

Strasbourg, 7 September 2015

CEPEJ(2015)7Rev  
*English only*

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

*Groupe de Pilotage du centre SATURN pour la gestion du temps judiciaire*

**(CEPEJ-SATURN)**

# **Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings Edition 2015 (2006-2012 data)**

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This is the third edition of the CEPEJ *Study on Council of Europe Member States Appeal and Supreme Courts' Lengths of Proceedings*, a topic that "has been recognised as a priority within the objectives of the Council of Europe relating to human rights and the rule of law."<sup>1</sup> According to the indications provided by CEPEJ, this report looks in depth at lengths of proceedings and time taken to process pending cases in second instance (appeal) courts and highest instance (supreme) courts on the basis of the information gathered in the course of the 2008-2014 evaluation of judicial systems carried out by CEPEJ.<sup>2</sup>

The report focuses on length of proceeding, not looking into issues such as caseload and workload. This is because the extreme differentiation in the composition of the caseload<sup>3</sup> and the level of delegation of judicial or quasi-judicial activities to non-judicial staff and non-professional judges, result in very different judicial workloads. As result, any comparative analysis of this kind of variables becomes, at least potentially, extremely misleading. It should be noted that this variety is the result of multiple elements which determine not only the caseload and workload of the justice system but also the justice system structure and organization. These elements includes the different socio-economic contexts, the legal tradition, the different balance between competing values such as independence, accountability, timeliness, quality of decisions, but also new public values such as productivity and efficiency. Accordingly, while there may always be room for improvement of the justice systems organization, legal procedures and case management, different balances may provide better fits in different States.

Data have been therefore processed without any link to human and budget resources and, therefore, without any analysis about correlations between them and the length of proceedings. However, for information purposes, Annex 4 provides some additional data, which includes the number of professional judges and non-judges staff and the judicial administration and courts budget in 2006-2012.

The European judicial systems study, Edition 2014 (data 2012) has analysed the answers regarding first instance. An analysis has been asked for this report in relation to second and highest instance. In particular it has been asked to focus on the following figures for second and (where possible) highest instance:

- CR (clearance rate) of civil litigious and non-litigious cases in 2012
- Evolution of the CR of civil litigious cases between 2006 and 2012
- DT (disposition time) of litigious and non-litigious civil (and commercial) cases in 2012
- Map with DT and CR of litigious civil (and commercial) cases in 2012
- CR of administrative law cases in 2012
- Evolution of the CR of administrative law cases between 2006 and 2012
- Map with DT and CR of the total number of civil, commercial and administrative law cases in 2012
- Evolution of CR of the total number of civil, commercial and administrative law cases between 2006 and 2012
- Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in first instance. Absolute figures and per 100 000 inhabitants in 2012 (severe criminal offences) vs misdemeanour cases (minor offences) criminal in 2012
- Part of first instance incoming criminal cases
- CR of criminal cases (severe criminal offences) and misdemeanour case (minor offences) in 2012
- Map with CR of criminal cases (severe criminal offences) and misdemeanour case (minor offences) in 2012
- CR of the total number of criminal cases in 2012
- Average length of proceedings for litigious divorce cases between 2006 and 2012.

In addition, the report presents a synthesis of first, second and highest instance case loads to give a global vision of the situation of CoE member states. In line with CEPEJ indications, the synthesis focus on Clearance rate and Disposition time (for total number of civil, commercial and administrative law cases, and for total number of criminal cases) and on length of proceedings (for litigious divorce cases, possible only for first and second instance).

In looking at the data, analysis and proposals for further developments, three funding principles governing proper time management of judicial proceedings should be always kept in mind, providing a reference

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<sup>1</sup> CEPEJ(2006)13 Compendium of "best practices" on time management of judicial proceedings, p.4. Compendium prepared by the CEPEJ Task Force on timeframes of judicial proceedings (CEPEJ- TF-DEL), according to a preparatory work by Marco Fabri and Francesco Contini (Research Institute on Judicial Systems, National Research Council, Bologna, Italy)

<sup>2</sup> Data are based on reports by member states, which were invited to appoint national correspondents, entrusted with the coordination of the replies to the CEPEJ Evaluation Scheme for their respective states.

<sup>3</sup> Which kinds of cases are included in the various categories, their relative ratio and their procedural complexity.

framework: “1) the principle of balance and overall quality of the judicial system, 2) the need to have efficient measuring and analysis tools defined by the stakeholders through consensus, 3) the need to reconcile all the requirements contributing to a fair trial, with a careful balance between procedural safeguards, which necessarily entail the existence of lengths that cannot be reduced, and a concern for prompt justice.”<sup>4</sup>

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<sup>4</sup> CEPEJ(2006)13 Compendium of “best practices” on time management of judicial proceedings, p.4. Compendium prepared by the CEPEJ Task Force on timeframes of judicial proceedings (CEPEJ- TF-DEL), according to a preparatory work by Marco Fabri and Francesco Contini (Research Institute on Judicial Systems, National Research Council, Bologna, Italy)

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# 1. Methodological introduction<sup>5</sup>

As previously stated, this report looks in depth at lengths of proceedings and time taken to process pending cases in second instance (appeal) courts and highest instance (supreme) courts on the basis of the information gathered in the course of the 2008-2014 evaluation of judicial systems carried out by CEPEJ.<sup>6</sup> The European judicial systems study, Edition 2014 (data 2012) has analysed the answers regarding first instance. Accordingly, the report builds upon the methodological choices made by CEPEJ for its European Judicial Systems studies and on the definitions, indications and distinctions provided in particular in the European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice. In order to interpret the data, reference can also be made to the findings of the “Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights” CEPEJ Study No. 3 as revised by CEPEJ Study No. 19. A summary of the findings of the report is available in Annex 1. In using this interpretative lens to look into the data of the “Study on Council of Europe Member States Appeal and Supreme Courts’ Lengths of Proceedings”, though, it should be considered that the focus of the European Court of Human Rights is on the reasonable duration of the single cases while this report focuses on the overall performance of the European Judicial Systems.

## 1.1. Responding states

By May 2014, 45 member states had participated in the process: **Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus,<sup>7</sup> Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Republic of Moldova,<sup>8</sup> Monaco, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, the Russian Federation, Serbia,<sup>9</sup> Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and the United Kingdom.<sup>10</sup>**

Only **Liechtenstein** and **San Marino** have not been able to provide data for this edition of the Cepej evaluation exercise. In addition, due to data consistency issues in the case flow management and timeframes of judicial proceedings section of the questionnaire reply, **Ukraine** has been excluded from this report during the revision cycle.

## 1.2. Data quality

As stated in the European Judicial Systems, Edition 2014 study, also here quality of the figures depends “on the type of questions asked in the data collection instrument, the definitions used by the countries, the system of registration in the countries, the efforts made by national correspondents, the national figures available to them and the manner in which the figures have been processed and analysed. In spite of the improvements resulting from previous experiences, it is reasonable to assume that some variations occurred when national correspondents interpreted the questions for their country and tried to match the questions to the information available to them. The reader should bear this in mind and always interpret the statistical figures given in the light of their attached narrative comments and the more detailed explanations given in the individual national replies”.<sup>11</sup>

Please note that there are some discrepancies in the values provided by this study and the European Judicial Systems, Edition 2014 study. This is due to the fact that the Cepej Database is under a continuous process of data checking and improvement and this study takes advantages of all the updates that have taken place.

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<sup>5</sup> Based on the European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice study

<sup>6</sup> Data are based on reports by member states, which were invited to appoint national correspondents, entrusted with the coordination of the replies to the CEPEJ Evaluation Scheme for their respective states.

<sup>7</sup> The data provided by Cyprus does not include data of the territory which is not under the effective control of the Government of the Republic of Cyprus.

<sup>8</sup> The data provided by the Republic of Moldova does not include data of the territory of Transnistria which is not under the effective control of the Government of the Republic of Moldova

<sup>9</sup> The data provided by Serbia does not include data of the territory of Kosovo (all reference to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.)

<sup>10</sup> United Kingdom data are provided and analysed separately for England and Wales, Scotland and Northern Ireland, as the three judicial systems are organized on different basis and operate independently from each other.

<sup>11</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, p.9.

### 1.3. Definitions

CEPEJ European judicial systems data collection scheme makes a distinction between civil (and commercial) litigious cases and non-litigious cases, Enforcement cases, Land registry cases, Business register cases, Administrative law cases, other, Other, Criminal cases (severe criminal offences) and Misdemeanour (minor offences cases). Such categories cannot always be easily identified in the different judicial systems, which take part in the data collection. For example, as indicated in the 'Explanatory note to the scheme for evaluating judicial systems' (2010-2012 cycle), "For criminal law cases there may be a problem of classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases. Some countries might have other ways of addressing misdemeanour and/or minor criminal cases (for example via administrative law procedure)",<sup>12</sup> while others may not distinguish their cases between the two categories. "To differentiate between 'misdemeanours / minor offenses' and 'serious offenses' and ensure as much as possible the consistency of the responses between different systems, the CEPEJ has invited the member states to classify as 'misdemeanours / minor' all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, as 'severe offenses' should be classified all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). Examples of severe criminal cases are: murder, rape, organised crime, fraud, drug trafficking, trafficking of human beings, etc. Minor offences may be shoplifting, certain categories of driving offences, disturbance of the public order, etc. However, it should be noted that for both types of cases there is a possibility that states classify criminal law cases in a different manner because there are different distinctions within their legal categories and their statistical systems".<sup>13</sup>

With this caveat, here are the CEPEJ main case categories definitions deriving from the CEPEJ Explanatory Note to the Scheme for Evaluating Judicial Systems (2012 – 2014 Cycle)

- **Other than criminal law cases** – This broad category includes litigious civil (and commercial) cases, non-litigious civil (and commercial) cases, business registers cases, land registers cases, enforcement cases, administrative law cases, other cases.
- **Litigious civil (and commercial) cases** - Litigious civil (and commercial) cases are for instance litigious divorce cases or disputes regarding contracts. In some countries *commercial cases* are addressed by special commercial courts, whilst in other countries these cases are handled by ordinary (civil) courts. Bankruptcy proceedings must be understood as litigious proceedings. Despite the organisational differences between countries in this respect, all the information concerning civil and commercial cases should be included in the same figures. If appropriate, litigious civil (and commercial) cases do not include administrative law cases.
- **Non-litigious civil (and commercial) cases** - General non-litigious civil (and commercial) cases includes uncontested payment orders, request for a change of name, divorce cases with mutual consent (for some legal systems), etc.
- **Business registers cases** - Activities related to business registers could be the registration of new businesses or companies in the business register of the court or the modification of the legal status of a company. These are non-litigious civil cases.
- **Land registers cases** Keeping and updating land registers, relating for example to changes in the ownership of immovable goods (like land or houses) may be a part of court activities. These are non-litigious civil cases.
- **Enforcement cases** - Cases relating to enforcement are such as issuance of a writ of execution or, for states with a system of public bailiffs, an order given by a judge to a public enforcement officer. These are non-litigious civil cases. Litigious cases relating to an enforcement procedure (e.g. judicial complaint against the action of a bailiff) should not be counted here: they fall into litigious civil (and commercial) cases category.
- **Administrative law cases** – This category includes both litigious and non-litigious cases which concern disputes between citizens and (local, regional or national) authorities, for instance: asylum refusals or refusals of construction permit applications. Administrative law cases are in some countries addressed by special administrative courts or tribunals, whilst in other countries they are

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<sup>12</sup> European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.463.

<sup>13</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, p.219.

handled by the ordinary civil courts. If countries have special administrative courts/tribunals or separate administrative law procedures or are anyway able to distinguish between administrative law cases and civil law cases, these figures should be indicated separately under “administrative law cases”. If the data is not available, the Country answer should be **NA** while other countries should answer **NAP**.

- **Other** - The category “*other*” can be related for example to the management of insolvency registers (or bankruptcy registers). If these registration tasks are part of the court activities, please mention the number of cases concerned.
- For countries where the courts do not deal with civil law cases enumerated under non-litigious civil (and commercial) cases, business registers cases, land registers cases, enforcement cases, administrative law cases, other cases categories, the correct answer is **NAP** (= not applicable). The answer is **NA** (= not available) if the courts deal with a civil law case enumerated under categories 2 to 7 but the data is not available.
- **Criminal law cases** - Are considered *criminal cases*, all cases for which a sanction may be imposed by a judge, even if this sanction is foreseen, in some national systems, in an administrative code (e.g. fines or community service). These can include, for example, some anti-social behaviour, nuisance or some traffic offenses. If these cases are included in this category, then they should not be counted a second time as “administrative cases”. The offenses sanctioned directly by the police or by an administrative authority, and not by a judge, should not be counted (e.g. penalty for parking in a closed area not contested before a judge, or failure to comply with an administrative formality not contested before a judge).

**Misdemeanour / minor all offenses** are all cases for which it is not possible to pronounce a sentence of privation of liberty.

- **Severe offenses** - include all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category “serious offenses” and cases reported in the category “minor offenses”.

Furthermore, there are some definitions from the CEPEJ “Compendium of ‘best practices’ on time management of judicial proceedings” glossary which have been followed in this document and in particular:

- **Backlog** – number of cases that exceed the “allowed duration”. This term is frequently used as a synonym of delay or number of pending cases, and it can be therefore quite ambiguous. The establishment of timeframes makes it possible to adopt a more precise definition of backlog, as the number or percentage of cases not decided within an established timeframe (or time standard).
- **Incoming cases**: It is the number of new cases that needs to be dealt with by the court instance during the year of reference. The Information is provided by the Council of Europe Member State
- **Resolved cases**: It is the number of cases that have been dealt with by the court instance during the year of reference. The Information is provided by the Council of Europe Member State.
- **Pending cases on 31 Dec.:** It is the number of cases that still have to be dealt with by the court instance at the end of the considered year (31 December). The Information is provided by the Council of Europe Member State.
- **Average length**: Average length to the procedure per court instance for the year of reference. The information is provided by the Council of Europe Member State.
- **Average total length**: total average length to the procedure for the year of reference. The information is provided by the Council of Europe Member State.
- **NA**: The answer NA (= not available) is provided if the courts have a procedure dealing with a case category at that instance but the data is not available for that category.
- **NAP**: answer is NAP (= not applicable) is provided if the courts for that instance are not responsible for any activity related to the specific category of cases (e.g. courts do not deal with business register or

land register cases). Furthermore, if administrative cases are handled by the courts of general jurisdiction and do not have a separate procedure, the administrative case category is considered NAP."

In addition, according to the Cepej questionnaire explanatory note Edition 2016 (data 2014),<sup>14</sup> if one or more answers are NA (not available), the total cannot be equal to the sum of the other categories for which the answers are quantitative data; if one answer is NA, the total will necessarily be NA; if several answers are NA, the total can be a quantitative data (which will necessarily be greater to the sum of the quantitative data of the different categories); on the other hand, if one or more answers are NAP (not applicable), they do not impact on the total which can be equal to the sum of the quantitative data.

Here is a scheme that exemplify these rules, which slightly differ from the Edition 2014 (data 2012):

States/entities	Total (calculated)	Value 1	Value 2	Per 100 000 inhabitants (calculated)		
				Total	Value 1	Value 2
Country 1	NA	NA	NA	NA	NA	NA
Country 2	NA	410	NA	NA	1,3	NA
Country 3	512	512	NAP	2,1	2,1	NAP
Country 4	NA	NA	NAP	NA	NA	NAP
Country 5	NAP	NAP	NAP	NAP	NAP	NAP

Other definitions can be found in the explanatory note of the latest CEPEJ report about European Judicial Systems, Edition 2014 (data 2012).

## 1.4. Indicators

In line with the indications provided by CEPEJ and to the methodological choice made in the European judicial systems, the present report adopts the following indicators of tendency (European judicial systems study, Edition 2014 (data 2012) definitions are used):<sup>15</sup>

**Average:** represents the arithmetic average, which is the outcome of dividing the sum of the observations of a distribution (data supplied) by the total number of countries which have indicated the information included into the distribution. The average is sensitive to extreme values (too high or too low).

**Median:** represents the middle point of a set of ordered observations (ranked according to an increasing or decreasing order). The median is the value that divides the data supplied by the countries concerned into two equal groups so that 50% of the countries are above this value and 50% are below it. When there is an odd number of observations, the median is the value that is just in the middle of these two groups. The median is sometimes better to use than the average, as it is less sensitive to extreme values. The effect of the extreme values is then neutralised.

In addition to the average and the median, minimum and maximum values are also used:

- **Minimum:** is the lowest recorded value that has been reported for a given variable.
- **Maximum:** the highest recorded value that has been reported for a given variable.

**Average annual variation:** represents the result of the calculation (in %) of the variation observed between several given years. This value makes it possible to establish the trend of the general evolution within the period examined. Then, a country which shows a great decrease between 2008 and 2010 and a slight increase between 2010 and 2012 will have, however, a negative indicator of the average annual variation. This indicator takes into account the values of each year and not only the values of the first and the last year, which allows a more accurate reading of the given phenomenon within several years.

The CEPEJ has also adopted *performance indicators* of courts.

**The Clearance rate (CR):** is a "relationship between the new cases and completed cases within a period, in percentage".<sup>16</sup> In this report is calculated as the number of resolved cases for a given year divided by the number of incoming cases for the same year, expressed as a percentage:

<sup>14</sup> Explanatory Note to the Scheme for Evaluating Judicial Systems (2014 - 2016 Cycle) pp.16-20

<sup>15</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, pp. 11.

<sup>16</sup> "GOJUST" Guidelines (CEPEJ(2008)11), p. 10.

$$\text{Clearance Rate (\%)} = \frac{\text{resolved cases}}{\text{incoming cases}} \times 100$$

“A Clearance Rate close to 100 % indicates the ability of the court or of a judicial system to resolve more or less as many cases as the number of incoming cases within the given time period. A Clearance Rate above 100 % indicates the ability of the system to resolve more cases than received, thus reducing any potential backlog. Finally, if the number of incoming cases is higher than the number of resolved cases, the Clearance Rate will fall below 100 %. When a Clearance Rate goes below 100 %, the number of unresolved cases at the end of a reporting period [...] will rise. Essentially, a Clearance Rate shows how the court or judicial system is coping with the in-flow of cases”.<sup>17</sup>

**The Calculated Disposition Time (DT)<sup>18</sup>:** “compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period”.<sup>19</sup> It is calculated by dividing the 365 days of a year by the number of resolved cases in the year of reference and multiplying them by the number of pending cases at the end of the year. It estimates the number of days necessary for a pending case to be solved in court:

$$\text{Calculated Disposition time} = 365 \times \frac{\text{pending cases at the end of the year}}{\text{resolved cases in the year of reference}}$$

It should be noted that DT provide just an estimation because which is based on the presupposition that the courts pending /resolved ratio of the period under consideration will be stable in the following period. It should also be noted that it is different from the average time needed to process each case of the procedure.

## 1.5. Comparing data

As noted in the European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, “the comparison of quantitative figures from different countries revealing varied geographical, economic and legal situations is a delicate task. It should be approached with great caution by the experts writing the report and by the readers consulting it and, above all, by those who are interpreting and analysing the information it contains. In order to compare the various states and their systems, the particularities of the systems, which might explain differences from one country to another must be borne in mind (different judicial structures, organisation of courts and the use of statistical tools to evaluate the systems, etc.)”.<sup>20</sup>

Accordingly, tables and figures provided in the report should not be passively taken one after the other, and cases should not be confronted with one-another without considering the broader context and interpreting the data taking into account national specificities.

Furthermore, the report aims to give an overview of the Europe member states lengths of proceedings situation with a specific focus on Appeal and Supreme Courts data, which were not analysed in the European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice. It is “not to rank the best judicial systems in Europe, which would be scientifically inaccurate and would not be a useful tool for the public policies of justice. Indeed, comparing does not mean ranking”.<sup>21</sup>

Comparisons can take multiple forms:

- Comparisons by types of procedures
- Comparisons across time
- Comparisons across countries
- Comparisons across procedures, time and countries

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<sup>17</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, p. 191.

<sup>18</sup> In this report the term ‘time to disposition’ is not used in order to reduce possible ambiguities as the NCSC CourtTools provides a definition for time to disposition which is quite different from the definition that CEPEJ gives to Disposition time. According to the NCSC CourtTools, time to disposition is “The percentage of cases disposed or otherwise resolved within established time frames” [http://www.ncsconline.org/D\\_Research/CourTools/](http://www.ncsconline.org/D_Research/CourTools/)

<sup>19</sup> "GOJUST" Guidelines (CEPEJ(2008)11), p. 10.

<sup>20</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, p. 10.

<sup>21</sup> European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice, p.10.

In the absence of a common data dictionary, even considering the effort made by CEPEJ through the Explanatory note of the European Judicial Systems evaluation scheme, comparisons must be done cautiously in order to deal with the “difficulties to make meaningful and not misleading comparisons about judicial time management across ... [time and across] member States”.<sup>22</sup> An example of this difficulty is provided by the complexity of clearly distinguish between litigious and non-litigious cases. While the general idea is to count only real, contested cases, as ‘litigious’, , or how to separate litigious and non-litigious if national data are collected according to different parameters.

Another example of this problem is the “impressive diversity in the definition of small claim - apparently a simple concept-”. As confronting the monetary value of a small claim between 2006 and 2012 shows, differences are not just cross countries (in 2012 small claims limit values provided by the responding states ranges between a minimum of 398€ in the **Czech Republic** to a maximum of 45 351 € in **Romania**), but there are also considerable changes in what some countries consider a small claim in 2006, 2008, 2010 and 2012.<sup>23</sup>

Finally, when looking at ‘comparisons across time’ presented in this report, it should be considered that: 1) comparisons are based on just four time sets (2012, 2010, 2008 and 2006), and 2) data do not consider the entire time period as 2007, 2009 and 2011 data are not available. So, also for this reason relevant information could be missing and emerging trends could be misleading.

## **1.6. Suggestions for looking at the key indicators**

In line with the choices made for the European Judicial Systems studies, with the mandate from the CEPEJ Secretariat and the indications of the Steering Group of the SATURN Centre for judicial time management, this work has a descriptive stance. The intent is to provide the reader with a useful tool to better grasp and confront the data and court systems output indicators such as Clearance rate and Disposition Time. At the same time, during the discussion of the present document at the 9th meeting of the Steering Committee of the Saturn Centre it emerged the need to have a short paragraph to provide some suggestions on how it could be possible to read the main indicators and look at their combined meaning. Indeed, the observation of Clearance rate and Disposition Time, especially when done with a broader vision to other basic data such as absolute and per capita incoming, resolved and pending, can allow the reader “to come up with instructive questions and leads to a better understanding of how a judicial system operates and what challenges and obstacles it faces. ... [These key indicators can also] be used to identify conspicuous trends and compare judicial performance in key areas between various judicial systems or courts”.<sup>24</sup> Quantitative values provided should be considered indicative and to be further tested maybe also through the involvement of the Network of Pilot Courts.

A way to proceed could be to look firstly at the Calculated Disposition Time (DT). As defined in section 1.4. Calculated Disposition Time measures “how frequently a judicial system (or a court) turns over the cases received – that is, how long it takes to resolve a case type”.<sup>25</sup> Furthermore, it indirectly provides “the answer to one of the questions most raised within a judicial system – what is the overall length of proceedings”.<sup>26</sup> Calculated Disposition Time of a specific category of cases can be observed for each court instance (first, second and highest instance). Firstly looking at the absolute values: is the Calculated Disposition Time at each court instance below 90, 180 or 365 days? Is it above one, two or even three years? Then comparing the values to the average and median values of the same instance for that category of cases. These data can already provide an indication as far as the court instance(s) where problems exist and where attention should be focused.

Disposition time values can also be looked at aggregated level (1<sup>st</sup>, 1<sup>st</sup> + 2<sup>nd</sup> and 1<sup>st</sup> + 2<sup>nd</sup> + 3<sup>rd</sup> level) to get an indication of how long it could be expected for a case to be disposed of if it is settled at first instance court level or if it is appealed at second or highest instance. The data can be compared to the average and median values for that category of cases. It can be also worth analysing both the absolute and the relative consistency (in terms of incoming and pending cases at each court instance) of each category in order to assess the quantitative impact of the Disposition Time values. The fact that for example second instance incoming cases are less than 5% or more than 10% of first instance incoming cases is an element that could be relevant in order to assess the overall Disposition Time a court user should expect.

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<sup>22</sup> (CEPEJ-SATURN(2011)6), p.2.

<sup>23</sup> (CEPEJ-SATURN(2011)6), p.4 and European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice p.121.

<sup>24</sup> A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.2.

<sup>25</sup> A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.1.

<sup>26</sup> A. Hodzic and G. Stawa “What can be said on Clearance rate and disposition time (and some more relations)?” Presentation at the CEPEJ plenary meeting, 9 December 2010, p.1.

Once Calculated Disposition Time has been observed, the next step could be to look at it considering the Clearance Rate values. In this way it is possible to confront the DT “present situation” in light to what is happening to the pending cases: if they are increasing, and therefore there can be the expectancy of a growing DT or if they are decreasing, and therefore it could be expected for the DT to diminish. If the Disposition Time is considered good, a CR value slightly below 100% should be considered not worrisome (i.e.  $CR \geq 95\%$ ) as small fluctuations above and below 100% are consistent with a long period stability of the CR around 100%. Lower level of CR should be considered as an alert as will result in more consistent increases of pending cases. If the Disposition Time is not considered good, for example exceeding the year, or it is considered bad, exceeding the three years, a Clearance rate below 100% shows that the situation is worsening, while a value around 100% means that the situation is staying negative. Only a value above 100% shows that the situation is improving.

