macedonia within three months from the day when the infringement has been discovered, but not longer than one year from the day when the act was committed. The disciplinary procedure is urgent and of confidential character. It shall be conducted without presence of the public and by respecting the reputation and dignity of the judge.

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens  
 Head of the organisational unit or hierarchical superior public prosecutor

- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

Responsibility of public prosecutors is regulated in Article 20 in the Law on Public Prosecutor's:

#### Article 20

The Public Prosecutor of the Republic of Macedonia is the higher in rank in the hierarchy of the public prosecutors, he/she is responsible for the general conditions of the organization and performance of the public prosecutors office's and for his/her performance and for the performance of the public prosecutor's office is responsible in front of the Parliament of the Republic of Macedonia.

Public prosecutors from the Public prosecution office of Republic of Macedonia for their performance are responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors.

Higher Public prosecutor for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Public Prosecutors Council of Republic of Macedonia.

The Public Prosecutor for prosecution of organized crime and corruption for his/her performance is responsible in front of the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors, public prosecutors in the Public Prosecution Office for prosecution of the organized crime and corruption for their performance are responsible in front of the Public Prosecutor for prosecution of the organized crime and corruption and the Public prosecutors Council of Republic of Macedonia.

The Basic Public Prosecutor for his/her performance is responsible in front of the Higher Public Prosecutor, the Public Prosecutor of the Republic of Macedonia and the Council of Public Prosecutors, and the public prosecutors in a Basic Public Prosecutor's Office for their performance are responsible in front of the direct supervising public prosecutor and the Public Prosecutors Council of Republic of Macedonia.

#### 142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

#### 143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body

Executive power

Other?

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	13	0
1. Breach of professional ethics	NAP	NAP
2. Professional inadequacy	13	NAP
3. Criminal offence	NAP	NAP
4. Other	NAP	NAP

Comment :

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	2	0
1. Reprimand	NAP	NAP
2. Suspension	NAP	NAP
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	NAP	NAP
6. Position downgrade	NAP	NAP
7. Transfer to another geographical (court) location	NAP	NAP
8. Resignation	NAP	NAP
9. Other	2	NAP

Comment :

In 2010 a total of 13 procedures are initiated for unprofessional and unconscientious performance of the judicial function. Of the thirteen (13) carried out procedures for dismissal of judges, 7 decisions for dismissal of a judge were adopted and 6 procedures were stopped. Against the 7 decisions for dismissals, appeals were submitted to the Council for deciding on appeals of the Judicial Council in the Supreme Court of the Republic of Macedonia, of which 2 are completed effectively (the decisions are confirmed), while 5 appeal procedures were ongoing.

### E.3

**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**

The Law Amending the Law on Judicial Council of the Republic of Macedonia (adopted in 2010) prescribes the procedure and defines objective and measurable criteria for monitoring and evaluation of the work of judges ; it regulates further the disciplinary procedure that establishes disciplinary responsibility of a judge and the procedure to establish incompetent and unconscientiously performance of the judicial office; it foresees mandatory, at least once a month, public session discussing all petitions and grievances submitted by citizens and legal entities, regarding the work of judges and courts.

**Please indicate the sources for answering questions 144 and 145**

Court Council of the Republic of Macedonia and Council of Public Prosecutors of the Republic of Macedonia

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

2 111

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- Yes  
 No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- Civil cases?  
 Criminal cases - Defendant?  
 Criminal cases - Victim?  
 Administrative cases?  
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

According to the Law on Civil Procedure, an authorised representative of party may be:

- lawyer,
- person-graduated in law faculty who is employed by the party and
- blood relative in straight lie, brother, sister or a spouse – if he or she has full legal capacity.

**150) Is the lawyer profession organised through? (multiple options possible)**

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

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

- Yes  
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

Bar Exam

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

- Yes  
 No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- Yes



No

If yes, please specify:

There is special exam foreseen for representation in proceedings for protection of intellectual rights and industrial property.

#### F.1

**Please indicate the sources for answering questions 146 and 148:**

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**Comments for interpreting the data mentioned in this chapter:**

Bar Association of Macedonia

### 6. 2. Practising the profession

#### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

Yes

No

**155) Are lawyers' fees freely negotiated?**

Yes

No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

#### F.2

**Useful comments for interpreting the data mentioned in this chapter:**

Lawyers' fees are clearly established in the Tariff for reward and expences for lawyers' work. They are calculated in denars.

