

UPDATE FROM CROATIA AND PORTUGAL
ON THE COMPARATIVE STUDY OF THE REFORMS OF THE JUDICIAL MAPS IN EUROPE (2012)

CONTRIBUTION IN RESPECT OF CROATIA (02/09/2013)

I. JUDICIAL REFORM STRATEGY AND ACTION PLAN

In order to further implement reforms in the judiciary, the Ministry of Justice adopted the **Judicial Reform Strategy for the period 2013-2018** on 14 December 2012. It is based on five general areas as the basis of future strategic plans:

1. Independence, impartiality and professionalism of the judiciary
2. Efficiency
3. Croatian judiciary as part of the European judiciary
4. Human resources management
5. Using the potential of modern technologies

The **Action Plan for the implementation of strategic guidelines of the Judicial Reform Strategy 2013-2018 for years 2013 and 2014**. It was adopted in June 2013.

In order to monitor and implement the key reforms, the Ministry of Justice has continued to strengthen the administrative capacities by employing new staff. Until the end of 2012, six persons have been employed in the Directorate for EU and International Cooperation, nine persons in the Directorate for Criminal Law and Probation and five persons in the Independent Sector for the Suppression of Corruption of the Ministry of Justice.

In order to ensure a quality **planning of the required staff in the judiciary**, and taking into account the reform processes that are underway, in October 2012 the Ministry of Justice adopted the **long term employment plans for judges and state attorneys in the period 2013-2025**.

II. INDEPENDENCE, ACCOUNTABILITY, IMPARTIALITY AND PROFESSIONALISM OF THE JUDICIARY

According to the objective and transparent criteria the SJC and the SAC have continued with the **appointment procedures of judges, courts presidents and state attorneys**.

APPOINTED JUDGES BY YEAR	
Year	Appointed
2011	98
2012	53
2013 (<i>until 29 August</i>)	29

APPOINTED COURTS' PRESIDENTS BY YEAR	
Year	Appointed
2011	54
2012	43
2013 (<i>until 29 August</i>)	31

The Republic of Croatia continues to strengthen the proper functioning of the **State School for Judicial Officials**. **Ordinance on the final exam and final evaluation in the State School for Judicial Officials was adopted on 26 February 2013**.

Pursuant to the Plan of the required number of judges and state attorneys in 2015, on 1 October 2012 the **Judicial Academy published a public call for the enrolment of the 3rd generation of attendees of the State School** (10 candidates for judges and 10 candidates for state attorneys).

Strengthening of the State Judicial Council (SJC) and the State Attorney's Council (SAC)

In order to strengthen the administrative capacities, from 2012, the SJC and the SAC have been separated as special beneficiaries of the State Budget (the planned amount of funds in the Budget for 2013 for SJC is HRK 2.153.280 (284.339,8 €) and for SAC is HRK 1.962.900 (259.200,19 €).

The new Framework Criteria for the Work of Judges were adopted on 28 December 2012. According to Article 6, when calculating the annual norm for the work of judges, the norm is reduced by 50% for judges – members of the SJC and by 75% for the president of SJC.

The Amendments to the **Act on the State Judiciary Council entered into force on 14 March 2013**. The judicial duty is reduced by 50% for the members of the SJC and by 75% for the President. Judges who want to be permanently or temporarily transferred to another court, need to submit to the SJC a written request for transfer and the decision of the court president on the fulfillment of their judicial duty for the last two years.

Impartiality

DISCIPLINARY PUNISHMENTS AND DISCIPLINARY SANCTIONS FOR JUDGES		
	PUNISHMENTS and SANCTIONS	
Year	Punishments	Sanctions
2011	10	7
2012	29	4
2013 (until 29 August)	15	0

The **declarations of assets** have been submitted by all state attorneys, their deputies and judges, and they have been reviewed by the SAC and the SJC. In order to verify the declarations of assets, the SJC has requested the delivery of the available data on assets of judges from the Tax Administration. The Tax Administration has submitted to the State Judiciary Council the data on the vehicles, unified register of accounts, securities, register on the order of payments, dividends and shares.