In addition to the Clearance rate, this report also provides data and figures on the Clearance rate variation. Indeed, Clearance rate variation can also be taken into account when assessing the ‘present situation’ and future expectancy.

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**Note:** the CEPEJ developed “GOJUST Guidelines”<sup>27</sup> and “SATURN Guidelines on judicial time management” (see [www.coe.int/CEPEJ](http://www.coe.int/CEPEJ)) as tools for internal use by its stakeholders. The purpose is to help justice systems to collect appropriate information and analyse relevant aspects of the duration of judicial proceedings with a view to reducing undue delays, ensuring effectiveness of the proceedings and providing the necessary transparency and foreseeability to the users of the justice systems.

Inability of courts or the judiciary to produce data needed for calculation of Clearance rate could clearly demonstrate insufficiently developed tools described in such documents, which would help to assess the overall length of proceedings, to establish sufficiently specified typology of cases, to monitor the course of proceedings and means to promptly diagnose delays and mitigate their consequences.

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<sup>27</sup> CEPEJ(2008) 11 and CEPEJ (2011)10



## 2. Civil (and commercial) second and highest instance data analysis

This section analyses through descriptions, tables and figures, the second and highest instance Clearance rate, Evolution of the Clearance rate for *Civil (and commercial) cases*. First instance court data are analysed in chapter nine of the European Judicial Systems, Edition 2014 (data 2012): Efficiency and quality of justice study.

To give a comparative view of Civil (and commercial) caseload management in the different judicial systems in Europe, section 2.1. introduces civil litigious and civil non-litigious cases in separate tables providing information on incoming, resolved and pending (31 Dec.) cases in 2012 in absolute numbers and per 100 000 inhabitants. The reason for this separation is that there are states where non-litigious cases, for example, land register cases or business register cases, form a major part of the workload of the courts, whilst in other states these tasks are dealt with by other instances. Section 2.2. allows to confront civil (and commercial) litigious and non-litigious incoming cases in 2012 in absolute numbers and per 100 000 inhabitants with the overall number of civil (and commercial) cases. Section 2.3. to 2.6 present the data with text and figures of Clearance rate and Disposition time of litigious and non-litigious civil (and commercial) cases with some specific focuses on litigious cases (i.e. Clearance rate evolution between 2006 and 2012 and confront of 2012 Clearance rate and Disposition time data).

### 2.1. Incoming, resolved and pending (31 Dec.) cases in 2012

#### 2.1.1. Second instance

Of the 47 states or entities which participated to the data collection, in relation to second instance civil and commercial litigious cases in 2012, 33 were able to provide data on the number incoming cases, another 32 on the number of resolved cases and 30 on the pending cases at the end of the year (31 December 2012).

**Table 1 – Incoming, resolved and pending (31 Dec.) second instance civil and commercial litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	410	364	169	537.7	477.4	221.7
Armenia	3 713	3 551	629	122.7	117.3	20.8
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	11 658	10 218	2 809	126.2	110.6	30.4
Belgium	30 598	NA	NA	274.1	NA	NA
Bosnia and Herzegovina	33 864	31 218	29 730	883.8	814.8	775.9
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	85 606	76 556	77 604	2 008.5	1 796.2	1 820.8
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	89 388	87 208	16 717	850.6	829.8	159.1
Denmark	7 805	7 363	3 193	139.3	131.4	57.0
Estonia	1 825	1 822	536	141.9	141.6	41.7
Finland	1 760	1 912	1 068	32.4	35.2	19.7
France	206 339	204 319	226 684	314.6	311.5	345.6
Georgia	4 799	4 808	700	107.0	107.2	15.6
Germany	NA	31 056	NA	NA	38.7	NA
Greece	25 360	19 711	45 044	229.2	178.2	407.2
Hungary	23 451	23 668	8 101	236.7	238.9	81.8
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA
Italy	156 965	163 967	521 416	263.0	274.7	873.6
Latvia	5 664	6 213	2 879	277.0	303.8	140.8
Lithuania	14 623	13 999	5 788	486.8	466.1	192.7
Luxembourg	1 269	1 312	1 836	241.7	249.9	349.7
Malta	990	542	1 582	235.0	128.6	375.4
Republic of Moldova	12 764	13 399	3 009	358.6	376.4	84.5

Monaco	155	135	206	428.9	373.6	570.1
Montenegro	8 507	7 994	2 355	1 372.0	1 289.3	379.8
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	128 986	121 722	23 732	334.7	315.9	61.6
Portugal	NA	NA	NA	NA	NA	NA
Romania	17 833	18 777	11 205	83.7	88.1	52.6
Russian Federation	585 837	572 875	28 045	408.7	399.6	19.6
Serbia	96 100	103 363	46 344	1 334.9	1 435.8	643.7
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	11 744	11 723	3 923	570.4	569.4	190.5
Spain	158 065	153 656	88 791	343.6	334.0	193.0
Sweden	2 824	2 805	946	29.6	29.4	9.9
Switzerland	18 648	19 747	6 853	232.0	245.6	85.2
The FYROMacedonia	23 287	24 428	5 267	1 129.2	1 184.5	255.4
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	3 835	3 697	NA	6.8	6.5	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	3 400	NA	NA	64.0	NA	NA
Average	53 881	54 504	38 905	430.5	418.8	282.5
Median	12 764	13 699	4 595	274.1	289.3	174.8
Minimum	155	135	169	6.8	6.5	9.9
Maximum	585 837	572 875	521 416	2 008.5	1 796.2	1 820.8

Table 1 presents incoming, resolved and pending (31 Dec.) second instance civil and commercial litigious cases data in absolute numbers and per 100 000 inhabitants. Looking at second instance incoming civil and commercial litigious cases per 100 000 inhabitants, the number ranges from a minimum of 6.8 cases (**UK-England and Wales**) to a maximum of 2 008.5 (**Croatia**), with an average of 430.5 cases and a median of 274.1.

In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 6.5 cases (**UK-England and Wales**) to a maximum of 1 796.2 (**Croatia**), with an average of 418.8 cases, and a median of 289.3. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 9.9 cases (**Sweden**) and a maximum of 1 820.8 (**Croatia**), with an average of 282.5 cases, and a median of 174.8 cases.

**Table 2 – Incoming, resolved and pending (31 Dec.) second instance civil and commercial NON-litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA	NA	NA	NA
Andorra	NA	NA	NA	NA	NA	NA
Armenia	NA	NA	NA	NA	NA	NA
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	NAP	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	NAP	NAP	NAP	NAP	NAP	NAP
Denmark	NA	NA	NA	NA	NA	NA
Estonia	898	899	114	69.8	69.9	8.9
Finland	1 098	1 114	288	20.2	20.5	5.3
France	30 325	30 258	11 278	46.2	46.1	17.2
Georgia	NA	NA	NA	NA	NA	NA
Germany	NA	81 309	NA	NA	101.3	NA

Greece	NA	NA	NA	NA	NA	NA
Hungary	19 728	19 409	4 359	199.1	195.9	44.0
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA
Italy	3 867	4 309	2 550	6.5	7.2	4.3
Latvia	162	171	12	7.9	8.4	0.6
Lithuania	NAP	NAP	NAP	NAP	NAP	NAP
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NA	NA	NA	NA	NA	NA
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	413	380	83	66.6	61.3	13.4
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	21 232	19 889	4 935	55.1	51.6	12.8
Portugal	NA	NA	NA	NA	NA	NA
Romania	55	52	23	0.3	0.2	0.1
Russian Federation	6 000	6 000	NA	4.2	4.2	NA
Serbia	1 209	1 161	104	16.8	16.1	1.4
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	1 129	1 249	298	54.8	60.7	14.5
Spain	NA	NA	NA	NA	NA	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP
Switzerland	NA	NA	NA	NA	NA	NA
The FYROMacedonia	NAP	NAP	NAP	NAP	NAP	NAP
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NAP	NAP	NAP	NAP	NAP	NAP
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	NAP	NAP	NAP	NAP	NAP	NAP
Average	7 176	12 785	2 186	45.6	49.5	11.1
Median	1 169	1 249	288	33.2	46.1	8.9
Minimum	55	52	12	0.3	0.2	0.1
Maximum	30 325	81 309	11 278	199.1	195.9	44.0

Looking at second instance civil and commercial non-litigious cases in 2012, 12 states were able to provide data on the number incoming cases, another 13 on the number of resolved cases and 11 on the pending cases at the end of the year (31 December 2012). Table 2 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 0.3 cases (**Romania**) to a maximum of 199.1 (**Hungary**), with an average of 45.6 cases and a median of 33.2. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 0.2 cases (**Romania**) to a maximum of 195.9 (**Hungary**), with an average of 49.5 cases, and a median of 46.1. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 0.1 cases (**Romania**) and a maximum of 44.0 (**Hungary**), with an average of 11.1 cases, and a median of 8.9 cases.

### 2.1.2. Highest instance

**Table 3 – Incoming, resolved and pending (31 Dec.) highest instance civil and commercial litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	1 789	1 791	164	59.1	59.2	5.4
Austria	NA	NA	NA	NA	NA	NA

Azerbaijan	4 446	4 265	765	48.1	46.2	8.3
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5 047	5 094	3 329	131.7	132.9	86.9
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	515	325	303	59.5	37.5	35.0
Czech Republic	3 914	5 000	3 025	37.2	47.6	28.8
Denmark	NA	NA	NA	NA	NA	NA
Estonia	183	187	36	14.2	14.5	2.8
Finland	960	841	483	17.7	15.5	8.9
France	21 798	20 874	21 590	33.2	31.8	32.9
Georgia	1 724	1 711	332	38.4	38.2	7.4
Germany	NA	802	NA	NA	1.0	NA
Greece	1 712	1 851	1 754	15.5	16.7	15.9
Hungary	2 571	2 426	1 385	25.9	24.5	14.0
Iceland	NA	NA	NA	NA	NA	NA
Ireland	605	255	591	13.2	5.6	12.9
Italy	28 766	24 637	99 253	48.2	41.3	166.3
Latvia	NA	NA	NA	NA	NA	NA
Lithuania	687	605	312	22.9	20.1	10.4
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 192	4 047	891	117.8	113.7	25.0
Monaco	46	47	21	127.3	130.1	58.1
Montenegro	1 195	1 194	6	192.7	192.6	1.0
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA
Romania	169 951	170 341	87 724	797.7	799.5	411.8
Russian Federation	478 583	465 540	18 909	333.9	324.8	13.2
Serbia	4 361	4 676	1 376	60.6	65.0	19.1
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	1 349	1 728	1 289	65.5	83.9	62.6
Spain	8 069	8 333	7 302	17.5	18.1	15.9
Sweden	340	348	168	3.6	3.6	1.8
Switzerland	1 746	1 739	497	21.7	21.6	6.2
The FYROMacedonia	1 358	1 513	1 863	65.8	73.4	90.3
Turkey	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	232	NA	NA	4.4	NA	NA
Average	28 698	28 083	10 135	91.3	90.7	45.6
Median	1 735	1 765	891	43.3	39.7	15.9
Minimum	46	47	6	3.6	1.0	1.0
Maximum	478 583	465 540	99 253	797.7	799.5	411.8

As highest instance civil and commercial litigious cases in 2012, 26 states were able to provide data on the number incoming cases, another 26 on the number of resolved cases and 25 on the pending cases at the end of the year (31 December 2012). Table 3 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 3.6 cases (**Sweden**) to a maximum of 797.7 (**Romania**), with an average of 91.3 cases and a median of 43.3. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 1.0 cases (**Germany**) to a maximum of 799.5 (**Romania**), with an average of 90.7 cases, and a median of 39.7. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 1.0 cases (**Montenegro**) and a maximum of 411.8 (**Romania**), with an average of 45.6 cases, and a median of 15.9 cases.

**Table 4 – Incoming, resolved and pending (31 Dec.) highest instance civil and commercial NON-litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '10	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '10
Albania	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	NAP	NAP	NAP	NAP	NAP	NAP
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	NAP	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	NA	NA	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA	NA	NA
Denmark	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	NA	NA	NA	NA	NA	NA
Finland	NAP	NAP	NAP	NAP	NAP	NAP
France	NA	NA	NA	NA	NA	NA
Georgia	NA	NA	NA	NA	NA	NA
Germany	NA	2 614	NA	NA	3.3	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	374	360	39	3.8	3.6	0.4
Iceland	NA	NA	NA	NA	NA	NA
Ireland	NAP	NAP	NAP	NAP	NAP	NAP
Italy	NA	NA	NA	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA
Lithuania	NAP	NAP	NAP	NAP	NAP	NAP
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NAP	NAP	NAP	NAP	NAP	NAP
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA
Romania	817	795	267	3.8	3.7	1.3
Russian Federation	6 000	6 000	NA	4.2	4.2	NA
Serbia	NA	NA	NA	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	28	26	17	1.4	1.3	0.8
Spain	NA	NA	NA	NA	NA	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP
Switzerland	NAP	NAP	NAP	NAP	NAP	NAP
The FYROMacedonia	NAP	NAP	NAP	NAP	NAP	NAP
Turkey	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	NAP	NAP	NAP	NAP	NAP	NAP
Average	1 805	1 959	108	3.3	3.2	0.8
Median	596	795	39	3.8	3.6	0.8
Minimum	28	26	17	1.4	1.3	0.4
Maximum	6 000	6 000	267	4.2	4.2	1.3

In relation to highest instance civil and commercial non-litigious cases in 2010, only a very limited number of states were able to provide data on incoming, resolved and pending at the end of the year.

Four states were able to provide data on the number incoming cases, another five on the number of resolved cases and three on the pending cases at the end of the year (31 December 2012). Table 4 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 1.4 cases (**Slovenia**) to a maximum of 4.2 (**Russian Federation**), with an average of 3.3 cases and a median of 3.8. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 1.3 cases (**Slovenia**) to a maximum of 4.2 (**Russian Federation**), with an average of 3.2 cases, and a median of 3.6. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 0.4 cases (**Hungary**) and a maximum of 1.3 (**Romania**), with an average of 0.8 cases, and a median of 0.8 cases.

## 2.2. Confronting civil (and commercial) litigious and non-litigious incoming cases in 2012

### 2.2.1. Second instance

**Table 5 – Incoming second instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Total number of civil & commercial cases (calculated)	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NA	410	NA	NA	538	NA	NA	NA
Armenia	NA	3 713	NA	NA	123	NA	NA	NA
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	11 658	11 658	NAP	126	126	NAP	100%	NAP
Belgium	30 598	30 598	NAP	274	274	NAP	100%	NAP
Bosnia and Herzegovina	33 864	33 864	NAP	884	884	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	85 606	NA	NA	2 009	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	89 388	89 388	NAP	851	851	NAP	100%	NAP
Denmark	NA	7 805	NA	NA	139	NA	NA	NA
Estonia	2 723	1 825	898	212	142	70	67%	33%
Finland	2 858	1 760	1 098	53	32	20	62%	38%
France	236 664	206 339	30 325	361	315	46	87%	13%
Georgia	NA	4 799	NA	NA	107	NA	NA	NA
Germany	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	25 360	NA	NA	229	NA	NA	NA
Hungary	43 179	23 451	19 728	436	237	199	54%	46%
Iceland	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA	NA	NA
Italy	160 832	156 965	3 867	269	263	6	98%	2%
Latvia	5 826	5 664	162	285	277	8	97%	3%
Lithuania	14 623	14 623	NAP	487	487	NAP	100%	NAP
Luxembourg	1 269	1 269	NAP	242	242	NAP	100%	NAP
Malta	990	990	NAP	235	235	NAP	100%	NAP
Republic of Moldova	NA	12 764	NA	NA	359	NA	NA	NA
Monaco	NA	155	NA	NA	429	NA	NA	NA
Montenegro	8 920	8 507	413	1 439	1 372	67	95%	5%
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	150 218	128 986	21 232	390	335	55	86%	14%
Portugal	NA	NA	NA	NA	NA	NA	NA	NA

Romania	17 888	17 833	55	84	84	0	100%	0%
Russian Federation	591 837	585 837	6 000	413	409	4	99%	1%
Serbia	97 309	96 100	1 209	1 352	1 335	17	99%	1%
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	12 873	11 744	1 129	625	570	55	91%	9%
Spain	NA	158 065	NA	NA	344	NA	NA	NA
Sweden	2 824	2 824	NAP	30	30	NAP	100%	NAP
Switzerland	NA	18 648	NA	NA	232	NA	NA	NA
The FYROMacedonia	23 287	23 287	NAP	1 129	1 129	NAP	100%	NAP
Turkey	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	3 835	3 835	NAP	7	7	NAP	100%	NAP
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	3 400	3 400	NAP	64	64	NAP	100%	NAP
Average	67 255	53 881	7 176	445.4	430.5	45.6	93%	14%
Median	14 623	12 764	1 169	284.9	274.1	33.2	100%	7%
Minimum	990	155	55	6.8	6.8	0.3	54%	0%
Maximum	591 837	585 837	30 325	1 438.6	2 008.5	199.1	100%	46%

Table 5 provides information on second instance total number of civil and commercial incoming cases in 23 states, on the number of incoming litigious cases in 33 states and on the number of incoming non-litigious cases in 12 states. Data are provided both in absolute values, both per 100 000 inhabitants. The table presents also the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases in 12 states.

The total number of incoming cases per 100 000 inhabitants ranges from a minimum of 6.8 cases (**UK-England and Wales**) to a maximum of 1 438.6 (**Montenegro**), with an average of 445.4 cases and a median of 284.9. In comparison to the total number of civil and commercial incoming cases, civil and commercial litigious cases per 100 000 inhabitants range from a minimum of 6.8 cases (**UK-England and Wales**) to a maximum of 2 008.5 (**Croatia**), with an average of 430.5 cases, and a median of 274.1. Considering the number of incoming civil and commercial non-litigious cases per 100 000 inhabitants, the number ranges between a minimum of 0.3 cases (**Romania**) and a maximum of 199.1 (**Hungary**), with an average of 45.6 cases, and a median of 33.2 cases.

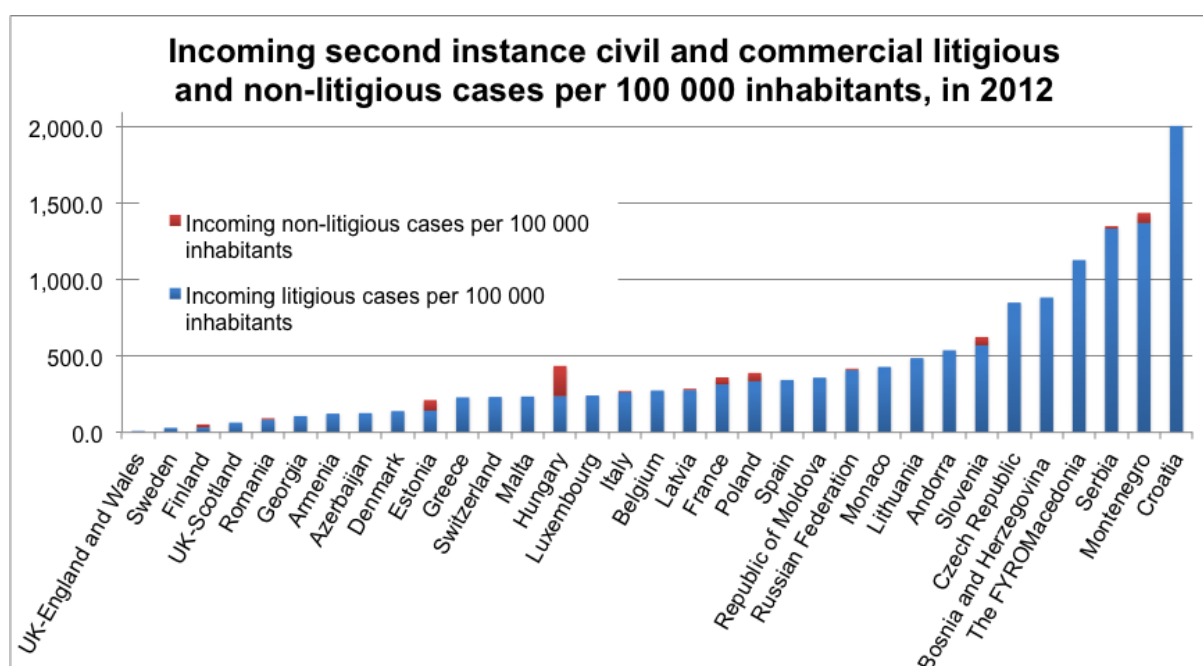


Figure 1 - Incoming second instance civil and commercial litigious and non-litigious cases per 100 000 inhabitants, in 2012



Figure 1 presents the data on incoming civil and commercial litigious (33 states) and non-litigious (12 states) cases per 100 000 inhabitants at highest instance, in 2012. Looking at the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases shows that the number of litigious incoming is higher for all states that provided data ranging between a maximum of 100% to a minimum of 54% (**Hungary**) of the total.

Tables confronting resolved and pending (31 Dec.) second instance civil (and commercial) litigious and non-litigious incoming cases in 2012 are provided in Annex 2

## 2.2.2. Highest instance

**Table 6 – Incoming Highest instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

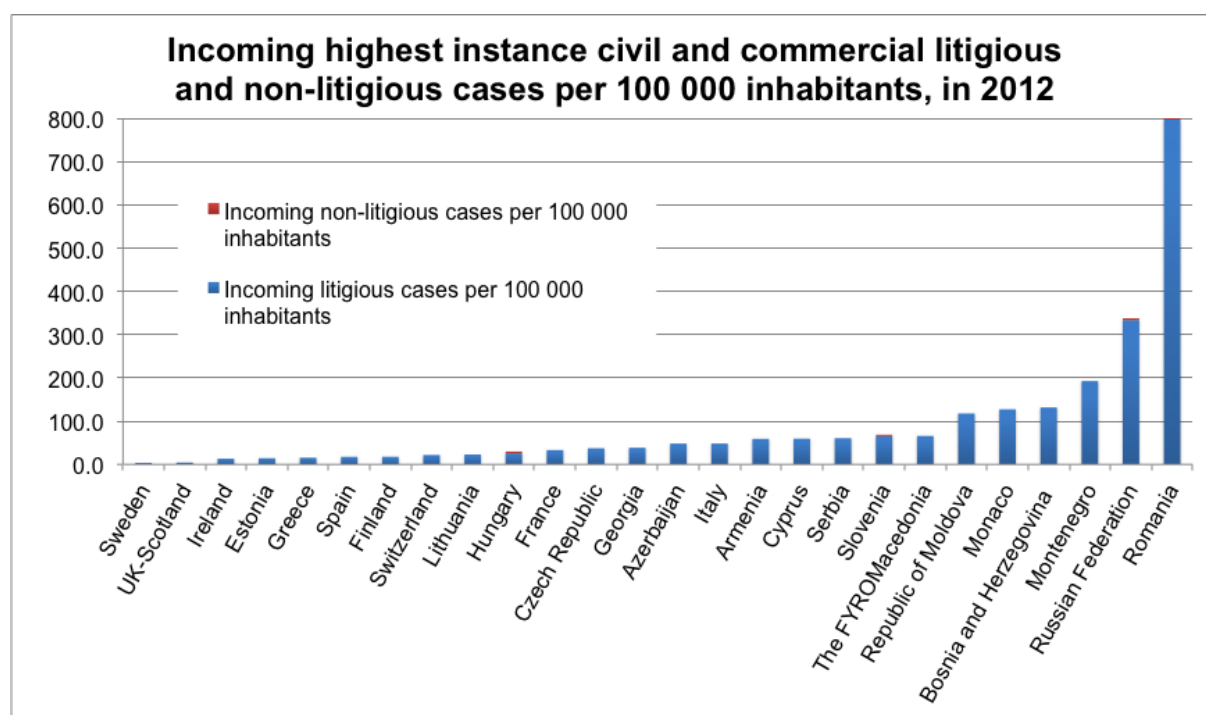
States/entities	Total number of civil & commercial cases (calculated)	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	1 789	1 789	NAP	59	59	NAP	100%	NAP
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	4 446	4 446	NAP	48	48	NAP	100%	NAP
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NA
Bosnia and Herzegovina	5 047	5 047	NAP	132	132	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NA	515	NA	NA	59	NA	NA	NA
Czech Republic	NA	3 914	NA	NA	37	NA	NA	NA
Denmark	NA	NA	NAP	NA	NA	NAP	NA	NA
Estonia	NA	183	NA	NA	14	NA	NA	NA
Finland	960	960	NAP	18	18	NAP	100%	NAP
France	NA	21 798	NA	NA	33	NA	NA	NA
Georgia	NA	1 724	NA	NA	38	NA	NA	NA
Germany	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	1 712	NA	NA	15	NA	NA	NA
Hungary	2 945	2 571	374	30	26	4	87%	13%
Iceland	NA	NA	NA	NA	NA	NA	NA	NA
Ireland	605	605	NAP	13	13	NAP	100%	NAP
Italy	NA	28 766	NA	NA	48	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA	NA	NA
Lithuania	687	687	NAP	23	23	NAP	100%	NAP
Luxembourg	NA	NA	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 192	4 192	NAP	118	118	NAP	100%	NAP
Monaco	NA	46	NA	NA	127	NA	NA	NA
Montenegro	1 195	1 195	NAP	193	193	NAP	100%	NAP
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	170 768	169 951	817	802	798	4	100%	0%
Russian Federation	484 583	478 583	6 000	338	334	4	99%	1%
Serbia	NA	4 361	NA	NA	61	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	1 377	1 349	28	67	66	1	98%	2%
Spain	NA	8 069	NA	NA	18	NA	NA	NA
Sweden	340	340	NAP	4	4	NAP	100%	NAP



Switzerland	1 746	1 746	NAP	22	22	NAP	100%	NAP
The FYROMacedonia	1 358	1 358	NAP	66	66	NAP	100%	NAP
Turkey	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	232	232	NAP	4	4	NAP	100%	NAP
Average	42 642	28 698	1 805	120.9	91.3	3.3	99%	4%
Median	1 562	1 735	596	53.6	43.3	3.8	100%	2%
Minimum	232	46	28	3.6	3.6	1.4	87%	0%
Maximum	484 583	478 583	6 000	801.5	797.7	4.2	100%	13%

Table 6 provides information on highest instance total number of civil and commercial incoming cases in 16 states, on the number of incoming litigious cases in 26 states and on the number of incoming non-litigious cases in four states. Data are provided both in absolute values, both per 100 000 inhabitants. The table presents also the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases in four states.