Tariff for reward and expences for lawyers work contains of two parts: compensation of expences and compensations for given legal advice that consists few segments: reward for writing podnesoci, reward for defending and representation, reward for preparation of legal remedy and reward for legal advices.

### 6. 3. Quality standards and disciplinary proceedings

#### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determited for lawyers?**

Yes

No

If yes, what are the quality criteria used?

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

the bar association?

the Parliament?

other?

If "other", please specify:

**159) Is it possible to file a complaint about :**

- the performance of lawyers?  
 the amount of fees?

Please specify:

There are two basic acts of the Bar Association in that field: Code of Ethics and secondary legislation regarding the disciplinary procedure for lawyers.

**160) Which authority is responsible for disciplinary procedures?**

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

Responsible organ for disciplinary procedure is Bar Association. In the framework of the Bar Association there are three main organs responsible for disciplinary procedure: Disciplinary Prosecutor, Disciplinary Court and Appellate Council. Lawyer may initiate administrative dispute before the Administrative Court on the final decision brought by the above mentioned organs.

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	106	58	41	NAP	7

Comment :

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	2	NAP	NAP	NAP	2	NAP

Comment :

**F.3**

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Responsible organ for disciplinary procedure is Bar Association. In the framework of the Bar Association there are three main organs responsible for disciplinary procedure: Disciplinary Prosecutor, Disciplinary Court and Appellate Council. Lawyer may initiate administrative dispute before the Administrative Court on the final decision brought by the above mentioned organs.

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

-----

**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes
- No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	No	Yes	No	No	No

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

- Yes
- No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

131

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	

	Yes
Other alternative dispute resolution?	No

Comment :

In the Republic of Macedonia there is a full time arbitration at the Commercial Chamber of Republic of Macedonia. They perform arbitration in commercial cases among the legal entities that are their members.

In the Law on Civil Procedure there is Chapter 13 in which is regulated  
PROCEDURE IN FRONT OF SELECTED COURTS.

Also, in the Law on Civil Procedure it is regulated procedure for COURT SETTLEMENT  
"COURT SETTLEMENT

Article 307

- (1) The parties may conclude a settlement about the subject of the case (court settlement) during the whole course of procedure at the court.
- (2) The settlement may concern the overall claim or a part of it.
- (3) During the procedure, the court will instruct the parties on the possibility of court settlement and it will help them to conclude a settlement.
- (4) A settlement cannot be concluded in court in regard to the claims when the parties cannot dispose over them (Article 3 paragraph 3 of this Law).
- (5) When the court in first instance will make a decision with which it does not permit a settlement of the parties, it will stop with the procedure until this decision becomes final.

Article 308

- (1) The agreement of the parties for settlement is entered into the minutes.
- (2) A settlement is concluded when the parties sign the minutes after the minutes for the settlement has been read out.
- (3) Upon their request, the parties will be issued a verified transcript of the minutes in which the settlement has been entered.

Article 309

During the whole of the procedure, the court will pay attention ex officio whether the procedure refers to a case for which a court settlement was concluded earlier, and if it determines that the procedure is underway for a case for which a court settlement has been concluded earlier, it will dismiss the complaint.

Article 310

- (1) The person who intends to file a complaint may try to achieve a settlement through the court of first instance on whose territory the opposing party has residence respectively a place of dwelling.
- (2) The court to which such a proposal was directed will summon the opposing party and it will inform it of the proposal for settlement.
- (3) The expenses for this procedure are covered by the person that submits the proposal. "

**G.1**

**- 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**

In order to promote mediation as an alternative manner for resolution of disputes as well as one of the immediate effects of the reform of the judicial system in the Republic of Macedonia, according to which dispute resolution is promoted on a speedy, effective and economic manner, an office for mediation is organized in the Basic Court Skopje 2 Skopje.