III. EFFICIENCY OF THE JUDICIARY

Resolution of old unresolved cases at courts

The **measures for increasing the efficiency of judicial proceedings** aimed at reducing the number of unresolved cases older than three years have been continuously applied.

Delegating cases from overburdened courts to those that are less burdened has intensified. **In the second half of 2012, a total of 26 566 cases** were transferred by the Supreme Court's decision from overburdened to less burdened courts (**total of 36 796 cases in 2012**). For comparison, in 2011 a total of 6.123 cases were delegated.

In order to further **improve the possibilities of transferring the judges** according to current and objective requirements of the judiciary, situation is as follows:

TRANSFERS OF JUDGES BY YEAR				
	Permanently	Temporary	Prolongation of temporary	Total
2011	36	11	0	47
2012	22	11	5	38
2013 (until 29 August)	4	5	13	22

Regarding *backlog*, Between **December 2011 and 31 March 2013**, the **total number of unresolved cases** pending before the courts **decreased** from **827.102 to 802.129**.

On 31 March 2013 the **total number of unresolved cases** pending before the courts was **802.129**.

	December 2011	December 2012	March 2013
Criminal cases	35.081	28.298 (-19,33%)	27.430 (-3,07%)
Civil cases	268.532	279.087 (+3,78)	288.956 (+3,42)
Misdemeanor cases	241.633	246.874 (+2,12%)	257.625 (+4,17)
Enforcement cases	127.306	105.820 (-23,09%)	97.906 (-7,48%)

Numerous amendments were adopted to *increase the efficiency*:

- **The new Courts Act entered into force on 14 March 2013**
- **The Amendments to the Act on the State Judiciary Council entered into force on 14 March 2013.**
- **The amendments of the Civil Procedure Act entered into force on 1 April 2013.** The Act introduces the prohibition of repeated annulment of first-instance decisions by second-instance courts in all types of cases, thus ensuring civil-law protection within a reasonable time.
- **Amendments to the Land Registry Act were adopted on 26 April 2013.**
- **The new Enforcement Act and the Act on the Amendments to the Act on the Implementation of the Enforcement on Monetary Funds entered into force on 15 October 2012.**
- **The amendments to the Civil Procedure Act entered into force on 1 April 2013.**
- **The amendments to the new Criminal Code entered into force on 1 January 2013**
- **Act on the Amendments to the Criminal Procedure Act entered into force on 1 January 2013.**
- **The amendments to the Misdemeanor Act were adopted at the Croatian Parliament on 22 March 2013 and entered into force on 1 July 2013.**

CONTRIBUTION IN RESPECT OF PORTUGAL (29/10/2013)

Guidelines on the creation of judicial maps to support access to justice within a quality judicial system

I – Reform guiding principles

1. The judicial organization reform¹, foreseen in Law 52/2008, of 28 August, and put into practice, with a provisional nature and during an experimental period, by the Decree-Law 28/2009, of 28 January, as far as the fundamental guidelines and proposed objectives for the reform of the judicial map are concerned, was mostly based on an extension of the territorial basis, on the reinforcement of specialization and on the implementation of a new court management model. Nonetheless, after the first assessment carried out by *Troika*, the extension model built on a territorial basis was reconsidered, and the NUT's as a geographic reference point was removed.

2. The ongoing reform on the judicial organization² aims to increase the quality of justice and to make justice more efficient; it began with the publication of the Law 62/2013, of 26 August, where the framework rules and the organization of the judicial system were established.

3. The current reorganization i) alters/extends the judicial circumscription of each county which now has, as a rule, the administrative district (and the Autonomous Regions) as reference, owing to the fact that such is an easily identifiable reference for most citizens; ii) it is strongly based on the implementation of specialized jurisdictions, at national level, providing thus a more flexible judicial response, closer to the population; iii)

¹ Restricted to the judicial courts; the administrative and tax courts are not included.

² Restricted to the judicial courts; the administrative and tax courts are not included.

and sets up a new management model for the counties so that management practices by objectives be adopted.