The total number of incoming cases per 100 000 inhabitants ranges from a minimum of 3.6 cases (**Sweden**) to a maximum of 801.5 (**Romania**), with an average of 120.9 cases and a median of 53.6. In comparison to the total number of civil and commercial incoming cases, civil and commercial litigious cases per 100 000 inhabitants range from a minimum of 3.6 cases (**Sweden**) to a maximum of 797.7 (**Romania**), with an average of 91.3 cases, and a median of 43.3. Considering the number of incoming civil and commercial non-litigious cases per 100 000 inhabitants, the number ranges between a minimum of 1.4 cases (**Slovenia**) and a maximum of 4.2 (**Russian Federation**), with an average of 3.3 cases, and a median of 3.8 cases.



**Figure 2 Incoming highest instance civil and commercial litigious and non-litigious cases per 100 000 inhabitants, in 2012**

Figure 2 presents the data on incoming civil and commercial litigious (27 states) and non-litigious (5 states) cases per 100 000 inhabitants at highest instance, in 2012. Looking at the proportion of the litigious and non-litigious incoming cases on the total number of civil and commercial cases shows that the number of litigious incoming is much higher for all states that provided data ranging between a maximum of 100% to a minimum of 87% (**Hungary**) of the total.

Tables confronting resolved and pending (31 Dec.) highest instance civil (and commercial) litigious and non-litigious incoming cases in 2012 are provided in Annex 2

## 2.3. Clearance rate of civil (and commercial) litigious and non-litigious cases in 2012

### 2.3.1. Second instance

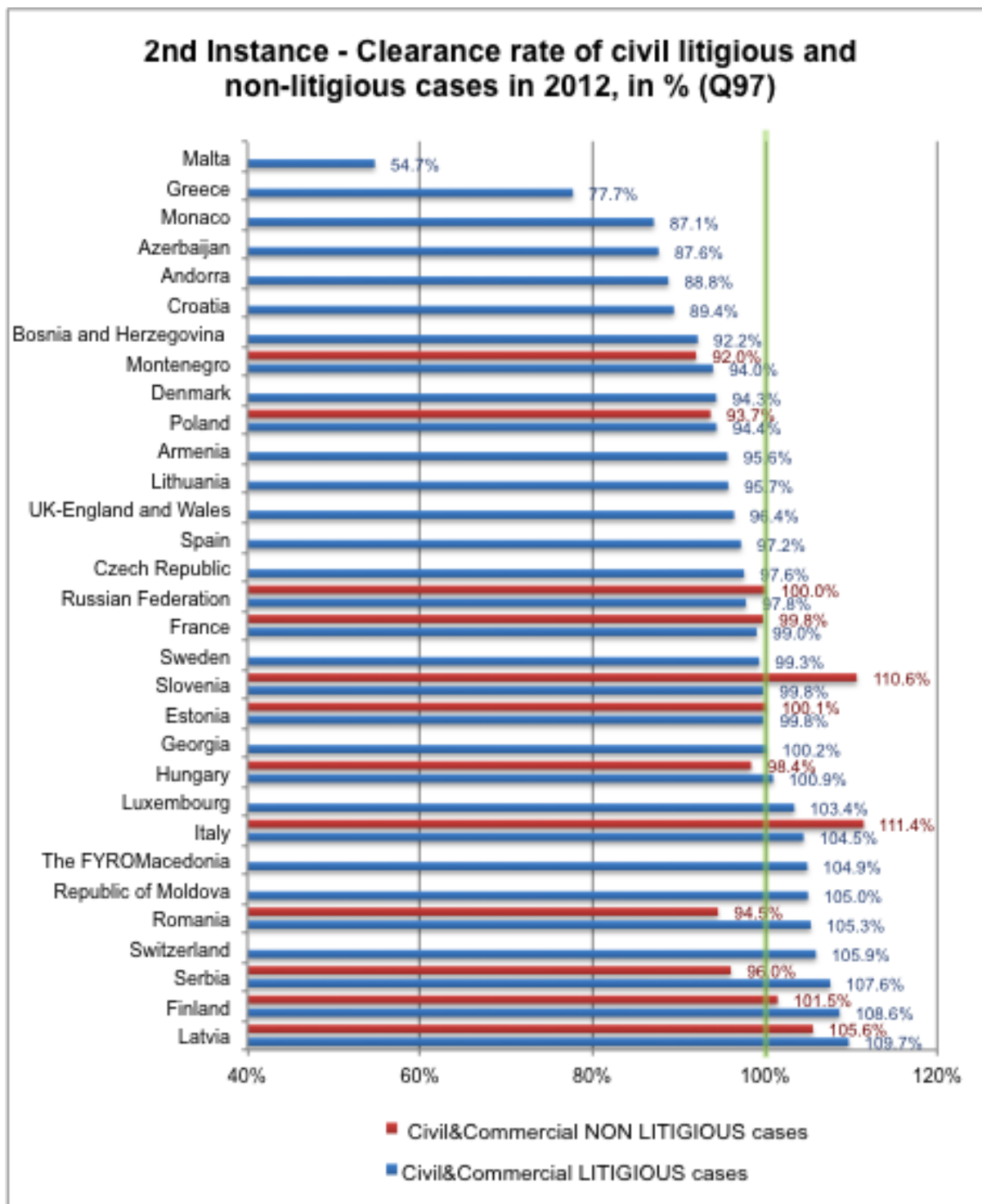


Figure 3 - Clearance rate of civil litigious and non-litigious cases in 2012, in % Appeal courts

Figure 3 presents Clearance rate in second instance of civil and commercial litigious (31 states) and non litigious (12 states) cases. In 2012, confronting incoming and resolved cases, second instance civil and

commercial litigious pending cases raise in almost two thirds (20 out of 32) of the states for which data are available. The CR for civil and commercial litigious cases is below 90% for less than on sixth of the states (**Malta, Greece, Monaco, Azerbaijan, Andorra, Croatia**). In 14 states the Clearance rate for civil and commercial litigious cases is more then 90% but less then 100% (**Bosnia and Herzegovina, Montenegro, Denmark, Poland, Armenia, Lithuania, UK-England and Wales, Spain, Czech Republic, Russian Federation, France, Sweden, Slovenia, Estonia**). The remaining 11 states (**Georgia, Hungary, Luxembourg, Italy, The FYROMacedonia, Republic of Moldova, Romania, Switzerland, Serbia, Finland, Latvia**) have a CR above 100%.

In the same period, confronting incoming and resolved cases, the number of second instance civil and commercial non-litigious pending cases raises in six out of 12 states. In all cases CR is above 90%. **Montenegro, Poland, Romania, Serbia, Hungary, France** Clearance rates are between 90% and 100%. Of the remaining six countries, four (**Russian Federation, Estonia, Finland, Latvia**) have a CR between 100% and 110%, while two have a clearance rate above 110% (**Slovenia, Italy**).

### 2.3.2. Highest instance

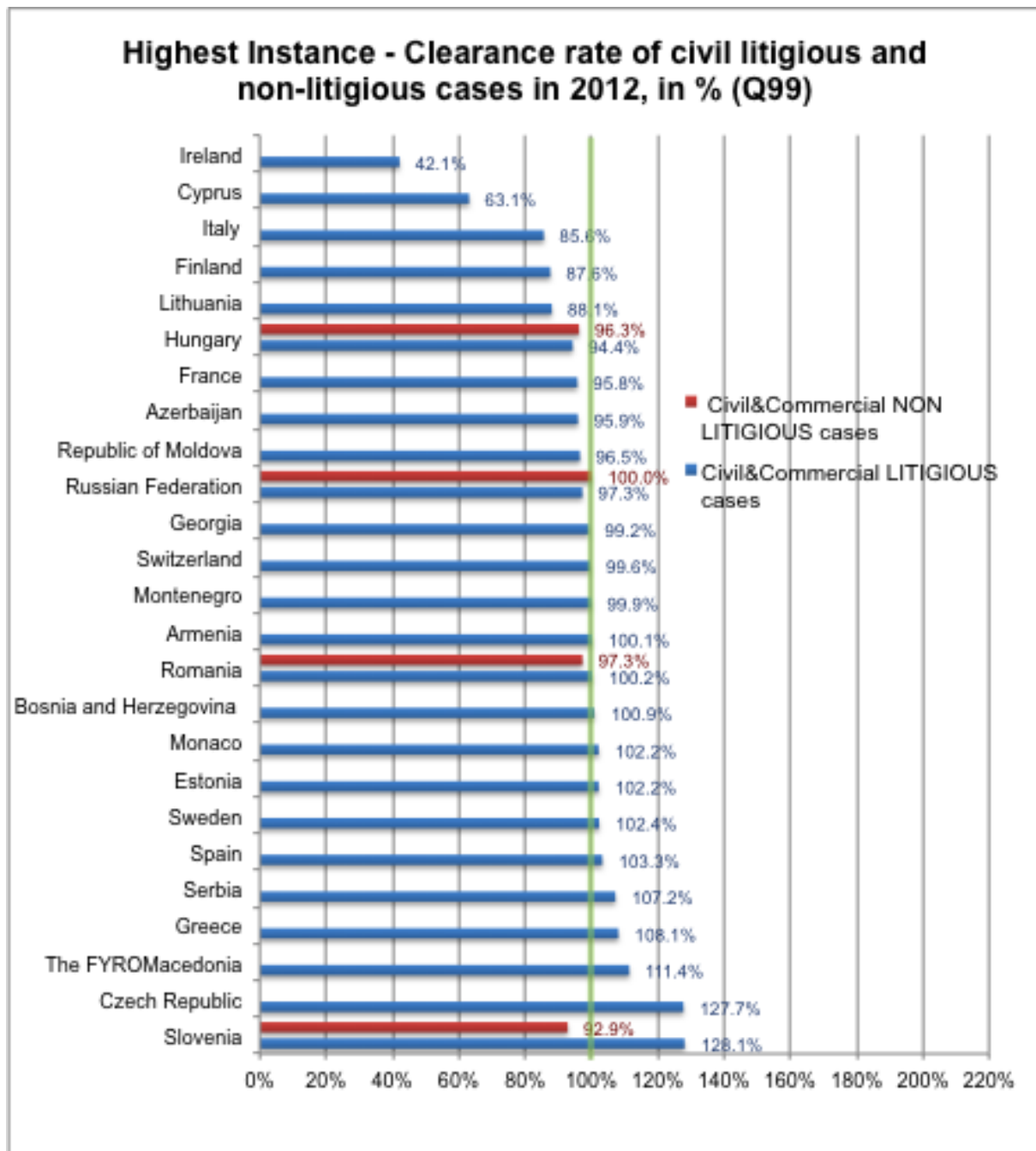


Figure 4 - Clearance rate of civil litigious and non-litigious cases in 2012, in% Highest courts

Figure 4 presents the Clearance rate in highest instance of civil and commercial litigious cases in 25 states and in four states for non-litigious cases.

Clearance rate of civil and commercial litigious cases in highest instance courts ranges from below 42.1 % of **Ireland** up to 128.1% in **Slovenia**. **Ireland's** low clearance rate reflects the fact that, until the establishment of the Court of Appeal in late October 2014, all appeals from the High Court at first instance in civil and commercial cases lay directly to the Supreme Court, there being no intermediate senior appellate jurisdiction. This resulted in delays in disposal of appeals and an accumulation of back-logged appeals. This situation has been addressed by the establishment of the Court of Appeal, following an amendment to the Constitution, as the second instance appellate court for cases tried in the High Court. The Supreme Court's new jurisdiction is now confined to hearing appeals from the Court of Appeal where the decision involves a matter of general public importance or an appeal is necessary in the interests of justice, and from the High Court only in certain exceptional circumstances.

Looking at the broader picture, in just over half of the cases (13 out of 25), the Clearance rate is below 100%. In five of these 13 cases (**Ireland, Cyprus, Italy, Finland, Lithuania**) the Clearance rate is below 90%, while in the other eight states the Clearance rate is between 90% and 100% (**Hungary, France, Azerbaijan, Republic of Moldova, Russian Federation, Georgia, Switzerland, Montenegro**). Of the 13 countries with a Clearance rate above 100%, in nine cases it is below 110% (**Armenia, Romania, Bosnia and Herzegovina, Sweden, Monaco, Estonia, Spain, Serbia, Greece**) while in three it is above 110% (**The FYROMacedonia, Czech Republic, Slovenia**).

In the same period, confronting incoming and resolved cases, the number of highest instance civil and commercial non-litigious pending cases raises in all three out of four states. **Slovenia, Hungary, Romania** Clearance rates are between 90% and 100%, while the **Russian Federation** has a CR of 100% and 110%.

## 2.4. Evolution of the Clearance rate of civil (and commercial) litigious cases between 2006 and 2012

### 2.4.1. Second instance

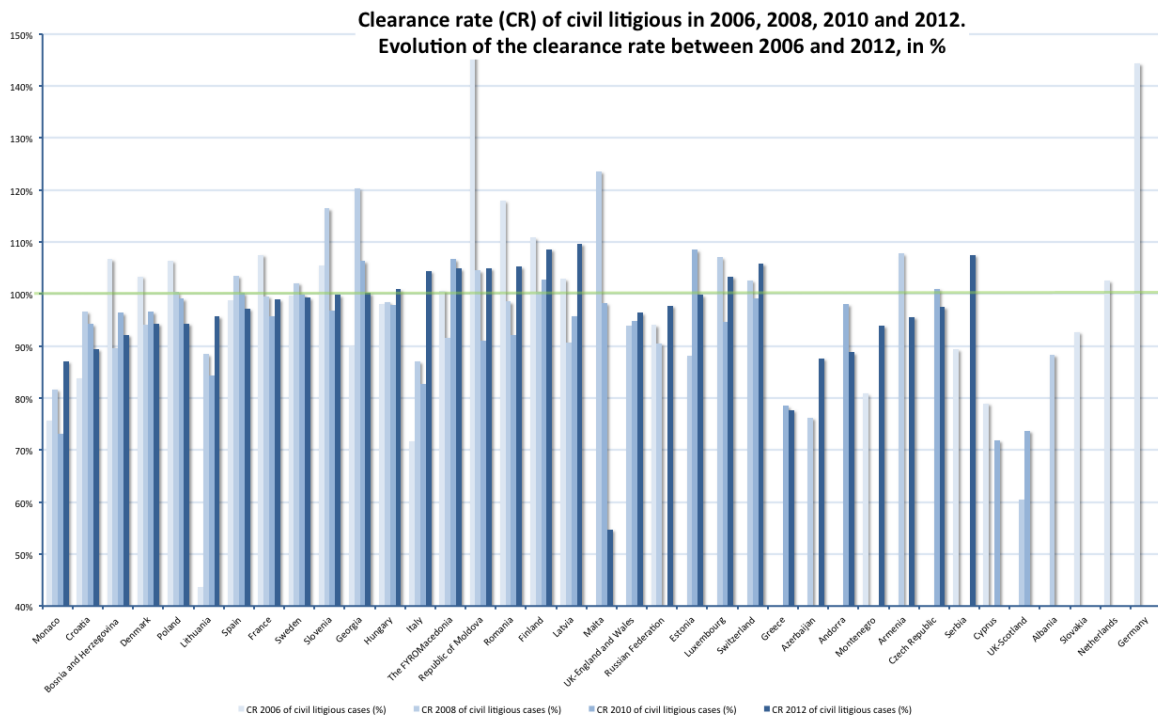
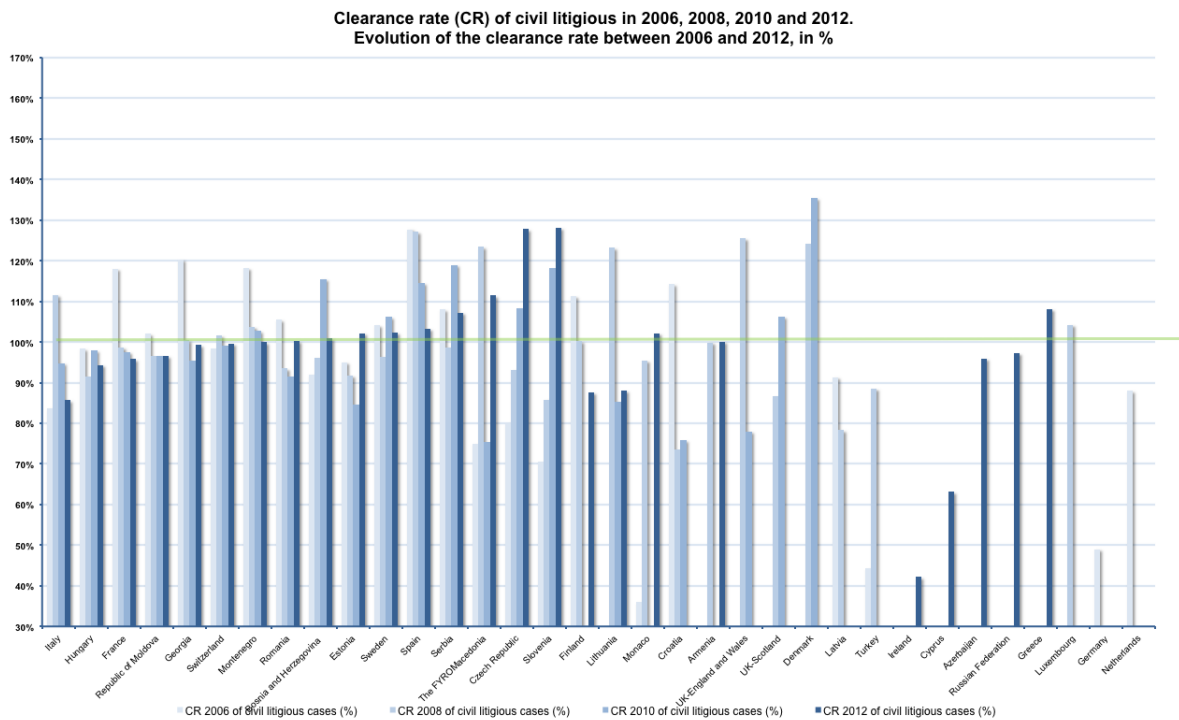


Figure 5 - Clearance rate of civil litigious cases between 2006 and 2012, second instance, in %

Figure 5 confronts the second instance Clearance rate for litigious civil (and commercial) law cases in 2006, 2008 and 2010 and 2012. Data are available for 25 states in 2006, 28 in 2008 and 28 in 2010 and 31 in 2012. Data are available for all four time periods in 18 states (**Bosnia and Herzegovina, Croatia, Denmark, Finland, France, Georgia, Hungary, Italy, Latvia, Lithuania, Republic of Moldova, Monaco, Poland, Romania, Slovenia, Spain, Sweden, The FYROMacedonia**). In five additional cases (**Estonia,**

Luxembourg, Malta, Switzerland, UK-England and Wales) it is possible to calculate CR in 2008, 2010 and 2012.

### 2.4.2. Highest instance

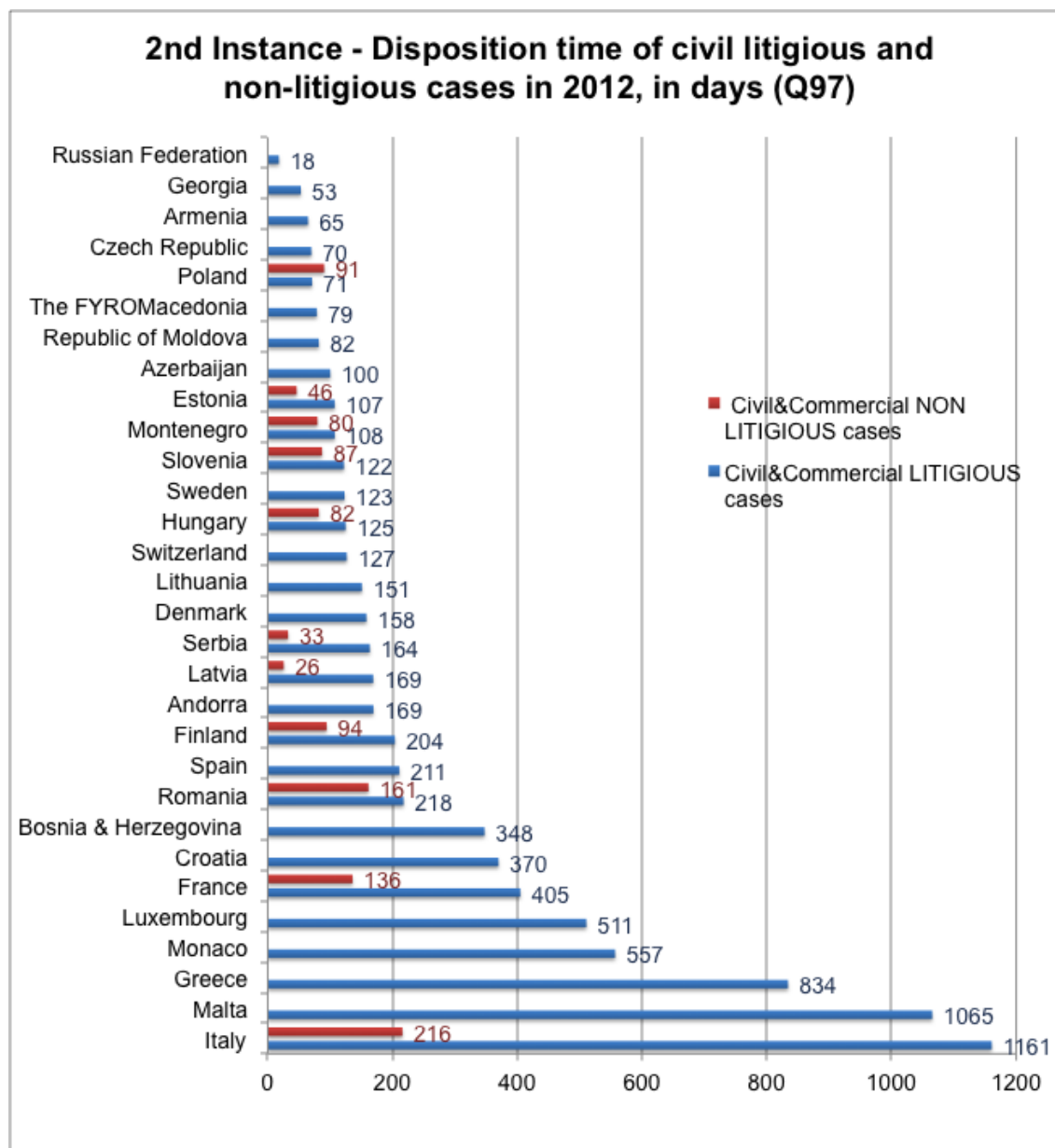


**Figure 6 - Clearance rate of civil litigious cases between 2006 and 2012, highest instance, in %**

Considering the data available, it is possible to calculate the highest instance Clearance rate for litigious civil (and commercial) law cases for 23 states in 2006, for 27 states in 2008, for 21 states in 2010 and for 25 states in 2012. The data are presented in Figure 6. Clearance rate is available for all four time-periods in 16 states (**Bosnia and Herzegovina, Czech Republic, Estonia, France, Georgia, Hungary, Italy, Republic of Moldova, Montenegro, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia**). In one additional case, **Lithuania**, it is possible to calculate CR in 2008, 2010 and 2012.

## 2.5. Disposition time of litigious and non-litigious civil (and commercial) cases in 2012

### 2.5.1. Second instance



**Figure 7 - Disposition time of litigious and non-litigious civil (and commercial) cases, second instance, in days (2012)**

Considering the data available, it has been possible to calculate the Disposition time (in days) of litigious civil (and commercial) cases at second instance for 30 states and for non-litigious cases for 11 states. In all available cases except for **Poland**, Disposition time in 2012 is shorter for non-litigious cases than for the litigious ones. Data are displayed in Figure 7.