Within the framework of the Initiative for free mediation for resolution of commercial disputes which was carried out in the Basic Court Skopje 2 Skopje in the course of April, May and June 2001, a total of 22 cases from the Commercial Department of the Court were directed towards free mediation. Of the total number of received cases, six cases are successfully concluded with achieved mediation agreements, in which the total amount of financial means that were subject in the cases resolved by mediation is 4.100.000,00 Denars, i.e. 66.450 Euros.

In the course of 2010 and 2011, the Ministry of Justice in cooperation with the IFC – Project Alternative Dispute Resolution – The Private Enterprise Partnership for Southeast Europe prepared the following publication in the area of mediation:

Handbook for judges and public prosecutors for the recognition of disputes adequate for mediation, Commentary to the Law on Mediation and Handbook for training of mediators.

**Please indicate the source for answering question 166:**

Association of Mediators of Macedonia

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

79

**171) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

Persons who perform public authorizations determined by law, out of the Courts, appointed according to the provisions of the Law, who decide directly on the actions to be taken, within their authorizations, in order to carry out the enforcement decision and take up the enforcement actions.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

- Yes  
 No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- Yes  
 No

**Please indicate the source for answering question 170:**

Ministry of Justice

## 8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes  
 No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

The Ministry of Justice performs regular supervision of the work of enforcement agents and the Chamber of enforcement Agents, at least once a year. The Ministry also performs extraordinary supervision over the work of the enforcement agent and the Chamber of enforcement Agents at any time ex-officio or upon a request from a President of court from the territory where they are appointed.

The enforcement agents and the Chamber are obligated to provide insight into the acts and the records that they have to the authorised persons from the Ministry of Justice.

The supervision by the Ministry of Justice is performed in the presence of the enforcement agent that is being supervised, the President of the Chamber, or a person authorised by the President of the Chamber, if the supervision is performed over the work of the Chamber. The report for the concluded supervision is delivered to the Chamber and to the supervised enforcement agent.

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

The Ministry of Justice forms the quality standards through the Law on enforcement and secondary legislation envisaged by the Law. During the enforcement, the enforcement agent are obliged to act immediately, to deal with the cases in the order in which they were received, efficiently and lawfully.

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

Party or participant in the execution has right to submit objection for irregularities in execution to the president of the competent court and to submit appeal against decision of the president of the court.

**183) What are the main complaints made by 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?

If other, please specify:

**184) 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:

From 1 July - 31 December 2011 all enforcement cases that were in the courts will be transferred to the bailiffs.

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?  
 for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

NA

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	12
1. for breach of professional ethics	<input type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	12
3. for criminal offence	<input type="checkbox"/> number:	0
4. Other	<input type="checkbox"/> number:	0

Comment :

**188) Number of sanctions pronounced against enforcement agents.**

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	6
1. Reprimand	<input checked="" type="checkbox"/> number:	1
2. Suspension	<input type="checkbox"/> number:	0
3. Dismissal	<input type="checkbox"/> number:	0
4. Fine	<input checked="" type="checkbox"/> number:	5
5. Other	<input type="checkbox"/> number:	0

Comment :

**H.1**

**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

From 1 july - 31 december 2011 all enforcement cases that were in the courts will be trasfered to the bailifs.

**Please indicate the source for answering the questions 186, 187 and 188:**

Chamber of enforcement agents

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions in criminal matters

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge  
 Public prosecutor  
 Prison and Probation Services  
 Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

With the amandments opn the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes  
 No

**191) If yes, what is the recovery rate?**

- 80-100%  
 50-79%  
 less than 50%  
 it cannot be estimated

Please indicate the source for answering this question:

**H.2**

**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

With the amendments on the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

## 9. Notaries

### 9. 1. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	171
public agents?		NAP
other?		NAP

Comment :

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

other duties: payment orders and legacy procedure

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?  
 the judge?  
 the Ministry of justice?  
 the public prosecutor?  
 other?

If other, please specify:

Notary Chamber

### I.1

**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**

Main reform in the field of notary is that they have competence to deal with payment orders and legacy procedure that are non - disputable

## 10. Court interpreters

### 10. 1. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

- Yes  
 No

**198) Is the function of court interpreters regulated by legal norms?**

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

3 685

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

Quality of court interpreting is provided through exams for court interpreters conducted by commission established from the Minister of Justice, composed by the university professors in the field of language teaching.