4. In accordance with the new territorial matrix, the national territory is divided in 23 counties. In each county there shall be just one court of first instance, whose jurisdiction corresponds to the territorial circumscription where the court is included, without prejudice to a matrix adjusted to the specificities of Lisbon and Porto, that shall be divided in three and two counties respectively and of a specific matrix for the two Autonomous Regions, due to their autonomous specificities.

5. In every county there is only one court registry that deals with the files/documents of the sections and has access to the county's computer system.

6. As concerns the High Courts' territorial circumscription, the reference to the judicial district is abandoned and is replaced by a reference to a cluster of counties.

II. Structure of the First Instance Court

7. The first instance courts comprise the county courts, named after the name of the circumscription where they are located, and the courts with an extended territorial jurisdiction.

8. The structure of the county court is organized around central instances, mainly located in the district capitals, and local instances.

9. Most of the central instances have jurisdiction over the geographic area that corresponds to the county and are divided in *civil sections*, where civil issues with a value higher than 50.000€ are processed and decided, in *criminal sections*, that process and decide on criminal cases under the remit of a collective court or of a jury and in other *specialized jurisdiction sections*, such as, commerce, enforcement, family and minors, criminal inquiries and labour sections where matters, whose jurisdiction has been entrusted to them by law, are processed and decided upon.

10. The local instances, where the cases not allocated to the central instance (if the former is already in function) are processed and decided, are part of general jurisdiction sections and may be divided in civil sections, criminal sections, misdemeanours/petty crime sections and sections of proximity.

11. The general jurisdiction sections process and decide on cases other than those allocated to another section of the central instance or to the courts with an extended territorial jurisdiction; they are competent to decide on civil declarative actions, of common procedure, with a value equal to or lower than 50.000€.

12. The sections of proximity, included in the local instance, carry out a rather relevant set of services, of which it is highlighted the possibility of ensuring procedural diligences, therein determined, statements/testimonials made through teleconference means or even other acts that may be decided by the management bodies, including support to trial hearings.

13. The courts of extended territorial jurisdiction are competent over one or more counties or areas specifically referred to in law (courts for the enforcement of sanctions, intellectual property courts, maritime courts, courts for competitiveness, regulation and supervision and the criminal inquiry central court).

14. The management of every first instance court is ensured by a tripartite management structure constituted by the president of the court, centred on the figure of the president-judge, by a coordinator public prosecutor and by a court administrator, in a model that further develops and deepens the one that previously existed in the pilot-counties.

15. These courts' management structures are deemed adequate to the new organizational model, as they provide greater autonomy and allow the adoption of management practices by objectives.

III. Human resources

16. Likewise, the new organization encompasses a unique board for judges and for public prosecutors where an interval between a minimum number and a maximum number, per county, is established.

17. The specific outline of the courts' structures has complied with such parameters as the human resources' degree of efficiency to respond to the processing of certain types of cases, in accordance with the needs of the moment, and through the definition of ratios able to evaluate such response.

18. In order to know whether the board of staff is adequate to a case-flow consistent with a regular case processing, it was (abstractly) considered the volume of new cases, during a specific period of time, by type of procedure, subsequently evaluated by means of an operational concept - the Procedural Reference Value (VRP), considered an indicator of the number of new cases per year that, abstractly, a judge has the capacity to handle, in each procedural area. Hence, VRP represents the number of cases, per procedural type, that a judge, abstractly, completes in a year.

19. As to the magistrates of the Public Prosecution, the central structures foreseen - Departments of Criminal Investigation and Prosecution - are justified in criminal investigation areas, according to the following rules:

i. In the Departments of Criminal Investigation and Prosecution located in the counties' seat, the criminal investigation shall be allocated to magistrates that will ensure not only the inquiries related to facts that occurred within the territorial jurisdiction of the county's seat, but also to criminal phenomena whose seriousness or complexity require a central and specialized processing, in particular, the corruption and the economic-financial crimes.;

ii. Decentralized sections within the same Department are equally foreseen whenever, in other circumscriptions belonging to the same county, more than 5 000 inquiries are envisaged.