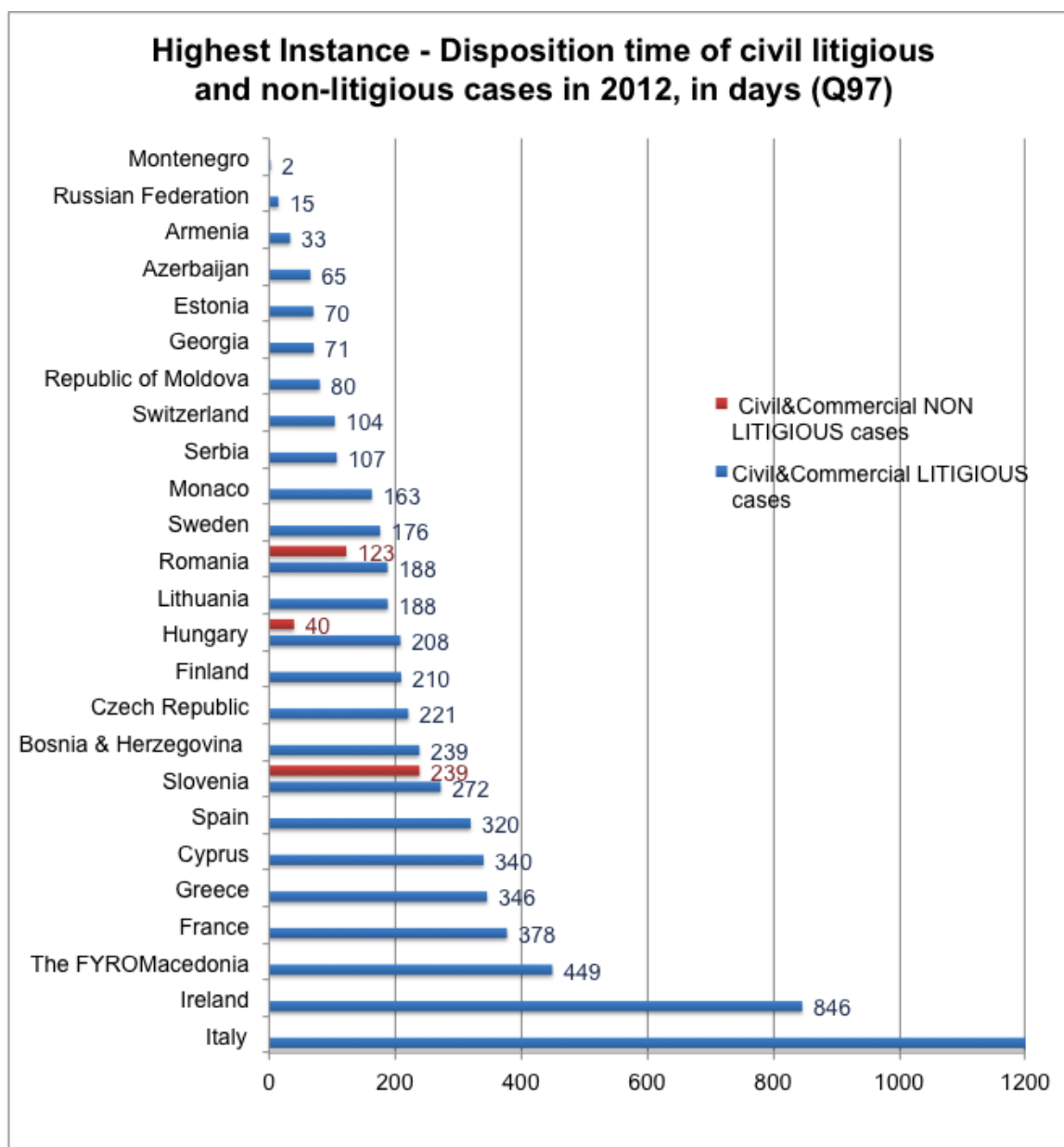
The Disposition time of litigious civil (and commercial) cases at second instance presents a great variation, ranging from less than one month (18 days for **Russian Federation**) to more than three years of **Italy** (1 161), with an average of 265 days and a median of 155.

Seven states (**Russian Federation, Georgia, Armenia, Czech Republic, Poland, The FYROMacedonia, Republic of Moldova**) have a 2012 disposition time of less than 90 days (compared to three states in 2010: **Poland, Georgia, Czech Republic**). Further 12 states have a Disposition time between three and six months (**Azerbaijan, Estonia, Montenegro, Slovenia, Sweden, Hungary, Switzerland, Lithuania, Denmark, Serbia, Latvia, Andorra**), four states of more than six months but less than one year (**Finland, Spain, Romania, Bosnia and Herzegovina**) another four between one and two years (**Croatia, France,**

**Luxembourg, Monaco**), two between two and three years, (**Greece, Malta**) and only one, **Italy**, over three years. Disposition time of civil and commercial litigious cases at second instance courts in 2006, 2008 2010 and 2012 is presented in Table 25 in Annex 2

Of the 11 states which provided data to calculate the Disposition time for non litigious cases, six (**Latvia, Serbia, Estonia, Montenegro, Hungary, Slovenia**) have a 2012 Disposition time of less than 90 days, while of the remaining five, four have a disposition time between three and six months (**Poland, Finland, France, Romania**) while the remaining one has a DT between six months and one year (**Italy**, with 216 days).

### 2.5.2. Highest instance



**Figure 8 - Disposition time of litigious and non-litigious civil (and commercial) cases, highest instance, in days (2012)**

Figure 8 shows the Disposition time of litigious civil (and commercial) cases at highest instance for 25 states (compared to 20 in 2010) and for non litigious cases for three states (compared to two in 2010).

Disposition time of litigious civil (and commercial) cases at highest instance present differences that are even greater than those of second and first instance level ranging from 2 days for **Montenegro** (19 days in 2010) to more than four years for **Italy** (from more than three years in 2010). The Disposition time average is of 263 days and the median of 188 days. Seven states in 2012 have a highest instance litigious cases disposition time of less than three months (**Montenegro, Russian Federation, Armenia, Azerbaijan, Estonia,**



Georgia, Republic of Moldova), four states have a disposition time between three and six months (Switzerland, Serbia, Monaco, Sweden), and ten have a disposition time between six months and one year (Romania, Lithuania, Hungary, Finland, Czech Republic, Bosnia and Herzegovina, Slovenia, Spain, Cyprus, Greece). In two states (France, The FYROMacedonia) litigious cases Disposition time is between one and two years while in the for one (Ireland) DT is between two and three years and, as already mentioned, about four years for Italy (1 470 days).

Disposition time of civil and commercial litigious cases at highest instance courts in 2006, 2008, 2010 and 2012 is presented in Table 26 in Annex 2

## 2.6. Disposition time and Clearance rate of litigious civil (and commercial) cases in 2012

### 2.6.1. Second instance

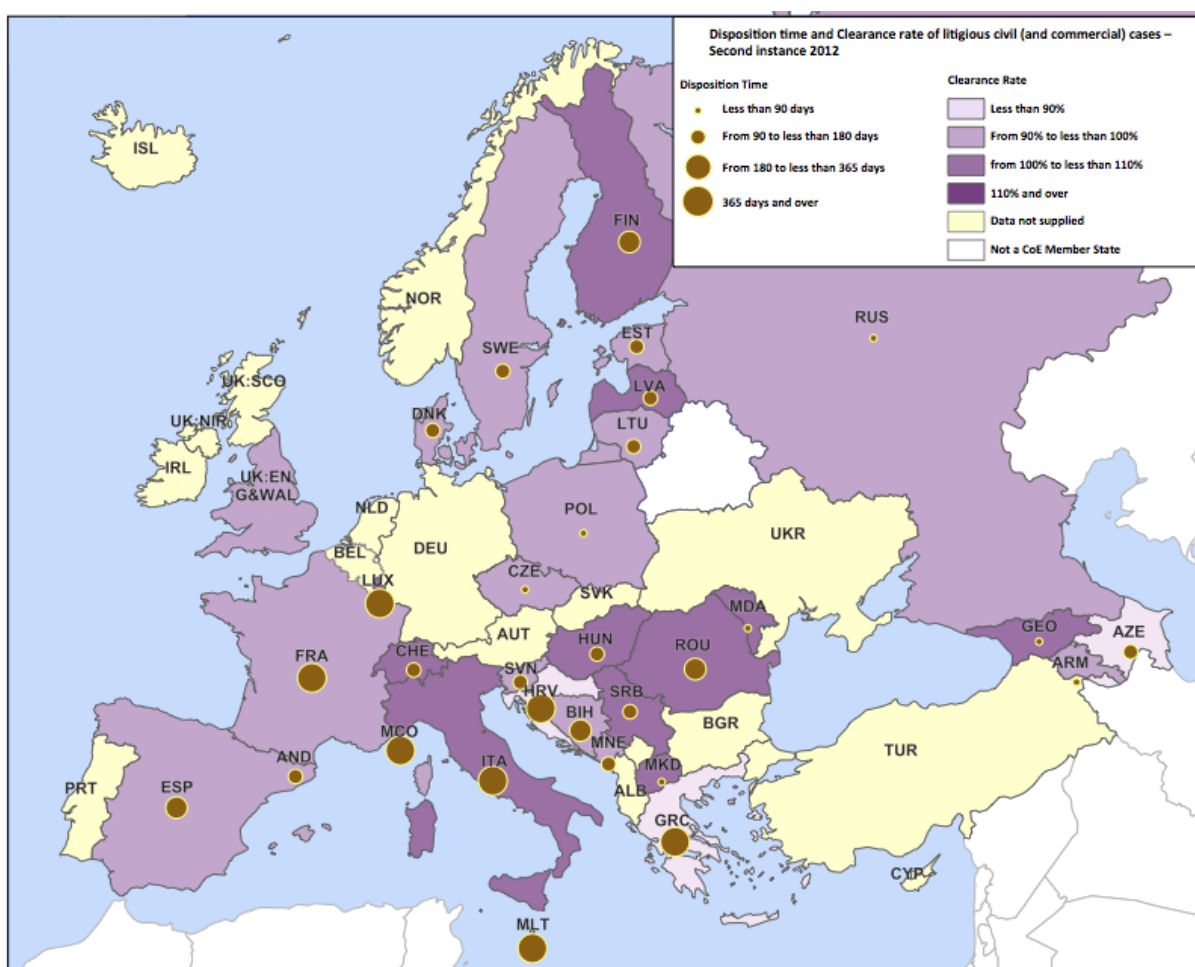


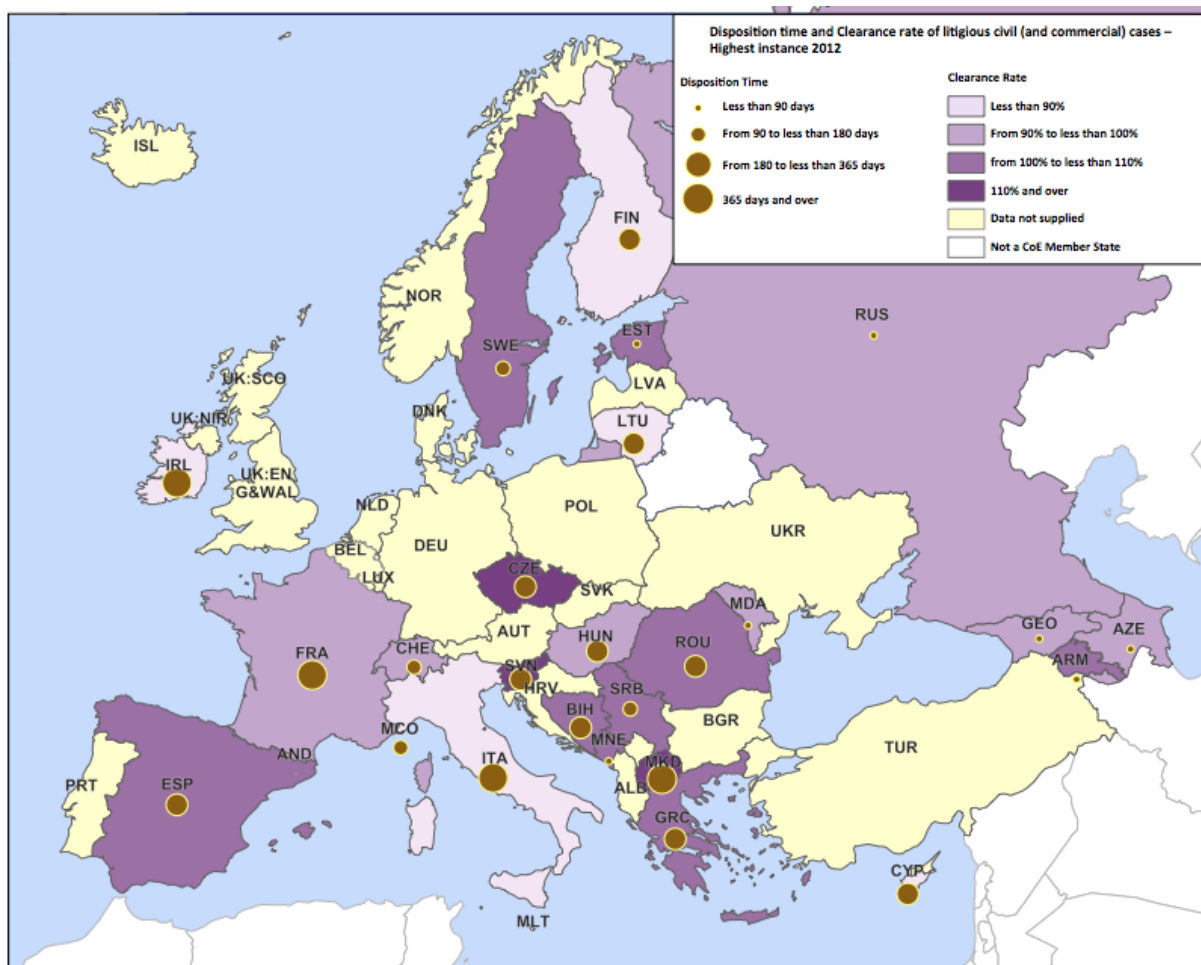
Figure 9 – Map of Disposition time and Clearance rate of litigious civil (and commercial) cases at 2nd instance in 2012

Figure 9 shows litigious civil (and commercial) cases at second instance Disposition time for 32 states and Clearance rate for 32 states. Of the seven states that have a Disposition time of less than 90 days, three have also a Clearance rate of 100% or higher (Georgia, The FYROMacedonia, Republic of Moldova), while the other four (Poland, Armenia, Czech Republic, Russian Federation) has a Clearance rate between below it. Of the 12 states with a Disposition time between three and six months, eight (Azerbaijan, Andorra, Montenegro, Denmark, Lithuania, Sweden, Slovenia, Estonia) have a Clearance rate below 100%, while four (Hungary, Switzerland, Serbia, Latvia) have a Clearance rate equal or higher than 100%. Of the four states with a Disposition time between six months and one year, two (Bosnia and Herzegovina, Spain) have a Clearance rate below 100%, while two (Romania, Finland) have a Clearance rate higher



than 100%. Of the seven states with a Disposition time of more than one year, five (**Malta, Greece, Monaco, Croatia, France**) have a Clearance rate below 100%. One state (**UK-England and Wales**) provided data only to calculate the Clearance rate, which is below 100%.

### 2.6.2. Highest instance



**Figure 10 – Map of Disposition time and Clearance rate of litigious civil (and commercial) cases at highest instance in 2012**

Figure 10 presents the Disposition time for 25 states and the Clearance rate for 25 states, for litigious civil (and commercial) cases at highest instance.

Of the seven states that have a Disposition time of less than three months, five have also a Clearance rate below 100% (**Azerbaijan, Republic of Moldova, Russian Federation, Georgia, Montenegro**), while the remaining two (**Armenia, Estonia**) have a Clearance rate above it. Four states have a Disposition time between three and six months. One of them (**Switzerland**) has a Clearance rate below 100%, while three (**Sweden, Monaco, Serbia**) have a Clearance rate higher than 100%. Of the ten states with a Disposition time between six months and one year, four (**Cyprus, Finland, Lithuania, Hungary**) have a Clearance rate below 100%, while six (**Romania, Bosnia and Herzegovina, Spain, Greece, Czech Republic, Slovenia**) have a Clearance rate higher than 100%.

Of the four states with a Disposition time of over one year, three (**Ireland, Italy, France**) have a Clearance rate below 100%, while one (**The FYROMacedonia**) has a Clearance rate higher than 100%.



### 3. Administrative law cases second and highest instance data analysis

This section analyses through descriptions, tables and figures, the second and highest instance Clearance rate, Evolution of the Clearance rate for *administrative law cases*.

#### 3.1. Incoming, resolved and pending (31 Dec.) cases in 2012

##### 3.1.1. Second instance

Table 7 – Incoming, resolved and pending (31 Dec.) second instance administrative law cases in 2012, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	120	156	27	157.4	204.6	35.4
Armenia	1 588	1 495	325	52.5	49.4	10.7
Austria	NAP	NAP	NAP	NAP	NAP	NAP
Azerbaijan	2 012	1 561	576	21.8	16.9	6.2
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	8 771	9 163	8 228	228.9	239.1	214.7
Bulgaria	18 188	18 204	3 627	249.7	249.9	49.8
Croatia	3 982	17 925	18 625	93.4	420.6	437.0
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	8 148	7 976	8 681	77.5	75.9	82.6
Denmark	NA	NA	NA	NA	NA	NA
Estonia	1 420	1 327	724	110.4	103.1	56.3
Finland	NAP	NAP	NAP	NAP	NAP	NAP
France	28 494	29 169	27 648	43.4	44.5	42.2
Georgia	2 272	2 292	212	50.7	51.1	4.7
Germany	44 091	42 797	50 488	55.0	53.3	62.9
Greece	28 136	19 492	60 327	254.3	176.2	545.3
Hungary	1 761	1 909	312	17.8	19.3	3.1
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NAP	NAP	NAP	NAP	NAP	NAP
Italy	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	3 748	3 411	2 559	183.3	166.8	125.1
Lithuania	3 482	4 312	1 270	115.9	143.6	42.3
Luxembourg	292	214	170	55.6	40.8	32.4
Malta	NA	NA	NA	NA	NA	NA
Republic of Moldova	1 075	1 020	175	30.2	28.7	4.9
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	3 400	2 963	1 701	548.4	477.9	274.3
Netherlands	11 006	10 871	13 100	65.6	64.8	78.1
Norway	NAP	NAP	NAP	NAP	NAP	NAP
Poland	19 892	17 195	16 293	51.6	44.6	42.3
Portugal	NA	NA	NA	NA	NA	NA
Romania	NA	NA	NA	NA	NA	NA
Russian Federation	337 426	295 408	62 028	235.4	206.1	43.3
Serbia	NA	NA	NA	NA	NA	NA
Slovakia	29	27	10	0.5	0.5	0.2
Slovenia	NAP	NAP	NAP	NAP	NAP	NAP
Spain	26 263	29 288	28 653	57.1	63.7	62.3
Sweden	25 442	28 063	9 161	266.2	293.7	95.9
Switzerland	18 378	18 521	11 785	228.6	230.4	146.6
The FYROMacedonia	1 750	1 715	40	84.9	83.2	1.9
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	30 933	28 434	NA	54.7	50.3	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA

UK-Scotland	NA	NA	NA	NA	NA	NA
<b>Average</b>	23 411	22 034	12 567	125.6	133.3	96.2
<b>Median</b>	3 982	7 976	3 093	77.5	75.9	46.5
<b>Minimum</b>	29	27	10	0.5	0.5	0.2
<b>Maximum</b>	337 426	295 408	62 028	548.4	477.9	545.3

In relation to second instance administrative law cases in 2012, 27 states were able to provide data on the number incoming cases, another 27 on the number of resolved cases and 26 on the pending cases at the end of the year (31 December 2012). Table 7 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 0.5 cases (**Slovakia**) to a maximum of 548.4 (**Montenegro**), with an average of 125.6 cases and a median of 77.5. In comparison to incoming cases, resolved cases per 100 000 inhabitants range also from a minimum of 0.5 cases (**Slovakia**) to a maximum of 477.9 (**Montenegro**), with an average of 133.3 cases, and a median of 75.9. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 0.2 cases (**Slovakia**) and a maximum of 545.3 (**Greece**), with an average of 96.2 cases, and a median of 46.5 cases.

Due to a reform of the administrative adjudication system in **Croatia** starting with 1 January 2012, the available data for this country are provided in this table but are not used for the calculations of indicators and trends in the following sections as they results would be misleading and could lead to wrong conclusions.

### 3.1.2. Highest instance

**Table 8 – Incoming, resolved and pending (31 Dec.) highest instance administrative law cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	810	829	52	26.8	27.4	1.7
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	796	634	206	8.6	6.9	2.2
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5 895	3 856	6 926	153.9	100.6	180.8
Bulgaria	15 718	16 282	4 774	215.8	223.5	65.5
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	288	116	791	33.3	13.4	91.4
Czech Republic	3 714	3 347	1 350	35.3	31.8	12.8
Denmark	NA	NA	NA	NA	NA	NA
Estonia	90	76	32	7.0	5.9	2.5
Finland	3 947	3 928	3 960	72.7	72.4	73.0
France	9 035	9 131	6 771	13.8	13.9	10.3
Georgia	900	868	360	20.1	19.4	8.0
Germany	7 282	7 289	3 932	9.1	9.1	4.9
Greece	NA	NA	NA	NA	NA	NA
Hungary	1 824	1 625	1 247	18.4	16.4	12.6
Iceland	NA	NA	NA	NA	NA	NA
Ireland	NAP	NAP	NAP	NAP	NAP	NAP
Italy	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	NA	NA	NA	NA	NA	NA
Lithuania	NAP	NAP	NAP	NAP	NAP	NAP
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	2 624	2 516	534	73.7	70.7	15.0
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	318	306	23	51.3	49.4	3.7
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NAP	NAP	NAP	NAP	NAP	NAP
Poland	19 892	17 195	16 293	51.6	44.6	42.3
Portugal	NA	NA	NA	NA	NA	NA
Romania	58 569	40 441	45 572	274.9	189.8	213.9
Russian Federation	28 847	27 780	1 913	20.1	19.4	1.3
Serbia	928	966	203	12.9	13.4	2.8

Slovakia	3 421	2 997	1 660	63.2	55.4	30.7
Slovenia	1 215	1 297	296	59.0	63.0	14.4
Spain	5 909	9 910	8 084	12.8	21.5	17.6
Sweden	7 324	6 900	2 837	76.6	72.2	29.7
Switzerland	4 547	4 393	1 525	56.6	54.6	19.0
The FYROMacedonia	18	26	3	0.9	1.3	0.1
Turkey	143 113	140 815	209 327	189.2	186.2	276.8
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	3	NA	NA	0.0	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NA	NA	NA	NA
<b>Average</b>	13 081	11 674	12 747	62.3	53.2	45.3
<b>Median</b>	3 714	3 172	1 525	35.3	29.6	14.4
<b>Minimum</b>	18	3	3	0.9	0.005	0.1
<b>Maximum</b>	143 113	140 815	209 327	274.9	223.5	276.8

In relation to highest instance administrative law cases in 2012, 25 states were able to provide data on the number incoming cases, another 26 on the number of resolved cases and 25 on the pending cases at the end of the year (31 December 2012). Table 8 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 0.9 cases (**The FYROMacedonia**) to a maximum of 274.9 (**Romania**), with an average of 62.3 cases and a median of 35.3. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 0.005 cases (**UK-England and Wales**) to a maximum of 223.5 (Bulgaria), with an average of 53.2 cases, and a median of 29.6. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 0.1 cases (**The FYROMacedonia**) and a maximum of 276.8 (**Turkey**), with an average of 45.3 cases, and a median of 14.4 cases.

## 3.2. Clearance rate of administrative law cases in 2012

### 3.2.1. Second instance

Figure 11 presents Clearance rate for administrative law cases at second instance in 2012. For administrative law cases, 26 states were able to provide data needed to calculate the 2012 Clearance rate at second instance. Second instance administrative law cases clearance rate ranges from a minimum of 69.3% (**Greece**) to a maximum of 130.0% (**Andorra**), with an average of 97.1% and a median of 97.5%.

More than half of the states (16 out of 26, including **Greece, Luxembourg, Azerbaijan, Poland, Montenegro, Russian Federation, Latvia, UK-England and Wales, Slovakia, Estonia, Armenia, Republic of Moldova, Germany, Czech Republic, The FYROMacedonia, Netherlands**) have a clearance rate below 100%, and in particular two are below 75% (**Greece, Luxembourg**) and one is just above it (**Azerbaijan**, with a Clearance rate of 77.6%). Another three of these states have a clearance rate below 90% (Poland, Montenegro, Russian Federation) while for the remaining 10 states the clearance rate is above 90% but below 100% (**Latvia, UK-England and Wales, Slovakia, Estonia, Armenia, Republic of Moldova, Germany, Czech Republic, The FYROMacedonia, Netherlands**).

10 states have a clearance rate above it 100% (**Bulgaria, Switzerland, Georgia, France, Bosnia and Herzegovina, Hungary, Sweden, Spain, Lithuania, Andorra**), with four cases above 110% (**Sweden, Spain, Lithuania, Andorra**).