New system of selection of interpreters with exam was introduced in 2008. According to new system, until the end of 2010, 524 interpreters have passed exam and they are appointed by the Minister of Justice as court interpreters. The rest of 3161 were appointed before exam was introduced.

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes  for recruitment and/or appointment for a specific term of office  
 Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
 -  No

Comment :

According to the Court book of rules and other secondary legislation, court interpreter can become a person who has passed exam before commission established from the Minister of Justice, composed by the university professors in the field of language teaching. According to the Law on Courts, Court interpreters are appointed by the Minister of Justice.

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 199:**

Ministry of Justice

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- Yes
- No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

2 126

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

According to the 245 from the aw on Civil Procedure, expert witness shall submit to the court his expert testimony and opinion in writing, within the time limit determined by the court, which can not be longer than 45 days or 60 days for more complex cases.

**207) Are the courts responsible for selecting judicial experts?**

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**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

The Law on Expert Evidence adopted in 2010 regulates for the first time this substance in a uniform way, prescribing clear criteria for expert evidence to be presented by highly professional and qualified individuals, who meet the prescribed requirements and have passed a professional exam, and have obtained licences, which guarantees quality expert evidence by expert witnesses, who are registered in a Register of Expert Witnesses. The ongoing vocational education is also regulated. There are 5 secondary legislation items adopted, providing for the implementation of this law.

### K.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**

Ministry of Justice

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

#### INDEPENDENCE AND IMPARTIALITY OF JUDICIARY

Aiming at improving the legislative framework, in order to further strengthen the independence of the judiciary and increase its efficiency, in 2010 the core reform laws were adopted, incorporating the best European practices, solutions and standards. On a long-term basis, they set the firm legislative base for independent and autonomous judiciary. They are, mainly, the Law on Academy for Judges and Public Prosecutors, Law amending the Law on Litigation, Law on Expert Testimonies, as well as Law on Assessment, and the package of laws adopted in November 2010.:the Law amending the Law on Courts; Law amending the Law on Judicial Council of the Republic of Macedonia; the Law amending the Law on Court Budget, the Law amending the Law on Court Budget, the Law amending the Law on Judicial Service; the Law on Administrative Disputes; the Law on Criminal Procedure.

- Law on Academy for Judges and Public Prosecutors - its purpose is to create high profile professional staff to perform the offices of a judge or public prosecutor, through redefinition of the requirements for enrolment of candidates for the initial training (BA in law, with average grade of at least 8, proficiency in at least one of the official languages of the European Union – out of which English is mandatory, computer proficiency); introduction of psychological test and test of integrity; increased duration of the initial training, to two years (9 months theoretical training and 15 months practical training); the right of the best-ranked candidates in the first stage of initial training – theoretical part – to decide whether they would perform the office of a judge or of a public prosecutor; as well as continuous vocational development of judges and public prosecutors.
- The Law amending the Law on Courts, redefines the competence of basic (lower) courts with basic and extended competence, redefines the general conditions for election of judges (BA in law, with average grade of at least 8, active knowledge of one of the official languages of the European Union, of which English is mandatory); it introduces tests of integrity and psychological tests; it introduces for the first time the career system when electing judges for higher court instances; it defines special conditions for election of judges; introduces the new, Higher Administrative Court, redefines provisions on disciplinary procedure and introduces new grounds to establish incompetence and unconscientiously work; introduces new principle of transparency, through mandatory establishing of public relations offices in courts, and appointing a responsible officer to work in those offices; establishes the obligation for courts to publish the decisions passed on the web-sites of the court within two days from the date of producing and signing them.
- The Law Amending the Law on Judicial Council of the Republic of Macedonia prescribes the procedure and defines objective and measurable criteria for monitoring and evaluation of the work of judges ; it regulates further the disciplinary procedure that establishes disciplinary responsibility of a judge and the procedure to establish incompetent and unconscientiously performance of the judicial office; it foresees mandatory, at least once a month, public session discussing all petitions and grievances submitted by citizens and legal entities, regarding the work of judges and courts.
- An important segment for the independence of the judiciary is its financing, which was improved through the adoption of the Law amending the Law on Court Budget , establishing a fixed percentage for financing of judiciary, amounting to 0,8 percent GDP, which is twice as high as the current court budget. The level of 0,8 percent of GDP will be reached progressively, with equal INCREASEMENTS until 2015, whereby it is foreseen that in 2012 it reaches the level of 0,5% GDP, 0,6% in 2013, 0,7% in 2014 and 0,8% in 2015. Other new developments in the law are that in a case of rebalancing the Budget of the Republic of Macedonia, the funds to finance the judicial power could not be decreased. Within the Court Budget there are contingency funds as current reserve, and they must not exceed 2% of current expenditures of Court Budget. When allocating the funds from the Court Budget, at least 2,5% must be spent on vocational training of judges, law clerks, court police and other employees of courts.
- The Law on Management of Court Cases , foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court , which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court.

#### EFFICIENCY OF THE JUDICIARY

To further increase the efficiency of the judiciary, several laws were produced and enacted, as follows:

- Law on Litigation , (vacatio legis 1 year, in force as of 07.09.2011), - strengthens the legal certainty and contributes towards more efficient and more economical operation of courts, reducing the duration of procedures and creating more business-friendly climate. Most important developments in the law are the mandatory preparatory hearing, specified deadlines for procedural actions, increased quality of writs, introduced alternative dispute resolution modalities – mediation; improved system of service of writs and electronic service; introduced audio recording of hearings, by which the audio recording becomes an integral part of the court case.

To successfully implement the amendments to the Law on Litigation, regarding the procedure at hearings, a coordinative body on recording of hearings was established, involving USAID representatives and presidents of courts. On 18.04.2011 installation of the audio recording equipment began, in 30 courts, for 80 courtrooms. The new audio equipment consists of 5 (five) microphones for everyone attending the hearing, a mixing deck and a soundcard, through which the entire trial will be recorded in 4 (four) separate channels. This system will enable recording of the entire hearing within a single electronic record (on DVD or CD), and it also prints out an archive document, signed with the electronic signature of the trial judge.

In January 2011 the consolidated text of the Law on Litigation was adopted.

To successfully implement the amendments to the Law in practice, The Academy for Training of Judges and Public Prosecutors, realized a total of 14 trainings for judges from the civil law departments in courts.

- The Law on Expert Evidence regulates for the first time this substance in a uniform way, prescribing clear criteria for expert evidence to be presented by highly professional and qualified individuals, who meet the prescribed requirements and have passed a professional exam, and have obtained licences, which guarantees quality expert evidence by expert witnesses, who are registered in a Register of Expert Witnesses. The ongoing vocational education is also regulated. There are 5 secondary legislation items adopted, providing for the implementation of this law . Decisions to establish committees for professional exams for expert witnesses in respective areas. A working meeting was held on 20.04.2011 with the presidents of those committees, to decide on the timeframe of activities related to these professional exams for expert witnesses.

NOTARIAL SERVICES - In order to provide easier access to justice for the citizens, on 16.02.2011 a new Tariff for the Notaries Public was adopted, reducing the fee and costs for notarial services for up to 25,2%, and reducing, by 20%, the fee for the Notary Public for carrying out an inheritance procedure.

ENFORCEMENT - To implement the Law amending the Law on Enforcement , October 2010 saw the adoption of the Rules on Supervision over the Work of Chamber of Enforcement Agents of the Republic of Macedonia, as well as over the enforcement agents . In January 2011 the Chamber of Enforcement Agents adopted a new Tariff List for Fees and Compensation of other Costs related to the Work of Enforcement Agents reducing them by 32,1 % compared to the previous tariff,

According to the analyses on enforcement of final decisions, the rate of enforced decisions is continuously growing; the rate of enforced cases for 2007 was 40%, for 2008 it was 47%, in 2009 it was 50%, while in 2010 the rate of enforced decisions was 54%.

REFORM OF PENAL LEGISLATION - The second segment of the reform of penal legislation, the reform of penal procedural law, has been finalized by the adoption of the new Law on Criminal Procedure, in November 2010. (vacatio legis of 2 years). The Law foresees changes to the structure of the preliminary procedure and the trial procedure, as well to the competences and organization of the main participants in the procedure. Also, within the preliminary procedure, a new role, more active compared to the previous situation, is foreseen for the public prosecutors.