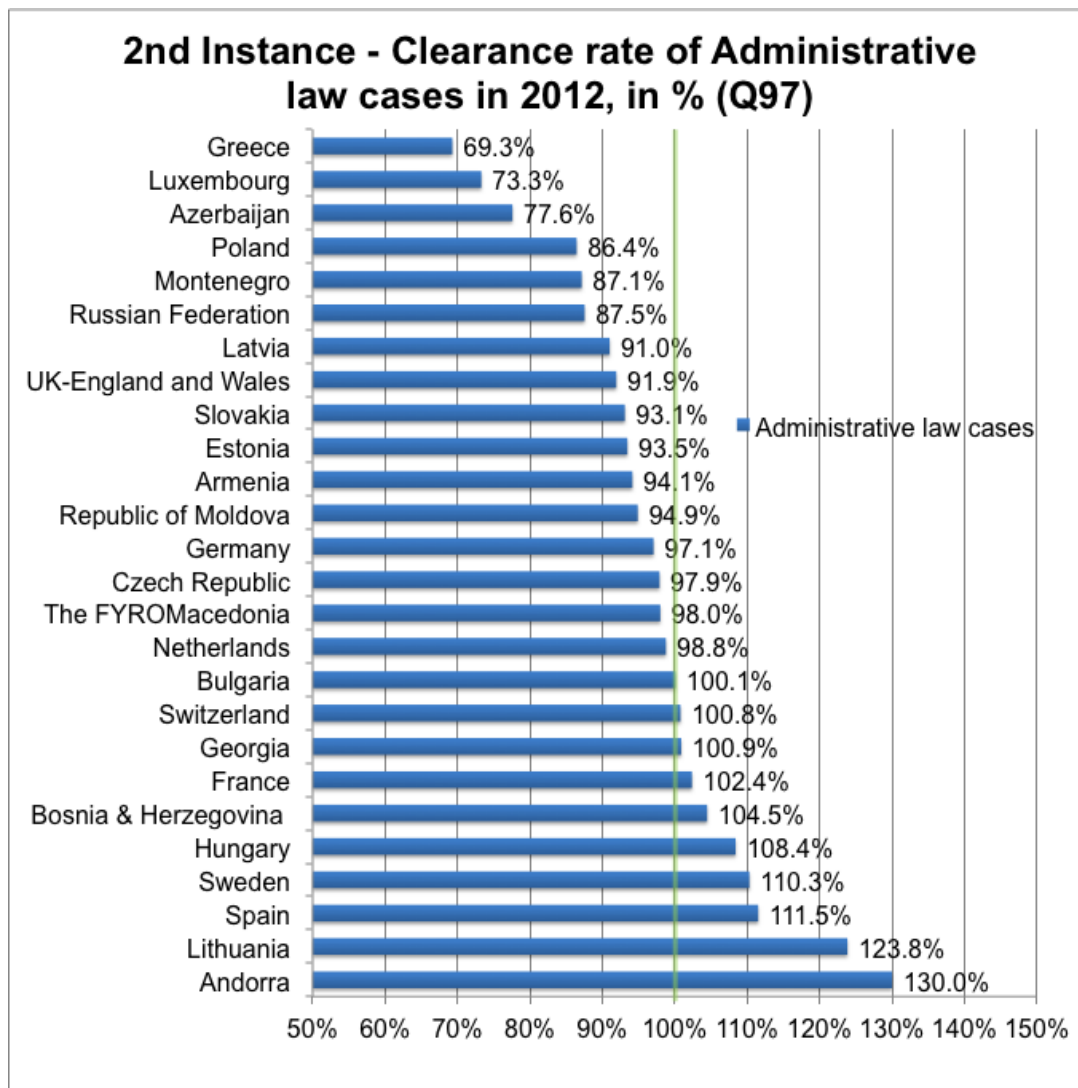


Figure 11 - Clearance rate of administrative law cases, appeal courts, in 2012

### 3.2.2. Highest instance

25 states were able to provide data needed to calculate the 2012 Clearance rate for administrative law cases at highest instance. Data are presented in Figure 12. Administrative law cases at highest instance Clearance rate ranges from a minimum of 40.3% of **Cyprus** up to a maximum of 167.7% of **Spain**, with an average of 95.8% and a median of 96.3%. Overall, Almost two thirds of the countries have a clearance rate below 100% (**Cyprus, Bosnia and Herzegovina, Romania, Azerbaijan, Estonia, Poland, Slovakia, Hungary, Czech Republic, Sweden, Republic of Moldova, Montenegro, Russian Federation, Georgia, Switzerland, Turkey, Finland**). In particular three cases CR is below 75% (**Cyprus, Bosnia and Herzegovina, Romania**) and in another five the CR is below 90% (**Azerbaijan, Estonia, Poland, Slovakia, Hungary**) while for the remaining nine it is above 90% but below 100% (**Czech Republic, Sweden, Republic of Moldova, Montenegro, Russian Federation, Georgia, Switzerland, Turkey, Finland**).

In eight states the CR is equal or above 100% (**Germany, France, Armenia, Bulgaria, Serbia, Slovenia, The FYROMacedonia, Spain**). In two of these states, **The FYROMacedonia** and **Spain**, the clearance rate is above 110%.

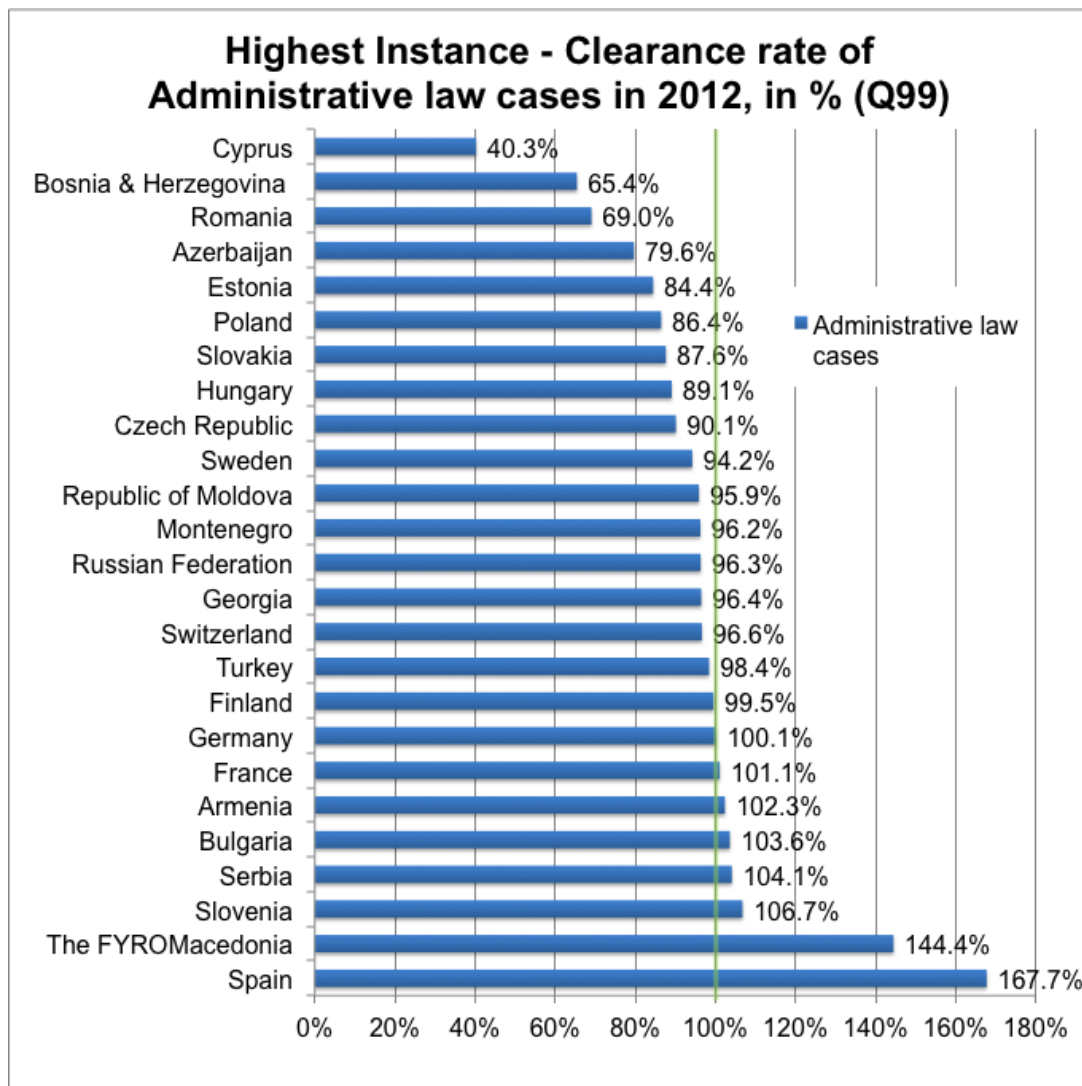
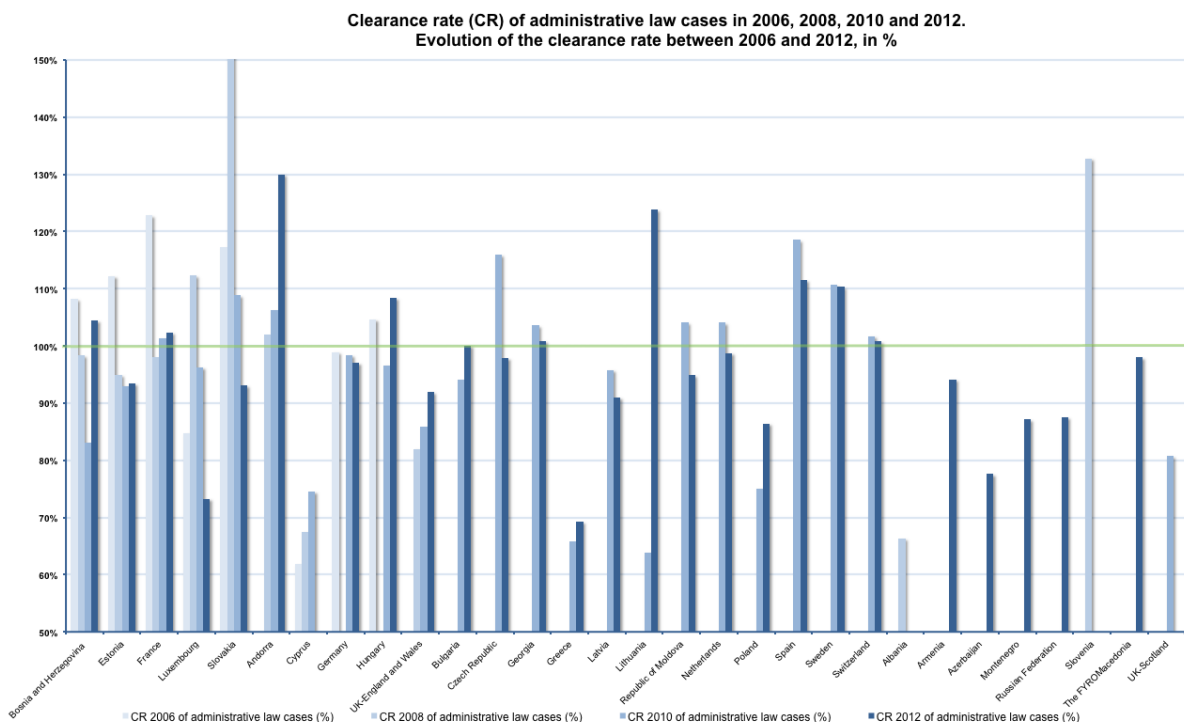


Figure 12 - Clearance rate of administrative law cases, highest instance, in 2012

### 3.3. Evolution of the Clearance rate of administrative law cases between 2006 and 2012

#### 3.3.1. Second instance



**Figure 13 - Clearance rate of administrative law cases between 2006 and 2012, second instance courts, in %**

Considering the data available, it is possible to calculate second instance Clearance rate for administrative law cases for 8 states in 2006 (in 3 cases below 100%, in 5 cases above 100%), for 10 states in 2008 (in 6 cases below 100%, in 4 cases above 100%), for 23 states in 2010 (in 13 cases below 100%, in 10 cases above 100%) and for 26 states in 2012 (in 16 cases below 100%, in 10 cases above 100%).

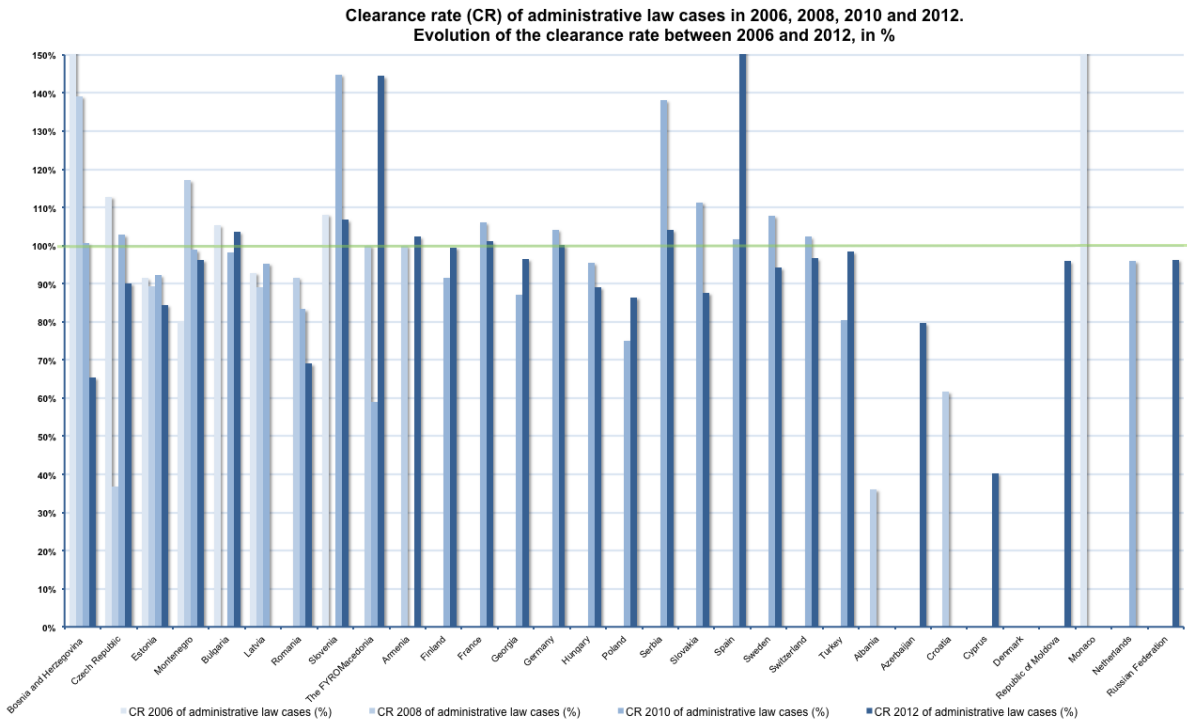
The data are presented in Figure 13. Clearance rate is available for all four time-periods in five states (**Bosnia and Herzegovina, Estonia, France, Luxembourg, Slovakia**). In two additional cases, **Andorra** and **UK-England and Wales**, it is possible to calculate CR in 2008, 2010 and 2012.

#### 3.3.2. Highest instance

Overall, Clearance rate for highest instance administrative law cases can be calculated for 8 states in 2006 (in 3 cases below 100%, in 5 cases above 100%), for 11 states in 2008 (in 7 cases below 100%, in 2 cases above 100%), for 22 states in 2010 (in 12 cases below 100%, in 10 cases above 100%) and for 25 states in 2012 (in 17 cases below 100%, in 8 cases above 100%).

The data are presented in Figure 14. Clearance rate is available for all four time-periods in four states (**Bosnia and Herzegovina, Czech Republic, Estonia, Montenegro**). In two additional cases, **Romania** and **The FYROMacedonia** it is possible to calculate CR in 2008, 2010 and 2012.





**Figure 14 - Clearance rate of administrative law cases between 2006 and 2012, highest instance courts, in %**



## 4. Total number of civil, commercial and administrative law cases (civil & commercial litigious + administrative law cases) second and highest instance data analysis

In this edition, in line with the choice made for the European Judicial Systems report 2014, the total of civil, commercial and administrative law cases is calculated as the sum of “civil & commercial litigious cases” + “administrative law cases”. The value is provided only if data is available in both categories or NAP in one of the two categories. If both categories are NAP, the result is considered NAP, while if one or both categories are NA, the results is NA.<sup>28</sup>

### 4.1. Incoming, resolved and pending (31 Dec.) cases in 2012

#### 4.1.1. Second instance

Table 9 – Incoming, resolved and pending (31 Dec.) second instance total number of civil, commercial and administrative law cases in 2012, absolute numbers and per 100 000 inhabitants

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	530	520	196	695.1	682.0	257.1
Armenia	5 301	5 046	954	175.1	166.7	31.5
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	13 670	11 779	3 385	148.0	127.5	36.7
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	42 635	40 381	37 958	1 112.7	1 053.9	990.7
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	97 536	95 184	25 398	928.1	905.7	241.7
Denmark	NA	NA	NA	NA	NA	NA
Estonia	3 245	3 149	1 260	252.2	244.8	97.9
Finland	1 760	1 912	1 068	32.4	35.2	19.7
France	234 833	233 488	254 332	358.1	356.0	387.8
Georgia	7 071	7 100	912	157.7	158.3	20.3
Germany	NA	73 853	NA	NA	92.0	NA
Greece	53 496	39 203	105 371	483.6	354.4	952.5
Hungary	25 212	25 577	8 413	254.4	258.1	84.9
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA
Italy	156 965	163 967	521 416	263.0	274.7	873.6
Latvia	9 412	9 624	5 438	460.3	470.7	265.9
Lithuania	18 105	18 311	7 058	602.8	609.6	235.0
Luxembourg	1 561	1 526	2 006	297.3	290.7	382.1
Malta	NA	NA	NA	NA	NA	NA
Republic of Moldova	13 839	14 419	3 184	388.8	405.1	89.5
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	11 907	10 957	4 056	1 920.4	1 767.2	654.2
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	148 878	138 917	40 025	386.4	360.5	103.9
Portugal	NA	NA	NA	NA	NA	NA

<sup>28</sup> N.B. These values are not comparable with those of the previous editions. In the first edition of this report, the data analysed were those of the “total of other than criminal law cases” category, in the second edition data are provided by the sum of three categories, “civil & commercial litigious cases” + “civil & commercial non-litigious cases” + “administrative law cases”, and in line to what done in the European Judicial Systems report 2012, for the purpose of Total number of civil, commercial and administrative law cases computation “NA” and “NAP” values in one or two categories were computed as 0.

Romania	NA	NA	NA	NA	NA	NA
Russian Federation	923 263	868 283	90 073	644.1	605.7	62.8
Serbia	NA	NA	NA	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	11 744	11 723	3 923	570.4	569.4	190.5
Spain	184 328	182 944	117 444	400.7	397.6	255.3
Sweden	28 266	30 868	10 107	295.8	323.0	105.8
Switzerland	37 026	38 268	18 638	460.6	476.0	231.8
The FYROMacedonia	25 037	26 143	5 307	1 214.0	1 267.7	257.3
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	34 768	32 131	NA	61.5	56.8	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NA	NA	NA	NA
<b>Average</b>	83 616	80 203	52 830	502.5	473.4	284.5
<b>Median</b>	25 037	25 860	6 248	388.8	358.3	233.4
<b>Minimum</b>	530	520	196	32.4	35.2	19.7
<b>Maximum</b>	923 263	868 283	521 416	1 920.4	1 767.2	990.7

In relation to second instance total number of civil, commercial and administrative law cases in 2012, 25 states were able to provide data on the number incoming cases, another 26 on the number of resolved cases and 24 on the pending cases at the end of the year (31 December 2012). Table 9 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 32.4 cases (**Finland**) to a maximum of 1 920.4 (**Montenegro**), with an average of 502.5 cases and a median of 388.8. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 35.2 cases (**Finland**) to a maximum of 1 767.2 (**Montenegro**), with an average of 473.4 cases, and a median of 358.3. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 19.7 cases (**Finland**) and a maximum of 990.7 (**Bosnia and Herzegovina**), with an average of 284.5 cases, and a median of 233.4 cases.

#### 4.1.2. Highest instance

**Table 10 – Incoming, resolved and pending (31 Dec.) highest instance total number of civil, commercial and administrative law cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	2 599	2 620	216	85.9	86.6	7.1
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	5 242	4 899	971	56.8	53.0	10.5
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	10 942	8 950	10 255	285.6	233.6	267.6
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	803	441	1 094	92.7	50.9	126.3
Czech Republic	7 628	8 347	4 375	72.6	79.4	41.6
Denmark	NA	NA	NA	NA	NA	NA
Estonia	273	263	68	21.2	20.4	5.3
Finland	4 907	4 769	4 443	90.4	87.9	81.9
France	30 833	30 005	28 361	47.0	45.7	43.2
Georgia	2 624	2 579	692	58.5	57.5	15.4
Germany	NA	8 091	NA	NA	10.1	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	4 395	4 051	2 632	44.4	40.9	26.6
Iceland	NA	NA	NA	NA	NA	NA
Ireland	605	255	591	13.2	5.6	12.9
Italy	28 766	24 637	99 253	48.2	41.3	166.3
Latvia	NA	NA	NA	NA	NA	NA
Lithuania	687	605	312	22.9	20.1	10.4

Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	6 816	6 563	1 425	191.5	184.4	40.0
Monaco	NA	NA	NA	NA	NA	NA
Montenegro	1 513	1 500	29	244.0	241.9	4.7
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA
Romania	228 520	210 782	133 296	1 072.6	989.4	625.7
Russian Federation	507 430	493 320	20 822	354.0	344.1	14.5
Serbia	5 289	5 642	1 579	73.5	78.4	21.9
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	2 564	3 025	1 585	124.5	146.9	77.0
Spain	13 978	18 243	15 386	30.4	39.7	33.4
Sweden	7 664	7 248	3 005	80.2	75.8	31.4
Switzerland	6 293	6 132	2 022	78.3	76.3	25.2
The FYROMacedonia	1 376	1 539	1 866	66.7	74.6	90.5
Turkey	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NA	NA	NA	NA
<b>Average</b>	38 337	35 604	14 534	141.5	128.5	77.4
<b>Median</b>	5 242	5 271	1 866	73.5	75.2	31.4
<b>Minimum</b>	273	255	29	13.2	5.6	4.7
<b>Maximum</b>	507 430	493 320	133 296	1 072.6	989.4	625.7

In relation to highest instance total number of civil, commercial and administrative law cases in 2012, 23 states were able to provide data on the number incoming cases, another 24 on the number of resolved cases and 23 on the pending cases at the end of the year (31 December 2012).

Table 10 presents such data in absolute numbers and per 100 000 inhabitants. Looking at incoming cases per 100 000 inhabitants, the number ranges from a minimum of 13.2 cases (**Ireland**) to a maximum of 1 072.6 (**Romania**), with an average of 141.5 cases and a median of 73.5. In comparison to incoming cases, resolved cases per 100 000 inhabitants range from a minimum of 5.6 cases (**Ireland**) to a maximum of 989.4 (**Romania**), with an average of 128.5 cases, and a median of 75.2. Considering the number of pending cases at the end of the year in per 100 000 inhabitants, the number ranges between a minimum of 4.7 cases (**Montenegro**) and a maximum of 625.7 (**Romania**), with an average of 77.4 cases, and a median of 31.4 cases.

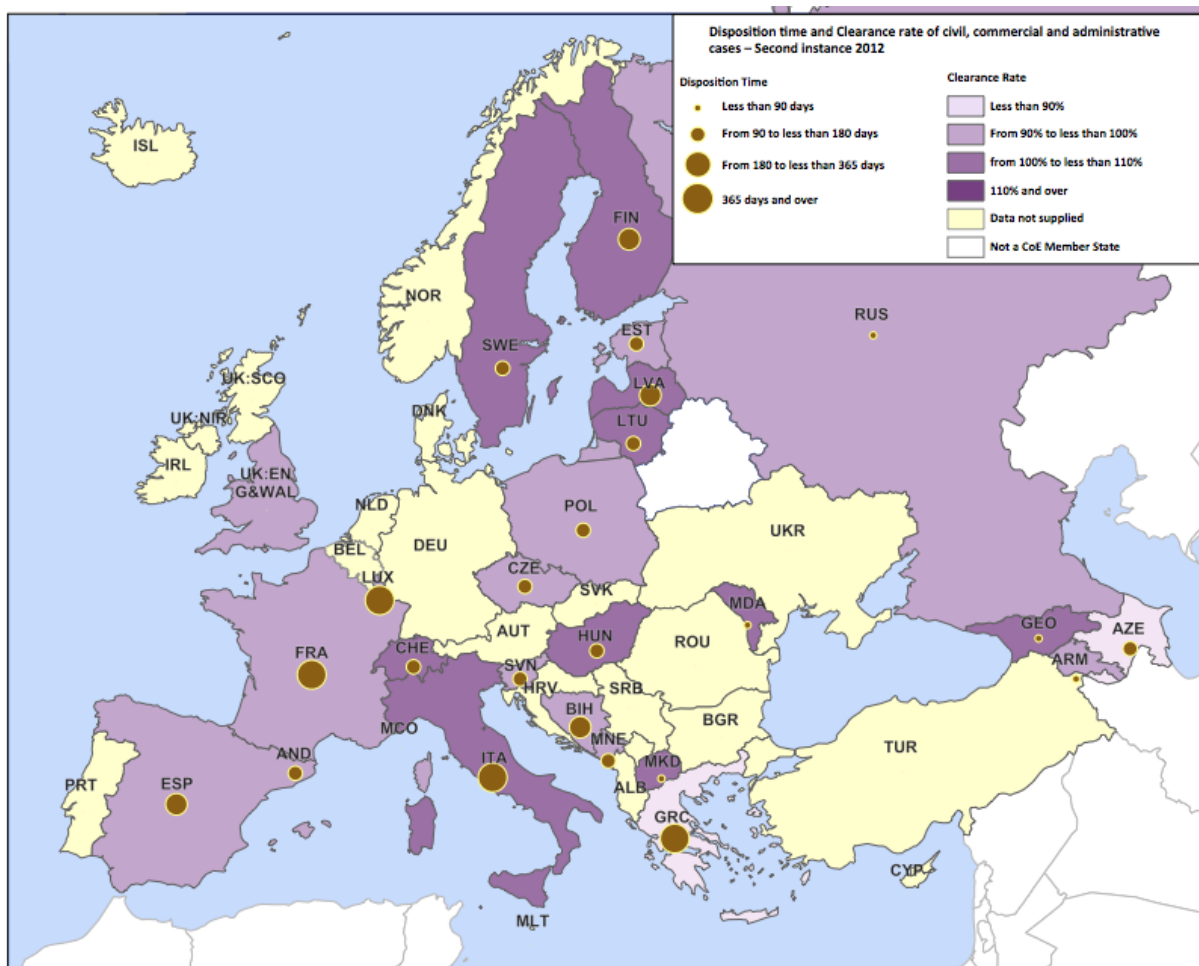
## **4.2. Disposition time and Clearance rate of the total number of civil, commercial and administrative law cases in 2012**

### **4.2.1. Second instance**

Figure 15 shows the total number of civil, commercial and administrative law cases at second instance Disposition time for 24 states and Clearance rate for 25 states.

Of the five states have a Disposition time of less than 90 days, two have a Clearance rate below 100% but above 90% (**Russian Federation, Armenia**) while three have a Clearance rate higher than 100% (**Georgia, Republic of Moldova, The FYROMacedonia**). Of the 11 states with a Disposition time between three and six months, six (**Azerbaijan, Montenegro, Poland, Estonia, Czech Republic, Andorra, Slovenia**) have a Clearance rate below 100%, and four (**Lithuania, Hungary, Switzerland, Sweden**) have a Clearance rate equal or higher than 100%. Of the four states with a Disposition time between six months and one year, two (**Bosnia and Herzegovina, Spain**) have a Clearance rate below 100% (over 99% though in the case of Spain), while the other two (**Latvia, Finland**) have a Clearance rate higher than 100%.

Of the four states with a Disposition time above one year, three (**Greece, Luxembourg, France**) have a Clearance rate below 100% while one, **Italy** (with a Disposition time of over 3 years), has a Clearance rate above 100%. For the **UK-England and Wales** Disposition time could not be calculated and the Clearance rate is below 100%.



**Figure 15 – Map of Disposition time and Clearance rate of total number of civil, commercial and administrative law cases at second instance in 2012**

#### 4.2.2. Highest instance

In Figure 16 are presented the Disposition time and the Clearance rate for 23 states for the total number of civil, commercial and administrative law cases at highest instance. Of the five states that in 2012 have a Highest instance total number of civil, commercial and administrative law cases Disposition time of less than 90 days, four (**Azerbaijan, Republic of Moldova, Russian Federation, Montenegro**) have a Clearance rate lower than 100%, while one (**Armenia**) has a Clearance rate higher than 100%. Of the five states with a Disposition time between three and six months four (**Sweden, Estonia, Switzerland, Georgia**) have a Clearance rate below 100%, while one (**Serbia**) has a Clearance rate higher than 100%. Of the eight states with a Disposition time between six months and one year, five (**Lithuania, Hungary, Romania, Finland, France**) have a Clearance rate below 100%, while three (**Czech Republic, Slovenia, Spain**) have a Clearance rate higher than 100%.

Of the five states with a Disposition time of over one year four (**Ireland, Cyprus, Bosnia and Herzegovina, Italy**) have a Clearance rate below 100% and only one, **The FYROMacedonia**, above it.

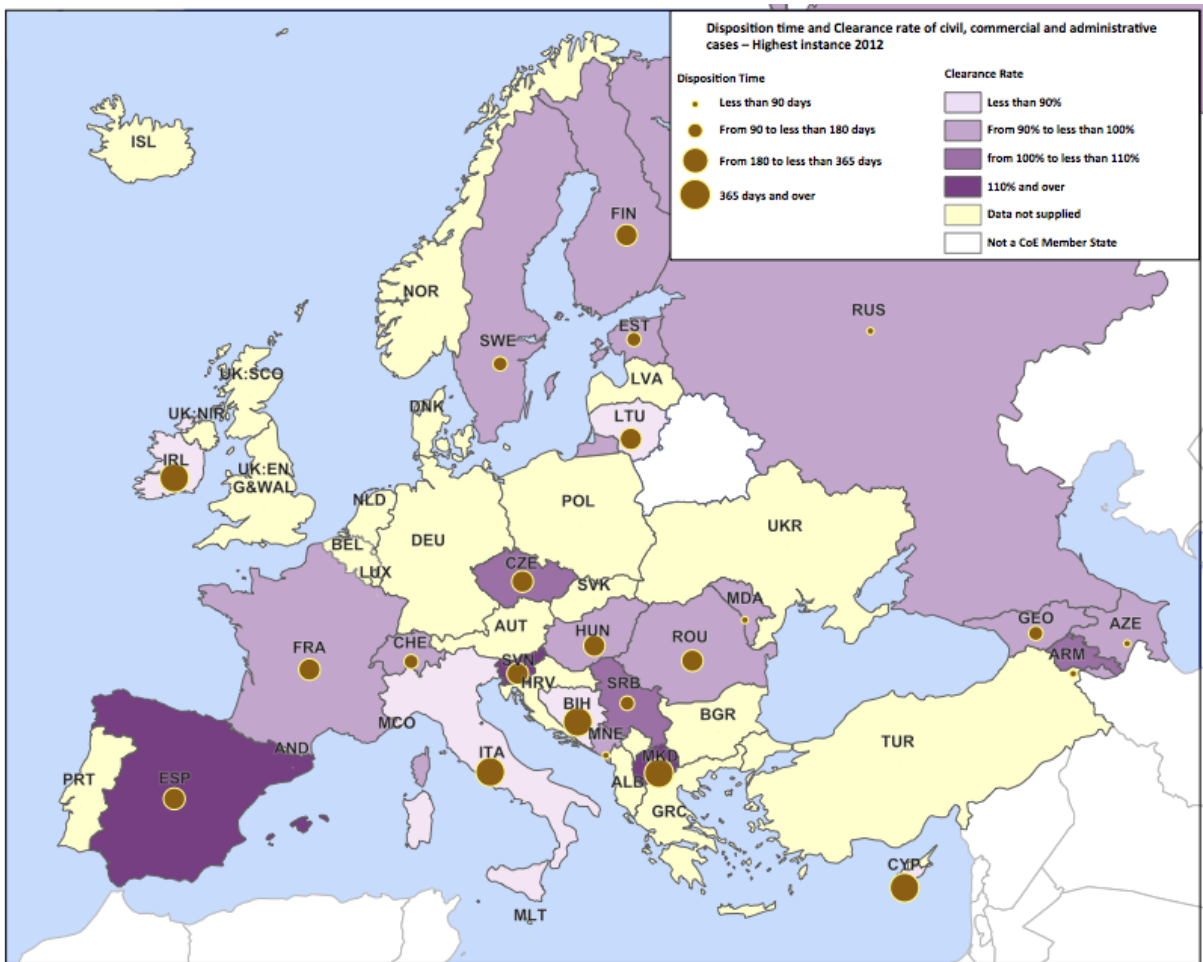


Figure 16 – Map of Disposition time and Clearance rate of total number of civil, commercial and administrative law cases at highest instance in 2012

### 4.3. Evolution of the Clearance rates of the total number of civil, commercial and administrative law cases between 2006 and 2012

#### 4.3.1. Second instance

As shown in Figure 17, Clearance rates of the total number of civil, commercial and administrative law cases at second instance can be calculated for 23 states in 2006 (in 12 cases below 100%, in 11 cases above 100%), for 24 states in 2008 (in 15 cases below 100%, in 9 cases above 100%), for 20 states in 2010 (in 14 cases below 100%, in 6 cases above 100%) and for 25 states in 2012 (in 15 cases below 100%, in 10 cases above 100%).

Ten states have provided the data needed to calculate the Clearance rates of the total number of civil, commercial and administrative law cases at second instance in 2006, 2008, 2010 and 2012 (**Bosnia and Herzegovina, Spain, France, Slovenia, Georgia, Lithuania, Hungary, Latvia, Republic of Moldova, Sweden**).

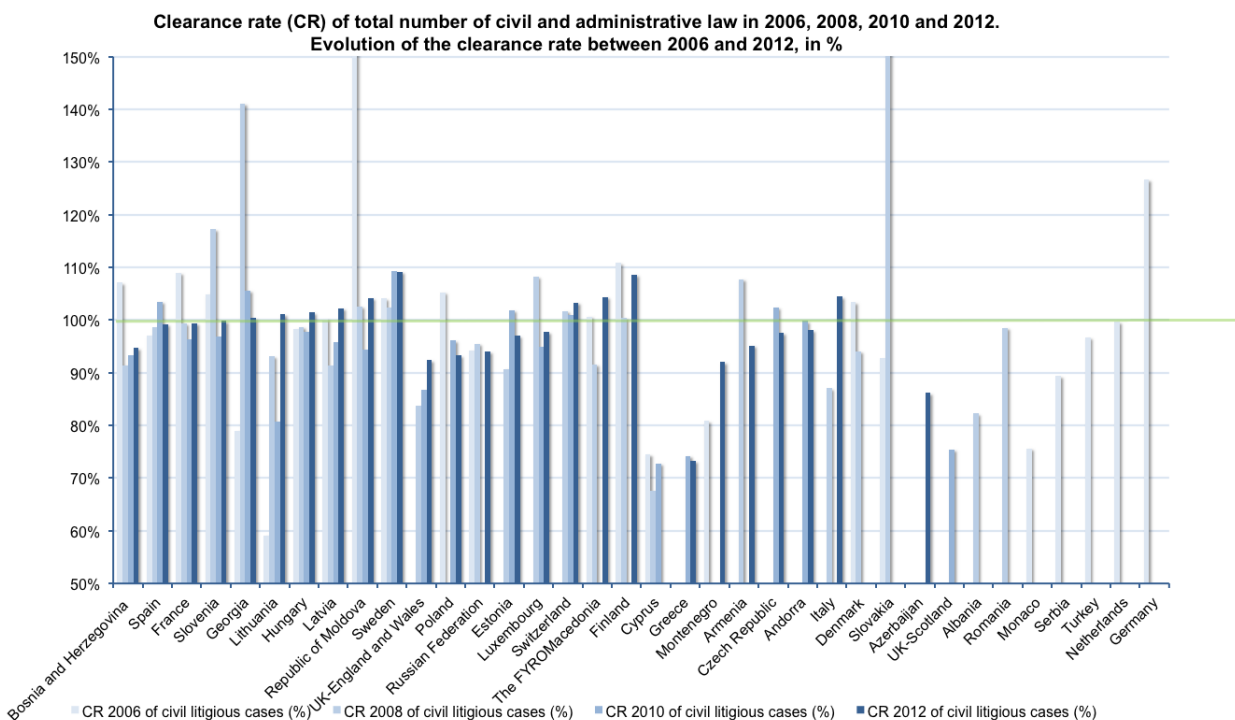


Figure 17 - Clearance rates of the total number of appeal courts civil, commercial and administrative law cases between in 2006, 2008, 2010 and 2012, in %

#### 4.3.2. Highest instance

Clearance rates of the total number of civil, commercial and administrative law cases (calculated as the sum of civil and commercial litigious cases and administrative law cases) at highest instance can be calculated for 24 states in 2006 (in 13 cases below 100%, in 11 cases above 100%), for 28 states in 2008 (in 15 cases below 100%, in 12 cases above 100%), for 15 states in 2010 (in 6 cases below 100%, in 9 cases above 100%) and for 23 states in 2012 (in 17 cases below 100%, in 6 cases above 100%).

14 states have provided the data needed to calculate the Clearance rates of the total number of civil, commercial and administrative law cases at highest instance in 2006, 2008, 2010 and 2012 (**Bosnia and Herzegovina, Hungary, Romania, Sweden, Estonia, France, Switzerland, Georgia, Montenegro, Serbia, Czech Republic, The FYROMacedonia, Slovenia, Spain**). In one additional case, **Lithuania**, it is possible to calculate CR in 2008, 2010 and 2012. Please note that the explanation of the context of very low **Ireland** Clearance rate value at highest instance in 2012 is provided in chapter 2.3.2



Clearance rate (CR) of total number of civil and administrative law in 2006, 2008, 2010 and 2012.  
Evolution of the clearance rate between 2006 and 2012, in %

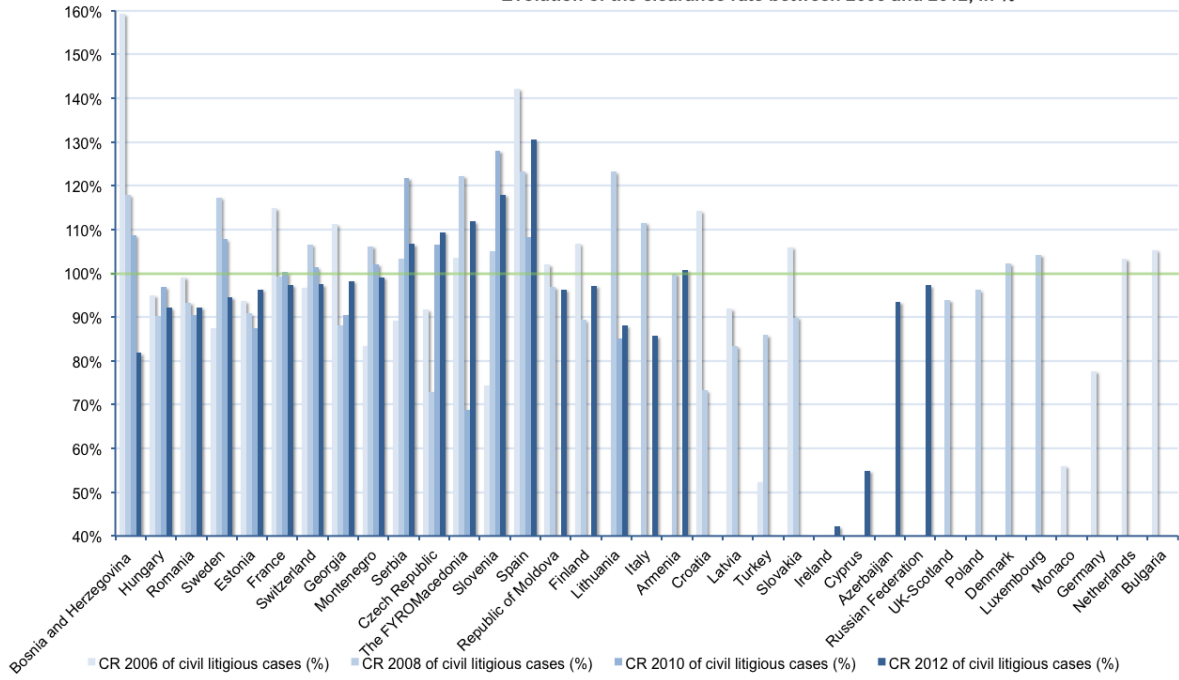


Figure 18 - Clearance rates of the total number of highest instance civil, commercial and administrative law cases in 2006, 2008, 2010 and 2012, in %



## 5. Criminal law and misdemeanour second and highest instance data analysis

Within the CEPEJ Evaluation scheme and as clearly stated in the CEPEJ European judicial systems studies,<sup>29</sup> states are asked to submit information concerning criminal law cases according to three categories: severe criminal cases, minor offences (misdemeanours) and total number of criminal cases, corresponding to the sum of the previous two category.

According to the Explanatory note to the scheme for evaluating judicial systems (sixth evaluation cycle 2012 – 2014, focused on 2012 data), criminal cases are “**all cases for which a sanction may be imposed by a judge**, even if this sanction is foreseen, in some national systems, in an administrative code (e.g. fines or community service). These can include, for example, some anti-social behaviour, nuisance or some traffic offenses”.<sup>30</sup> At the same time, “offenses sanctioned directly by the police or by an administrative authority, and not by a judge, should not be counted (e.g. penalty for parking in a closed area not contested before a judge, or failure to comply with an administrative formality not contested before a judge)”.<sup>31</sup>

These categories correspond to the way criminal law cases are classified in a majority of member states. The total number of criminal offences includes all offences defined as criminal by any law, including traffic offences (mostly dangerous and drunk driving). To differentiate between minor offenses and serious offenses and ensure as much as possible the consistency of the responses between different systems, the CEPEJ has invited the member states to classify as minor offenses “*all offenses for which it is not possible to pronounce a sentence of privation of liberty*”.<sup>32</sup> Conversely, as “severe offenses” should be classified “*all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment)*”.<sup>33</sup> Examples of severe criminal cases are murder, rape, organized crime, fraud, drug trafficking, trafficking of human beings, while examples of minor offences include shoplifting, certain categories of driving offences, disturbance of the public order, etc.

It should be noted that states classify criminal law cases in a different manner. What is defined as a minor offence in a given state can be a severe criminal case in other states. Furthermore, there may be states where small traffic offences are not part of the criminal law, but are dealt with by the administrative law or in which some behaviours are not considered against the law. As a consequence of the consistent variation in the classifications used in criminal cases by the various states, the data presented should then be interpreted with care.

For economy of space, some selections have been required in terms of selections of data to be presented. Accordingly, section 5.1 provides an overview on the total number of incoming, resolved and pending (31 Dec.) criminal law cases in 2012, while section 5.2 looks more in detail at the incoming cases, confronting the total number criminal cases, severe criminal offences and minor offences.

### 5.1. Total number of incoming, resolved and pending (31 Dec.) cases in 2012

This section provides an overview on the total number of incoming, resolved and pending (31 Dec.) criminal law cases in 2012. Both absolute numbers and rate per 100 000 inhabitants are provided.

#### 5.1.1. Second instance

**Table 11 – Incoming, resolved and pending (31 Dec.) second instance total number of criminal cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	3 434	3 643	2 307	122.0	129.4	81.9
Andorra	66	73	13	86.6	95.7	17.1
Armenia	2 104	2 099	146	69.5	69.3	4.8
Austria	11 972	11 958	1 681	141.6	141.5	19.9

<sup>29</sup> See for example the CEPEJ European judicial systems study, Edition 2014 (data 2012), pp. 218-219 and the CEPEJ European judicial systems study, Edition 2012 (data 2010), pp. 199-200.

<sup>30</sup> CEPEJ Explanatory note to the scheme for evaluating judicial systems (sixth evaluation cycle 2012 – 2014, focused on 2012 data), p.17.

<sup>31</sup> Ibidem.

<sup>32</sup> Ibidem.

<sup>33</sup> Ibidem pp. 17-18.

Azerbaijan	3 419	3 326	445	37.0	36.0	4.8
Belgium	18 953	18 257	11 760	169.8	163.6	105.4
Bosnia and Herzegovina	14 989	14 824	2 248	391.2	386.9	58.7
Bulgaria	14 885	14 894	1 870	204.3	204.5	25.7
Croatia	54 125	42 700	73 007	1 269.9	1 001.8	1 712.9
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	29 562	29 346	2 603	281.3	279.2	24.8
Denmark	6 913	6 631	1 718	123.4	118.4	30.7
Estonia	926	935	73	72.0	72.7	5.7
Finland	6 144	6 416	2 720	113.2	118.2	50.1
France	48 808	48 506	29 105	74.4	74.0	44.4
Georgia	929	962	114	20.7	21.5	2.5
Germany	67 572	67 862	20 344	84.2	84.6	25.4
Greece	NA	NA	NA	NA	NA	NA
Hungary	42 903	42 465	8 022	433.0	428.6	81.0
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	5 614	6 570	NA	122.3	143.1	NA
Italy	109 903	98 438	252 672	184.1	164.9	423.3
Latvia	2 747	2 696	809	134.3	131.8	39.6
Lithuania	10 345	10 371	1 139	344.4	345.3	37.9
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP
Malta	637	413	882	151.2	98.0	209.3
Republic of Moldova	4 504	4 045	1 024	126.5	113.6	28.8
Monaco	132	117	NA	365.3	323.8	NA
Montenegro	3 557	3 576	132	573.7	576.7	21.3
Netherlands	38 718	38 504	20 800	230.8	229.5	124.0
Norway	3 441	3 430	227	68.1	67.9	4.5
Poland	160 036	158 459	21 030	415.3	411.2	54.6
Portugal	11 686	11 585	2 884	111.4	110.5	27.5
Romania	2 089	2 145	1 469	9.8	10.1	6.9
Russian Federation	413 287	391 281	38 212	288.3	273.0	26.7
Serbia	37 298	37 865	8 421	518.1	526.0	117.0
Slovakia	3 841	3 863	810	71.0	71.4	15.0
Slovenia	7 637	8 070	1 204	370.9	392.0	58.5
Spain	167 028	163 918	32 671	363.1	356.3	71.0
Sweden	9 344	9 228	3 318	97.8	96.6	34.7
Switzerland	10 549	10 309	3 659	131.2	128.2	45.5
The FYROMacedonia	11 532	11 626	693	559.2	563.7	33.6
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	20 234	NA	NA	35.8	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	750	NA	NA	14.1	NA	NA
Average	34 065	33 984	15 284	224.5	225.2	102.1
Median	9 845	9 769	2 059	132.8	136.7	34.2
Minimum	66	73	13	9.8	10.1	2.5
Maximum	413 287	391 281	252 672	1 269.9	1 001.8	1 712.9

Table 11 presents the 2012 data on second instance total number of criminal incoming cases in 40 states, resolved in 38 states and pending (31 December) in 36 states. Data are provided in absolute numbers and per 100 000 inhabitants.

Looking at incoming cases, absolute numbers of incoming cases range from a minimum of 66 cases (**Andorra**) to a maximum of 413 287 (**Russian Federation**), with an average of 34 065.3 cases and a median of 9 844.5. Considering incoming cases per 100 000 inhabitants, the number ranges from a minimum of 9.8 cases (Romania) to a maximum of 1269.9 (Croatia), with an average of 224.5 cases and a median of 132.8.

In comparison to incoming cases, absolute numbers of resolved cases range from a minimum of 73 cases (**Andorra**) to a maximum of 39 1281 (**Russian Federation**), with an average of 33 984.4 cases and a median of 9 768.5. Considering resolved cases per 100 000 inhabitants, the numbers range from a minimum

of 10.1 cases (**Romania**) to a maximum of 1 001.8 (**Croatia**), with an average of 225.2 cases, and a median of 136.7.

Pending cases at the end of the year in absolute numbers vary from a minimum of 13 cases (**Andorra**) to a maximum of 252 672 (**Italy**), with an average of 33 984.4 cases and a median of 2 059.0. Finally, the number of pending cases at the end of the year in per 100 000 inhabitants ranges between a minimum of 2.5 cases (**Georgia**) and a maximum of 1 712.9 (**Croatia**), with an average of 102.1 cases, and a median of 34.2 cases.

The table for incoming, resolved and pending (31 Dec.) second instance severe criminal law cases in 2012, absolute numbers and per 100 000 inhabitants is available in Annex 2.

### 5.1.2. Highest instance

**Table 12 – Incoming, resolved and pending (31 Dec.) highest instance total number of criminal cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	1 641	1 725	2 834	58.3	61.3	100.6
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	3 324	3 326	920	109.8	109.9	30.4
Austria	780	789	172	9.2	9.3	2.0
Azerbaijan	3 419	3 326	445	37.0	36.0	4.8
Belgium	2 093	2 081	828	18.8	18.6	7.4
Bosnia and Herzegovina	2 934	2 960	393	76.6	77.3	10.3
Bulgaria	2 371	2 383	260	32.5	32.7	3.6
Croatia	3 095	3 208	1 097	72.6	75.3	25.7
Cyprus	246	248	303	28.4	28.6	35.0
Czech Republic	1 580	1 620	156	15.0	15.4	1.5
Denmark	45	64	11	0.8	1.1	0.2
Estonia	143	119	47	11.1	9.3	3.7
Finland	1 102	1 180	427	20.3	21.7	7.9
France	8 367	8 711	3 391	12.8	13.3	5.2
Georgia	405	465	32	9.0	10.4	0.7
Germany	3 408	3 390	522	4.2	4.2	0.7
Greece	1 719	1 612	107	15.5	14.6	1.0
Hungary	1 661	1 649	252	16.8	16.6	2.5
Iceland	310	281	46	96.3	87.3	14.3
Ireland	NA	NA	NA	NA	NA	NA
Italy	52 342	51 614	31 289	87.7	86.5	52.4
Latvia	770	731	91	37.7	35.7	4.5
Lithuania	681	678	180	22.7	22.6	6.0
Luxembourg	NAP	79	NAP	NAP	15.0	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1 994	2 018	281	56.0	56.7	7.9
Monaco	30	28	16	83.0	77.5	44.3
Montenegro	63	63	0	10.2	10.2	0.0
Netherlands	3 895	3 688	NA	23.2	22.0	NA
Norway	77	66	30	1.5	1.3	0.6
Poland	2 557	2 463	902	6.6	6.4	2.3
Portugal	936	924	97	8.9	8.8	0.9
Romania	44 410	45 692	9 818	208.4	214.5	46.1
Russian Federation	350 008	334 009	28 000	244.2	233.0	19.5
Serbia	410	379	38	5.7	5.3	0.5
Slovakia	1 606	1 598	152	29.7	29.5	2.8
Slovenia	819	789	238	39.8	38.3	11.6
Spain	4 224	4 236	2 211	9.2	9.2	4.8
Sweden	1 650	1 737	307	17.3	18.2	3.2
Switzerland	1 567	1 528	443	19.5	19.0	5.5
The FYROMacedonia	729	753	114	35.3	36.5	5.5

Turkey	401 903	427 553	341 093	531.4	565.3	451.0
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	1 920	NA	NA	36.1	NA	NA
Average	22 781	22 994	11 251	54.0	53.9	24.4
Median	1 646	1 616	271	22.9	21.9	5.0
Minimum	30	28	0	0.8	1.1	0.0
Maximum	401 903	427 553	341 093	531.4	565.3	451.0

Table 12 looks at the data on incoming (41 states), resolved (39 states) and pending (31 December, 37 states) highest instance total number of criminal cases in 2012, absolute numbers and per 100 000 inhabitants. For incoming cases, absolute highest instance total number of incoming criminal values range from a minimum of 30 cases (**Monaco**) to a maximum of 401 903 (**Turkey**), with an average of 22 780.9 cases and a median of 1 645.5. Considering incoming cases per 100 000 inhabitants, the number ranges from a minimum of 0.8 cases (**Denmark**) to a maximum of 531.4 (**Turkey**), with an average of 54.0 cases and a median of 22.9.

In comparison to incoming cases, absolute numbers of resolved cases range from a minimum of 28 cases (**Monaco**) to a maximum of 427 553 (**Turkey**), with an average of 22 994.1 cases and a median of 1 616.0. Considering resolved cases per 100 000 inhabitants, the numbers range from a minimum of 1.1 cases (**Denmark**) to a maximum of 565.3 (**Turkey**), with an average of 53.9 cases, and a median of 21.9.

Pending cases at the end of the year in absolute numbers vary from a minimum of 0 cases (**Montenegro**) to a maximum of 341 093 (**Turkey**), with an average of 22 994.1 cases and a median of 270.5. Finally, the number of pending cases at the end of the year in per 100 000 inhabitants ranges between a minimum of 0.0 cases (**Montenegro**) and a maximum of 451.0 (**Turkey**), with an average of 24.4 cases, and a median of 5.0 cases.

The table for incoming, resolved and pending (31 Dec.) highest instance severe criminal law cases in 2010, absolute numbers and per 100 000 inhabitants is available in Annex 2

## 5.2. Criminal law cases (severe criminal offences) and misdemeanour cases (minor offences) in 2012

This paragraph presents data on the total number of incoming criminal cases and of two sub groups of this category of cases: severe criminal offences and minor offences. As already mentioned in the introduction to section 5., and as pointed out in the CEPEJ European judicial systems study, Edition 2012 (data 2010), criminal law cases "Due to the high variation in the definition of criminal cases and criminal cases categories by the various states, the data presented should be interpreted with care as the figures provided may not reflect the real situation in a state. However, to understand better the main trends in Europe, a distinction between minor criminal offences and severe criminal acts is necessary, since for minor criminal offences, shorter court proceedings and/or other details of the treatment of a case (the imposition of an administrative fine, a sanction imposed by a public prosecutor without the intervention of a judge, police sanctions, etc.) may be used, compared with severe criminal cases. Special tribunals, courts or judges can also be competent for small criminal offences (for example, misdemeanour courts, police courts or police judges, administrative tribunals). In addition, there may be a possibility to use mediation for minor criminal offences".<sup>34</sup>

In question 95 of the last two editions of the CEPEJ Scheme for evaluating judicial systems, states which are not able to make a distinction between minor offenses and serious criminal offences according to its classification,<sup>35</sup> to indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses" offences. Here is the selection of comments provided in the CEPEJ European judicial systems study, Edition 2014 (data 2012), pp. 219-221:

**Albania:** "severe criminal cases" are those involving the Serious Crimes Court. "Misdemeanours and / or minor criminal cases" includes all courts of first instance except the Serious Crimes Court.

<sup>34</sup> P. 200

<sup>35</sup> As mentioned in the introduction to section 5., CEPEJ invites to classify as minor offences all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Severe offenses are all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment).

**Austria:** “misdemeanours and/or minor criminal cases” include all offences fined or punished with a prison sentence up to one year and must not be decided by a jury.

**Azerbaijan:** “severe criminal offences” includes cases punishable by at least 8 years of imprisonment.

**Belgium:** “severe criminal offences” include cases dealt with by first instance ordinary criminal courts. “Misdemeanours/ minor criminal cases” include cases dealt with by the Police Court (w/o civil cases)

**Bosnia and Herzegovina:** “severe offences” includes unlawful acts which violate or jeopardize the protected values (criminal acts against the state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or significant damage and other crimes against public transportation etc.). “Minor offences” are violations of public order or of regulations on economic and financial operations punishable by a fine, suspended sentence, reprimand and protective measures (traffic offences, violations of public order, begging etc.).

**Bulgaria:** the offences could be divided into “common offences” and “offences subject to private prosecution” (offences with a lower degree of public danger and which affect less the rights of the person: minor bodily injury, insult, slander, etc.).

**Croatia:** “misdemeanours” harm the public order, social discipline or other social values not protected under the Penal Code and other acts where criminal offences are prescribed.

**Czech Republic:** the answer “NAP” means that 1st instance courts do not deal with severe criminal cases, which are decided by the regional courts as 1st instance courts. “Severe criminal cases” includes crimes for which the law provides a minimum term of imprisonment of 5 years.

**Denmark:** “severe criminal cases” are defined as those cases where a lay assessor participates or cases dealt with by a jury; no-contest plea cases (plea guilty) are included as severe criminal cases. “Misdemeanours and/or minor criminal cases” are typically cases where the maximum sentence is a fee.

**Estonia:** “severe criminal cases” include all criminal offences for which the principal punishment is a pecuniary punishment or imprisonment; “misdemeanours and / or minor criminal cases” includes offences for which the principal punishment is a fine or detention.

**Germany:** “severe criminal cases” includes criminal proceedings in accordance with the Criminal Code and ancillary criminal laws. “Misdemeanour and/or minor criminal cases” includes regulatory fine proceedings before criminal courts.

**Hungary:** in “misdemeanour cases” proceeds the misdemeanour authority (police, district office, National Tax and Customs Office). The person charged with a misdemeanour may apply to the court.

**Ireland:** “severe criminal cases” includes all cases required to be tried on indictment (e.g. robbery (i.e. stealing with force/threat of force), assault causing serious harm, rape, aggravated sexual assault, manslaughter, murder). “Misdemeanour and/or minor criminal cases” includes all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).

**Italy:** “minor criminal cases” includes the proceedings dealt with by the Justice of Peace Offices.

**Latvia:** “severe criminal cases” are the other criminal cases. Misdemeanour cases are not criminal cases according to the Criminal Law.

**Luxembourg:** the courts do not really have pending cases, as the files are held by the public prosecutors office and are only transferred to the court a short time before the hearing is scheduled. The only pending cases are those that have been heard and for which the court is deliberating. Thus it could be considered that the data of incoming cases is quite close to the data of resolved cases. The distinction “misdemeanour / minor offenses” and “serious offenses” corresponds in national law to the notions of “contraventions” and “crimes et délits”.

**Malta:** since the vast majority of the cases contemplate the possibility of imprisonment, barring a few contraventions, the cases indicated as “misdemeanours/minor offences”, are those cases which are heard by the Court of Magistrates having a maximum punishment of 6 months imprisonment, while the cases indicated as “severe criminal offences” are those having a punishment of over 6 months imprisonment.

**Monaco:** “severe criminal cases” are dealt with by the correctional courts (having a punishment going from 6 days to 5 years and fines from 750 to 90.000 €). “Misdemeanour / minor offenses” include offenses dealt with by the Police Court (maximum punishment going from 1 to 5 days, and fines from 15 to 600 €): non-public insult, driving while drunk, crimes against property, etc.

**Netherlands:** “minor offences” concerns mainly traffic offences (speeding tickets, running red lights), petty theft, vagrancy, littering etc. “Severe crimes” concerns mainly driving while drunk, grand theft, violent crimes, vice, drugs/narcotics, etc.

**Norway:** the number of criminal cases includes composite court cases (with 1 professional judge and 2 lay judges) and guilty plea cases (1 single professional judge). It is now possible to distinguish guilty plea cases from other single judge cases, and the increase in the number of criminal cases can be explained accordingly. The numbers only include cases where a criminal sanction is pronounced, i.e. not cases of coercive pre-trial measures.

It is not possible to specify misdemeanour cases and severe cases, although the composite court cases usually concern more severe cases than what is adjudicated in the simplified procedure for guilty plea cases.

**Poland:** “misdemeanour cases” includes the offences punishable by a maximum penalty up to 1 month of detention or a fine (or both). All other criminal cases are “severe cases”. Statistics contain also the so called ‘organisation cases’ which do not deal directly with crimes.

**Portugal:** “severe criminal cases” includes all criminal proceedings. “Misdemeanour and minor criminal cases” includes civil and criminal transgressions.

**Russian Federation:** “misdemeanour” is an intentional and negligent act for the commitment of which the maximum punishment shall not exceed three years of imprisonment. According to the law, an illegal act of a physical or natural person for which the Federal Code of administrative offences or the legislation of the entities of the Federation establish an administrative responsibility are called administrative offences – however they are not litigations between a physical or natural person and a public body as examined in paragraph 9.2.2 above.

**Serbia:** minor offences courts shall adjudicate at first instance minor offence cases which are not under the competence of an administrative authority, decide on appeals against decisions passed by administrative authorities in minor offences proceedings, and perform other tasks set forth by law. The Higher Minor Offences Court shall decide on appeals against decisions of minor offences courts, on conflicts and transfer of territorial jurisdiction of minor offences courts, and perform other tasks set forth by law.

**Slovenia:** “misdemeanour cases and minor offences cases” includes minor offences in regular court procedure – request for judicial protection, accusation proposals, minor offences at the transition from 2004 to 2005, minor offences introduced in the judicial jurisdiction after the 31.12.2004, cancellation of the validity of a driver’s licence according to the legal limit of punitive points, compliance detention.

**Spain:** misdemeanours are those cases punished with a minor punishment. In most of the cases it is the length of the sentence that determines the class of severity: a prison sentence is considered to be of great severity if it exceeds five years, or lesser severity otherwise; a community service sentence is considered less serious if it exceeds thirty days but is minor of shorter duration; a fine is minor if it does not exceed two months and is otherwise considered less serious, etc.

**Switzerland:** the figures provided are derived from an extrapolation of the results obtained in certain cantons to the national level. In a majority of cantons, it is not possible to distinguish between “severe criminal cases” and “misdemeanour/minor criminal cases” – those who gave different numbers for each category distinguished them by the type of court concerned: a single judge for minor criminal cases, and multiple judges in a panel for serious criminal cases.

**“the former Yugoslav Republic of Macedonia”:** “severe criminal cases” are criminal acts defined in the Criminal Code, while “misdemeanours and minor criminal cases” are in the Law on misdemeanour and other substantive laws (for these misdemeanours imprisonment is not proscribed).

**UK-England and Wales:** data are available in the above table for completed proceedings only - there is no information available from magistrates’ courts on pending or incoming cases.

“Severe criminal cases” will include the following: indictable offences such as murder and sexual assault and must be heard at the Crown Court. The involvement of the magistrates is usually brief before the case is passed to the Crown. Triable either way offences are more serious than summary offences, but less serious than indictable only offences. These cases can be dealt with either by magistrates or before a judge and jury at the Crown Court. Such offences include dangerous driving and theft and handling stolen goods.

“Misdemeanour and/or minor offences” will include the following: summary cases are offences which are less serious, such as motoring offences, minor assaults and criminal damage. These cases are usually dealt with entirely in magistrates’ courts; adult breach proceedings are proceedings against a defendant (aged 18 or over) who has breached an order previously imposed against them.

**UK-Scotland:** Severe criminal cases are termed SOLEMN (serious assault, fraud, assault and robbery etc.). Misdemeanour/minor cases are termed SUMMARY (theft, assault, road traffic offences etc).

All comments provided by the states to comment data 2010 and 2012 can be found in Annex 2, Table 20.



## 5.2.1. Second instance

**Table 13 - Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in second instance (appeal) courts. Absolute figures and per 100 000 inhabitants, in 2012**

States/entities	Total number of criminal cases	Number of severe criminal cases,	Number of minor offences	Per 100 000 inhabitants			Part of severe cases in the total number of criminal cases	Part of minor offences in the total number of criminal cases
				Total	Severe cases	Minor offences		
Albania	3 434	76	3 358	122.0	2.7	119.3	2%	98%
Andorra	66	46	20	86.6	60.3	26.2	70%	30%
Armenia	2 104	NA	NA	69.5	NA	NA	NA	NA
Austria	11 972	7 726	4 246	141.6	91.4	50.2	65%	35%
Azerbaijan	3 419	NA	NA	37.0	NA	NA	NA	NA
Belgium	18 953	8 118	10 835	169.8	72.7	97.1	43%	57%
Bosnia & Herzegovina	14 989	9 906	5 083	391.2	258.5	132.7	66%	34%
Bulgaria	14 885	NA	NA	204.3	NA	NA	NA	NA
Croatia	54 125	9 464	44 661	1 269.9	222.0	1 047.9	17%	83%
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	29 562	1 210	NAP	281.3	11.5	NAP	4%	NAP
Denmark	6 913	6 913	NAP	123.4	123.4	NAP	100%	NAP
Estonia	926	800	126	72.0	62.2	9.8	86%	14%
Finland	6 144	NAP	NAP	113.2	NAP	NAP	NAP	NAP
France	48 808	NA	NA	74.4	NA	NA	NA	NA
Georgia	929	704	225	20.7	15.7	5.0	76%	24%
Germany	67 572	57 508	10 064	84.2	71.7	12.5	85%	15%
Greece	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	42 903	42 009	894	433.0	424.0	9.0	98%	2%
Iceland	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	5 614	NA	NA	122.3	NA	NA	NA	NA
Italy	109 903	NA	NA	184.1	NA	NA	NA	NA
Latvia	2 747	2 043	576	134.3	99.9	28.2	74%	21%
Lithuania	10 345	NA	NA	344.4	NA	NA	NA	NA
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	637	27	610	151.2	6.4	144.8	4%	96%
Republic of Moldova	4 504	NA	NA	126.5	NA	NA	NA	NA
Monaco	132	54	78	365.3	149.4	215.9	41%	59%
Montenegro	3 557	3 543	14	573.7	571.4	2.3	100%	0%
Netherlands	38 718	NA	NA	230.8	NA	NA	NA	NA
Norway	3 441	NA	NA	68.1	NA	NA	NA	NA
Poland	160 036	152 513	7 523	415.3	395.8	19.5	95%	5%
Portugal	11 686	11 686	NAP	111.4	111.4	NAP	100%	NAP
Romania	2 089	NAP	NAP	9.8	NAP	NAP	NAP	NAP
Russian Federation	413 287	NAP	NAP	288.3	NAP	NAP	NAP	NAP
Serbia	37 298	NA	NA	518.1	NA	NA	NA	NA
Slovakia	3 841	NA	NA	71.0	NA	NA	NA	NA
Slovenia	7 637	4 252	3 385	370.9	206.5	164.4	56%	44%
Spain	167 028	NA	NA	363.1	NA	NA	NA	NA
Sweden	9 344	NAP	NAP	97.8	NAP	NAP	NAP	NAP
Switzerland	10 549	7 909	2 640	131.2	98.4	32.8	75%	25%
The FYROMacedonia	11 532	4 348	7 184	559.2	210.8	348.3	38%	62%
Turkey	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England & Wales	20 234	7 610	12 624	35.8	13.5	22.3	38%	62%
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	750	750	NAP	14.1	14.1	NAP	100%	NAP
Average	34 065	14 748	6 008	224.5	143.2	131.0	62%	40%
Median	9 845	4 348	3 358	132.8	98.4	32.8	70%	34%
Minimum	66	27	14	9.8	2.7	2.3	2%	0%
Maximum	413 287	152 513	44 661	1 269.9	571.4	1 047.9	100%	98%

Table 13 provides information on second instance total number of incoming criminal cases in 40 states, incoming severe criminal offences in 23 states and incoming minor offences in 19 states. Data are provided both in absolute values, both per 100 000 inhabitants. The table presents also the proportion of the severe and misdemeanour incoming cases in percentage.

Absolute values range from a minimum of second instance total number of incoming criminal cases of 66 cases (**Andorra**) to a maximum of 413 287 (**Russian Federation**), with an average of 34 065 cases and a median of 9 845. Second instance total number of incoming criminal cases per 100 000 inhabitants ranges from a minimum of 9.8 cases (**Romania**) to a maximum of 1 269.9 (**Croatia**), with an average of 224.5 cases and a median of 132.5.

Absolute values of incoming severe criminal offences vary between a minimum of 27 cases (**Malta**) to a maximum of 152 513 (**Poland**), with an average of 14 748 cases and a median of 4 348. Incoming severe criminal offence cases per 100 000 inhabitants ranges from a minimum of 2.7 cases (**Albania**) to a maximum of 571.4 (**Montenegro**), with an average of 143.2 cases, and a median of 98.4.

Absolute values of incoming minor offences vary between a minimum of 14 cases (**Montenegro**) to a maximum of 44 661 (**Croatia**), with an average of 6 008 cases and a median of 3 358. Finally, incoming minor offences per 100 000 inhabitants range between a minimum of 2.3 cases (**Montenegro**) and a maximum of 1047.9 (**Croatia**), with an average of 131.0 cases, and a median of 32.8 cases.

Over all, 13 states have a comparatively low number of second instance total number of incoming criminal cases per 100 000 inhabitants (less than 100: **Romania, UK-Scotland, Georgia, UK-England and Wales, Azerbaijan, Norway, Armenia, Slovakia, Estonia, France, Germany, Andorra, Sweden**) while four states have comparatively high number of them (over 500: **Serbia, The FYROMacedonia, Montenegro, Croatia**). Of the 19 states for which it is possible to calculate the proportion of severe and misdemeanour incoming cases in 2012 in second instance (appeal) courts, in 12 severe criminal cases constitute the majority of cases.

Figure 19 presents the data for 23 states on incoming second instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2012.

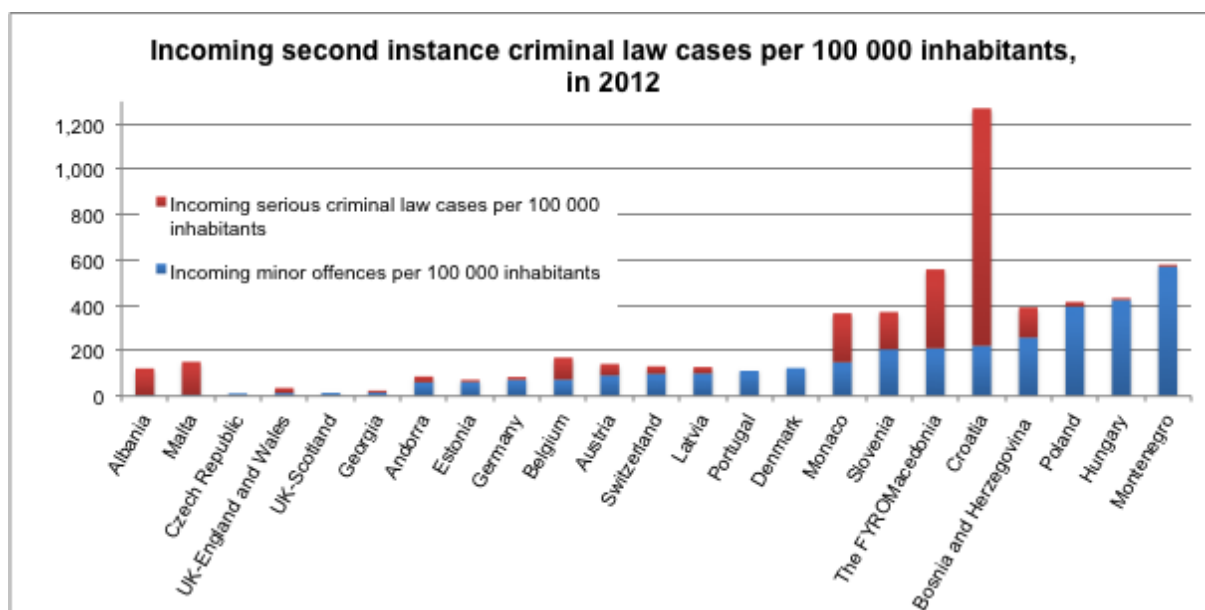


Figure 19 – Number of incoming second instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2012

## 5.2.2. Highest instance

**Table 14 - Number of incoming criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in highest instance. Absolute figures and per 100 000 inhabitants, in 2012**

States/entities	Total number of criminal cases	Number of severe criminal cases,	Number of minor offences	Per 100 000 inhabitants			Part of severe cases in the total number of criminal cases	Part of minor offences in the total number of criminal cases
				Total	Severe cases	Minor offences		
Albania	1 641	98	1 543	58.3	3.5	54.8	6%	94%
Andorra	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	3 324	NA	NA	109.8	NA	NA	NA	NA
Austria	780	NA	NA	9.2	NA	NA	NA	NA
Azerbaijan	3 419	NA	NA	37.0	NA	NA	NA	NA
Belgium	2 093	NA	NA	18.8	NA	NA	NA	NA
Bosnia and Herzegovina	2 934	2 934	NAP	76.6	76.6	NAP	100%	NAP
Bulgaria	2 371	NA	NA	32.5	NA	NA	NA	NA
Croatia	3 095	NA	NA	72.6	NA	NA	NA	NA
Cyprus	246	NA	NA	28.4	NA	NA	NA	NA
Czech Republic	1 580	NA	NA	15.0	NA	NA	NA	NA
Denmark	45	45	NAP	0.8	0.8	NAP	100%	NAP
Estonia	143	123	20	11.1	9.6	1.6	86%	14%
Finland	1 102	NAP	NAP	20.3	NAP	NAP	NAP	NAP
France	8 367	NA	NA	12.8	NA	NA	NA	NA
Georgia	405	342	63	9.0	7.6	1.4	84%	16%
Germany	3 408	3 406	2	4.2	4.2	0.0	100%	0%
Greece	1 719	NA	NA	15.5	NA	NA	NA	NA
Hungary	1 661	1 661	NAP	16.8	16.8	NAP	100%	NAP
Iceland	310	NA	NA	96.3	NA	NA	NA	NA
Ireland	NA	NA	NA	NA	NA	NA	NA	NA
Italy	52 342	51 401	941	87.7	86.1	1.6	98%	2%
Latvia	770	NA	NA	37.7	NA	NA	NA	NA
Lithuania	681	NA	NA	22.7	NA	NA	NA	NA
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	1 994	NA	NA	56.0	NA	NA	NA	NA
Monaco	30	NAP	NAP	83.0	NAP	NAP	NAP	NAP
Montenegro	63	63	NAP	10.2	10.2	NAP	100%	NAP
Netherlands	3 895	NA	NA	23.2	NA	NA	NA	NA
Norway	77	NA	NA	1.5	NA	NA	NA	NA
Poland	2 557	NA	NA	6.6	NA	NA	NA	NA
Portugal	936	936	NAP	8.9	8.9	NAP	100%	NAP
Romania	44 410	NAP	NAP	208.4	NAP	NAP	NAP	NAP
Russian Federation	350 008	NAP	NAP	244.2	NAP	NAP	NAP	NAP
Serbia	410	NAP	NAP	5.7	NAP	NAP	NAP	NAP
Slovakia	1 606	NA	NA	29.7	NA	NA	NA	NA
Slovenia	819	694	125	39.8	33.7	6.1	85%	15%
Spain	4 224	NA	NA	9.2	NA	NA	NA	NA
Sweden	1 650	NAP	NAP	17.3	NAP	NAP	NAP	NAP
Switzerland	1 567	NA	NA	19.5	NA	NA	NA	NA
The FYROMacedonia	729	729	NA	35.3	35.3	NA	100%	NA
Turkey	401 903	72 411	329 492	531.4	95.7	435.7	18%	82%
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	1 920	720	1 200	36.1	13.6	22.6	38%	63%
Average	22 781	9 683	41 673	54.0	28.8	65.5	80%	36%
Median	1 646	725	533	22.9	11.9	3.8	99%	15%
Minimum	30	45	2	0.8	0.8	0.0	6%	0%
Maximum	401 903	72 411	329 492	531.4	95.7	435.7	100%	94%

As regards to data concerning highest instance criminal cases, it is possible to provide information on total number of incoming criminal cases in 41 states, incoming severe criminal offences in 14 states (**Denmark, Montenegro, Albania, Estonia, Georgia, Slovenia, UK-Scotland, The FYROMacedonia, Portugal,**

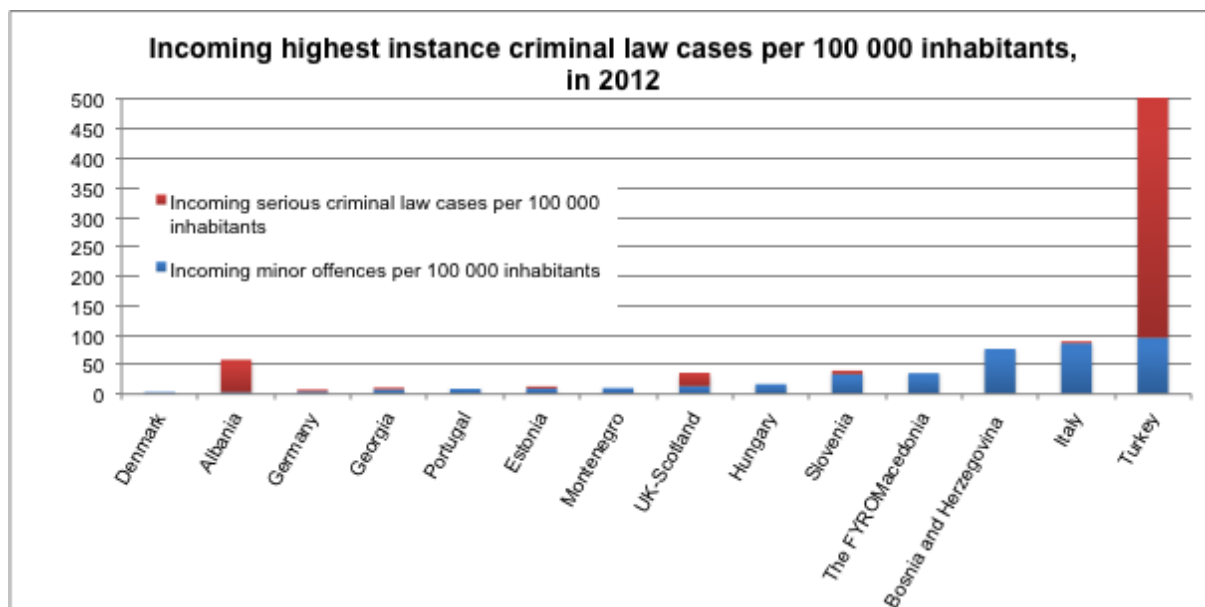
**Hungary, Bosnia and Herzegovina, Germany, Italy, Turkey)** and incoming minor offences in eight states (**Germany, Estonia, Georgia, Slovenia, Italy, UK-Scotland, Albania, Turkey**). Data are provided both in absolute values, both per 100 000 inhabitants. The table presents also the proportion of the severe and misdemeanour incoming cases in percentage.

Absolute values range from a minimum of 30 cases (**Monaco**) to a maximum of 401 903 (**Turkey**), with an average of 22 781 cases and a median of 1646. Absolute values of incoming severe criminal offences range from a minimum of 45 cases (**Denmark**) to a maximum of 72 411 (**Turkey**), with an average of 9 683 cases and a median of 725. Finally, incoming minor offences vary between a minimum of 2 cases (**Germany**) to a maximum of 329 492 (**Turkey**), with an average of 41 673 cases and a median of 533.

Highest instance total number of incoming criminal cases per 100 000 inhabitants ranges from a minimum of 0.8 cases (**Denmark**) to a maximum of 531.4 (**Turkey**), with an average of 54.0 cases and a median of 22.9. Incoming severe criminal offence cases per 100 000 inhabitants ranges from a minimum of 0.8 cases (**Denmark**) to a maximum of 95.7 (**Turkey**), with an average of 28.8 cases, and a median of 11.9. Finally, incoming minor offences per 100 000 inhabitants range between a minimum of 0 cases (**Germany**) and a maximum of 435.7 (**Turkey**), with an average of 65.5 cases, and a median of 3.8 cases.

Over all, ten states have a total number of incoming criminal cases per 100 000 inhabitants at highest instance of less than ten (**Ireland, Denmark, Norway, Germany, Serbia, Poland, Portugal, Georgia, Spain, Austria**) while another 11 states have over 50 of them (**Republic of Moldova, Albania, Croatia, Bosnia and Herzegovina, Monaco, Italy, Iceland, Armenia, Romania, Russian Federation, Turkey**).

Figure 20 provides a representation for 14 states of the number of incoming highest instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2010.



**Figure 20** Number of incoming highest instance severe criminal offences and misdemeanour (minor offences) per 100 000 inhabitants, in 2012

### 5.3. Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2012

#### 5.3.1. Second instance

Figure 21 below shows the 2012 Clearance rate in second instance for severe criminal cases (21 states) and misdemeanour cases (19 states). Severe criminal cases Clearance rate ranges between a minimum of 66.7% (**Malta**) to a maximum of 109.8% (**Croatia**), with an average of 98.7% cases and a median of 100.3%. Misdemeanour cases Clearance rate ranges between a minimum of 64.8% (**Malta**) to a maximum of 125.0% (**Andorra**), with an average of 96.4% cases and a median of 98.4%.

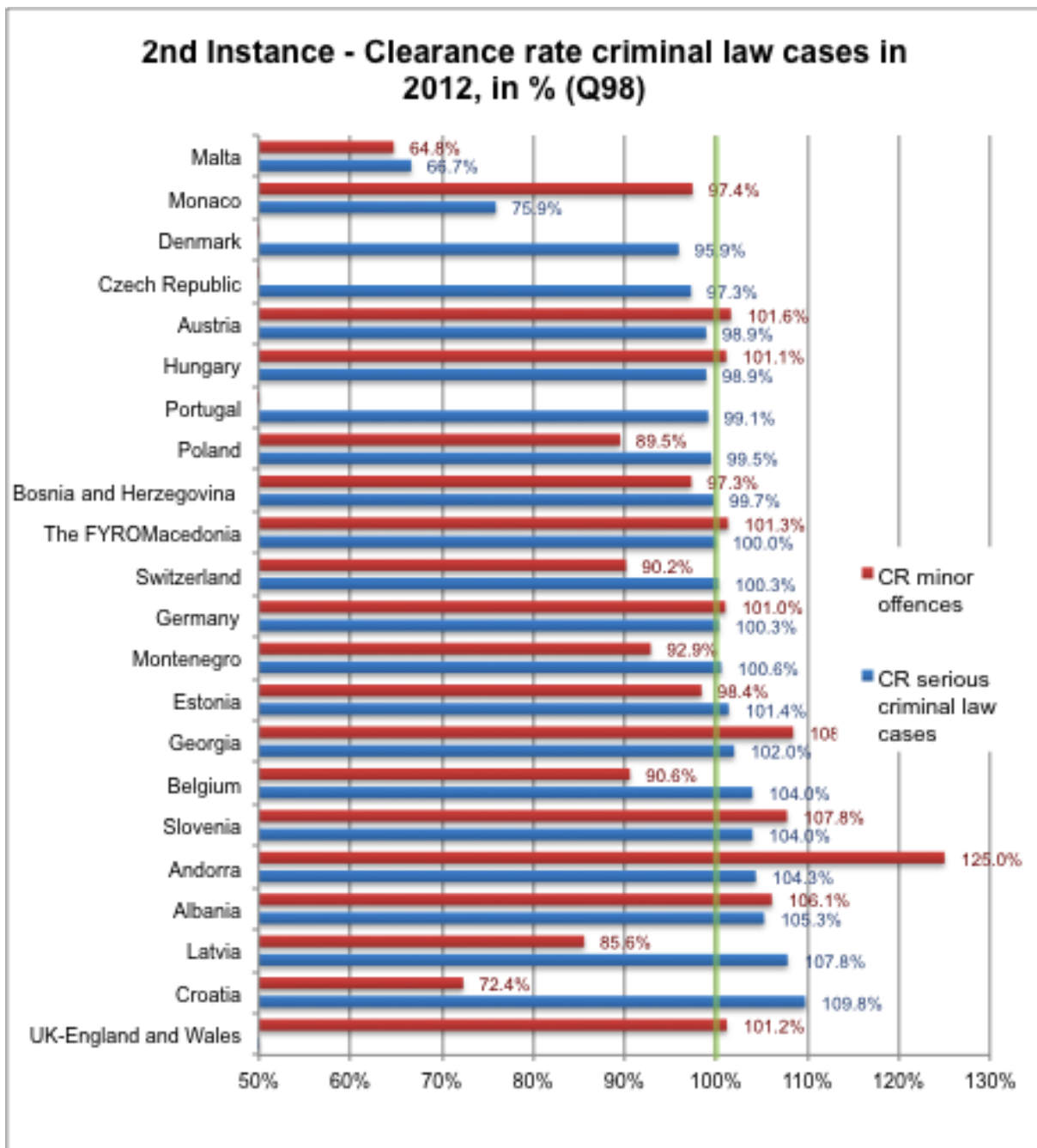


Figure 21 - Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2012, in second instance (appeal) courts

Of the 18 states for which it has been possible to calculate both severe criminal cases and misdemeanour cases Clearance rates, only five have a value equal or higher than 100% in both (**Germany, Albania,**

Slovenia, Georgia, Andorra), while four have a clearance rate below 100% in both cases (Malta, Poland, Bosnia and Herzegovina, Monaco).

### 5.3.2. Highest instance

Figure 22 shows the 2010 Clearance rate in highest instance for severe criminal cases (13 states) and misdemeanour cases (7 states). Severe criminal cases Clearance rate ranges between a minimum of 81.3% (Estonia) to a maximum of 142.2% (Denmark), with an average of 103.4% cases and a median of 99.4%. Misdemeanour cases Clearance rate ranges between a minimum of 92.6% (Italy) to a maximum of 150.0% (Germany), with an average of 107.5% cases and a median of 103.2%.

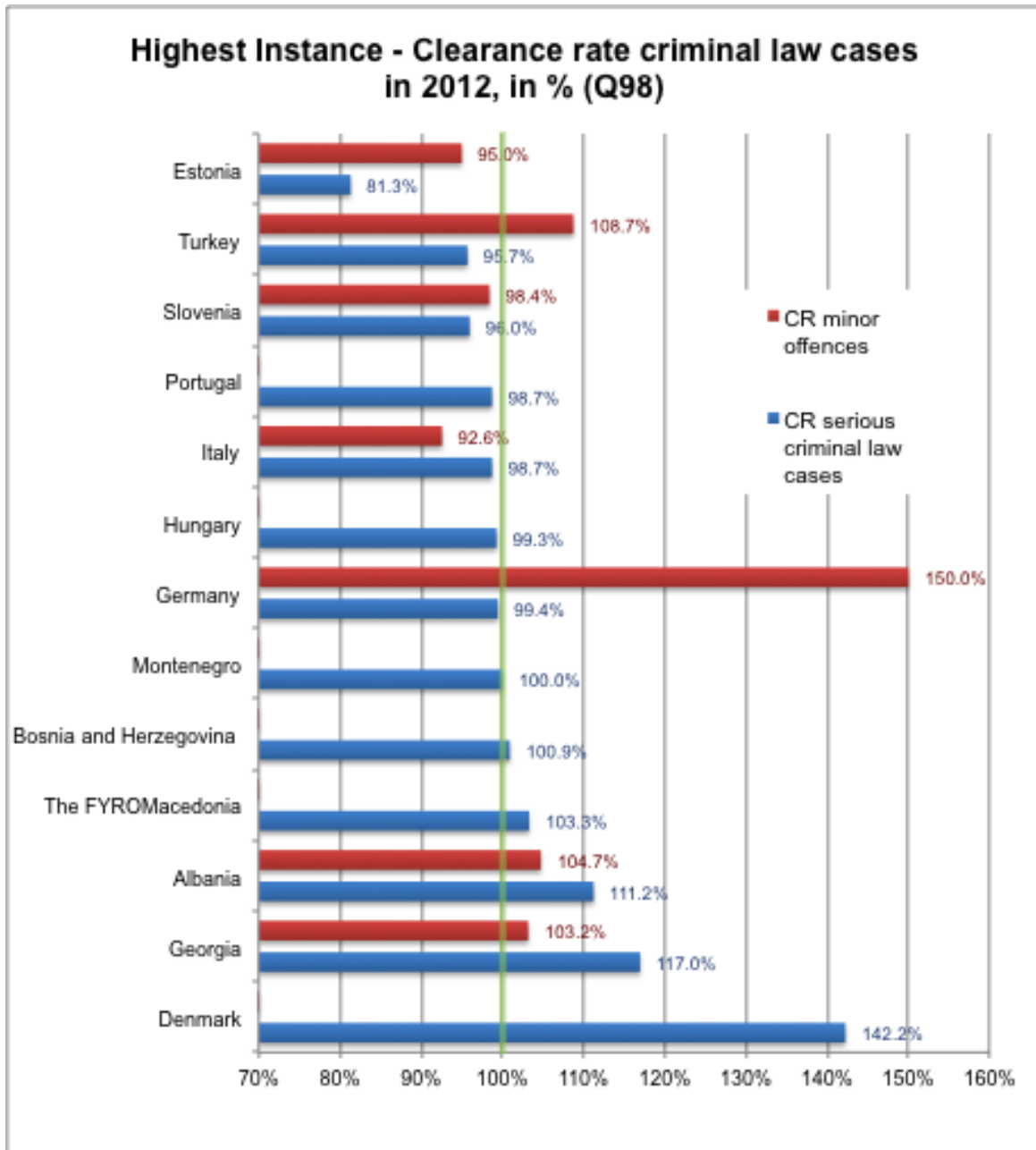


Figure 22 - Clearance rate of criminal cases (severe criminal offences) and misdemeanour cases (minor offences) in 2012, in highest instance



## 5.4. Disposition time and Clearance rate of severe criminal cases and misdemeanour case (minor offences) in 2012

### 5.4.1. Second instance

With the available data it is possible to calculate the Clearance rate of severe criminal cases for 21 states or entities and disposition time for 20. Of the 12 states with a disposition time of less than three months, five have a Clearance rate below 100% (**Austria, Hungary, Poland, Bosnia and Herzegovina**) while seven (**The FYROMacedonia, Montenegro, Estonia, Georgia, Slovenia, Albania, Latvia, Croatia**) have a Clearance rate equal or above 100%. Of the five states which have a disposition time of less than six months, two have a Clearance rate below 100% (**Denmark, Portugal**), while three (**Switzerland, Germany, Andorra**) have a Clearance rate equal or above 100%. Of the remaining states, one (**Czech Republic**) has a disposition time between six months and one year and a Clearance rate below 100%, while two have a disposition time of more than six months and one year and a Clearance rate below 100% in one case (**Malta**) and above in the other (**Belgium**).

**Monaco** could provide only the data to calculate the Clearance rate which is well below 100%

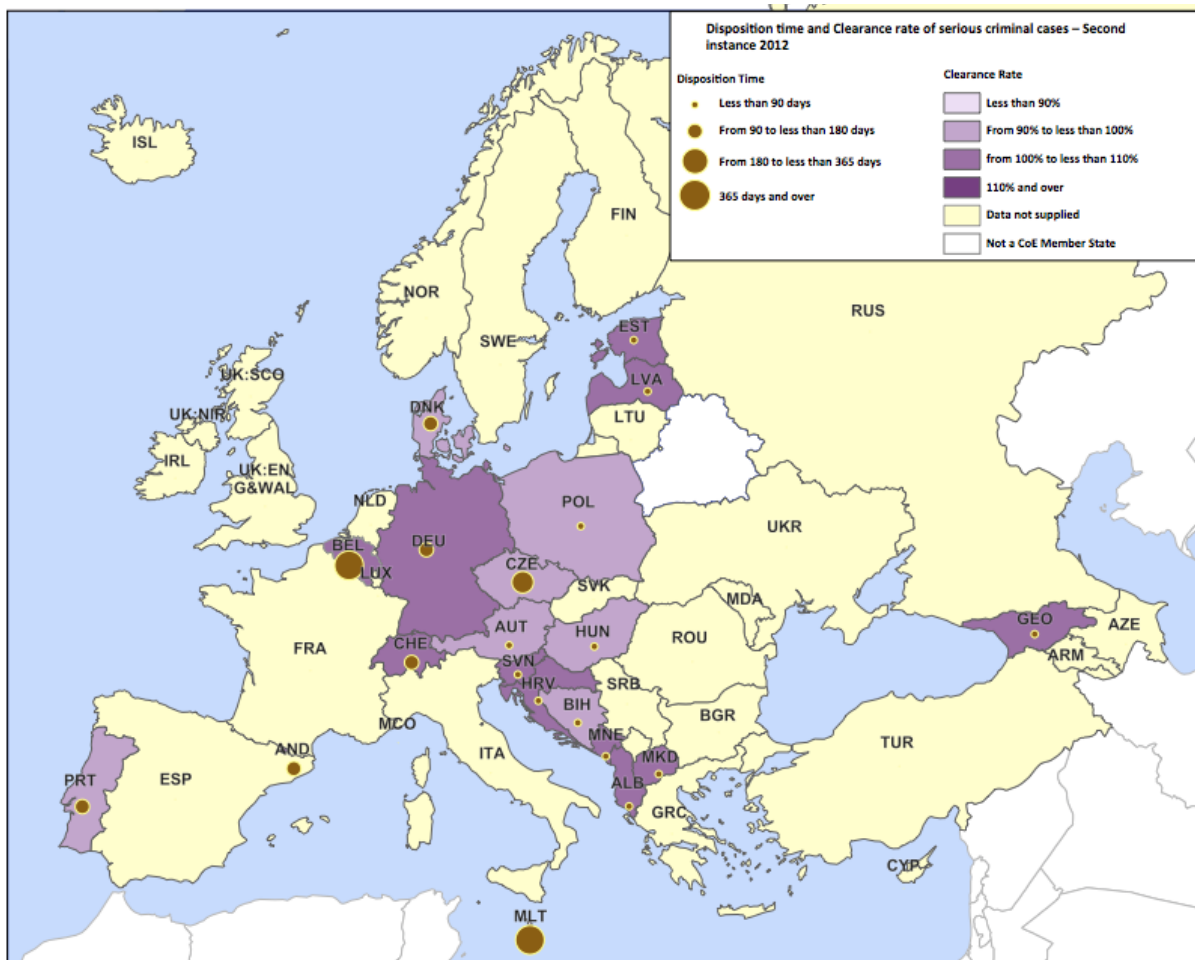


Figure 23 – Map of Disposition time and Clearance rate of severe criminal cases at second instance in 2012

It is also possible to calculate the Clearance rate and disposition time of misdemeanour cases for 19 states. In 12 states the disposition time is below three months with a Clearance rate below 100% in four cases (**Poland, Bosnia and Herzegovina, Monaco, Estonia**) and equal or above 100% in the other eight (**Germany, Hungary, UK-England and Wales, The FYROMacedonia, Austria, Slovenia, Georgia, Andorra**). Three states (**Latvia, Switzerland, Belgium**) have a disposition time between three and six months and all of them have a Clearance rate below 100%. One state (**Albania**) has a disposition time between six months and one year, and a Clearance rate above 100%. Finally three states have a disposition time of more than one year (**Malta, Croatia, Montenegro**), all with a Clearance rate below 100% (in two cases well below 90% - **Malta, Croatia**)

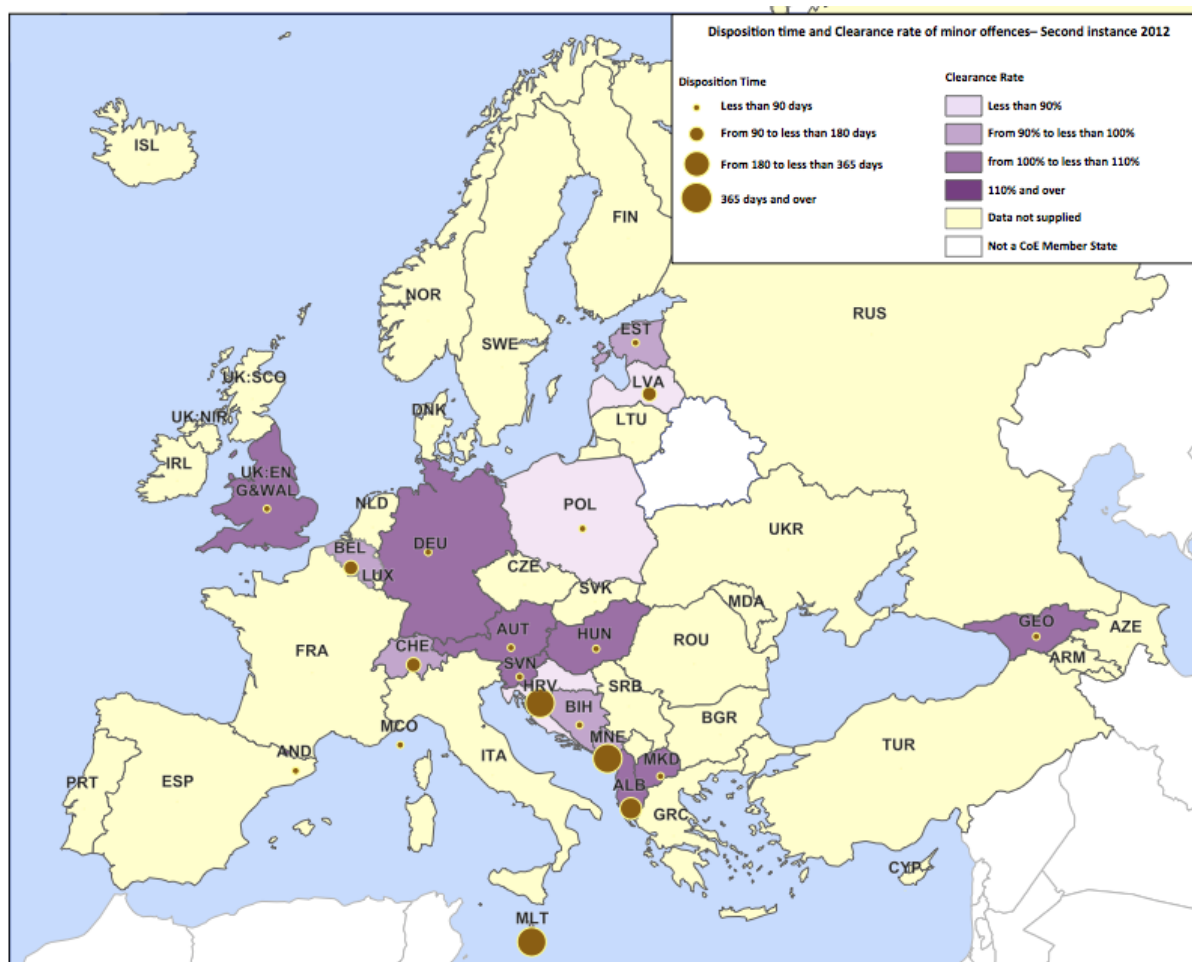


Figure 24 - Disposition time and Clearance rate of Misdemeanour and/or minor offences cases at second instance in 2012



### 5.4.2. Highest instance

With the available data it is possible to calculate the disposition time and clearance rate of severe criminal cases for 13 states. In eight states the disposition time is below three months with a Clearance rate between 90% and 100% in three cases (**Portugal, Hungary, Germany**) and equal or above 100% in the other five (**Montenegro, Bosnia and Herzegovina, The FYROMacedonia, Georgia, Denmark**). Two states (**Estonia, Slovenia**) have a disposition time between three and six months and a Clearance rate below 100%. Two states have a disposition time between six months and one year (**Turkey, Italy**), both with a clearance rate below 100%. Finally, **Albania** has a disposition time of more than one year and a Clearance rate above 100%.

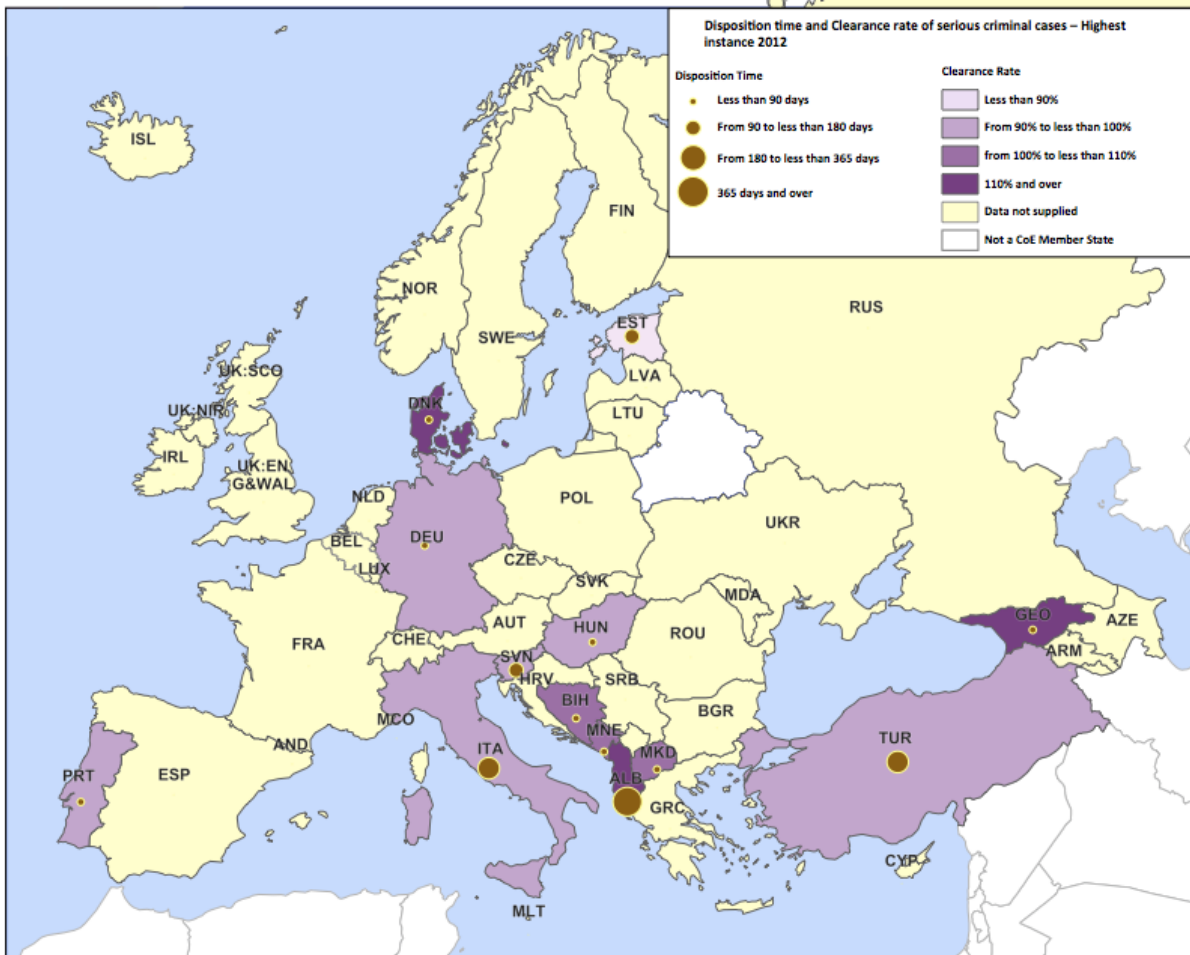
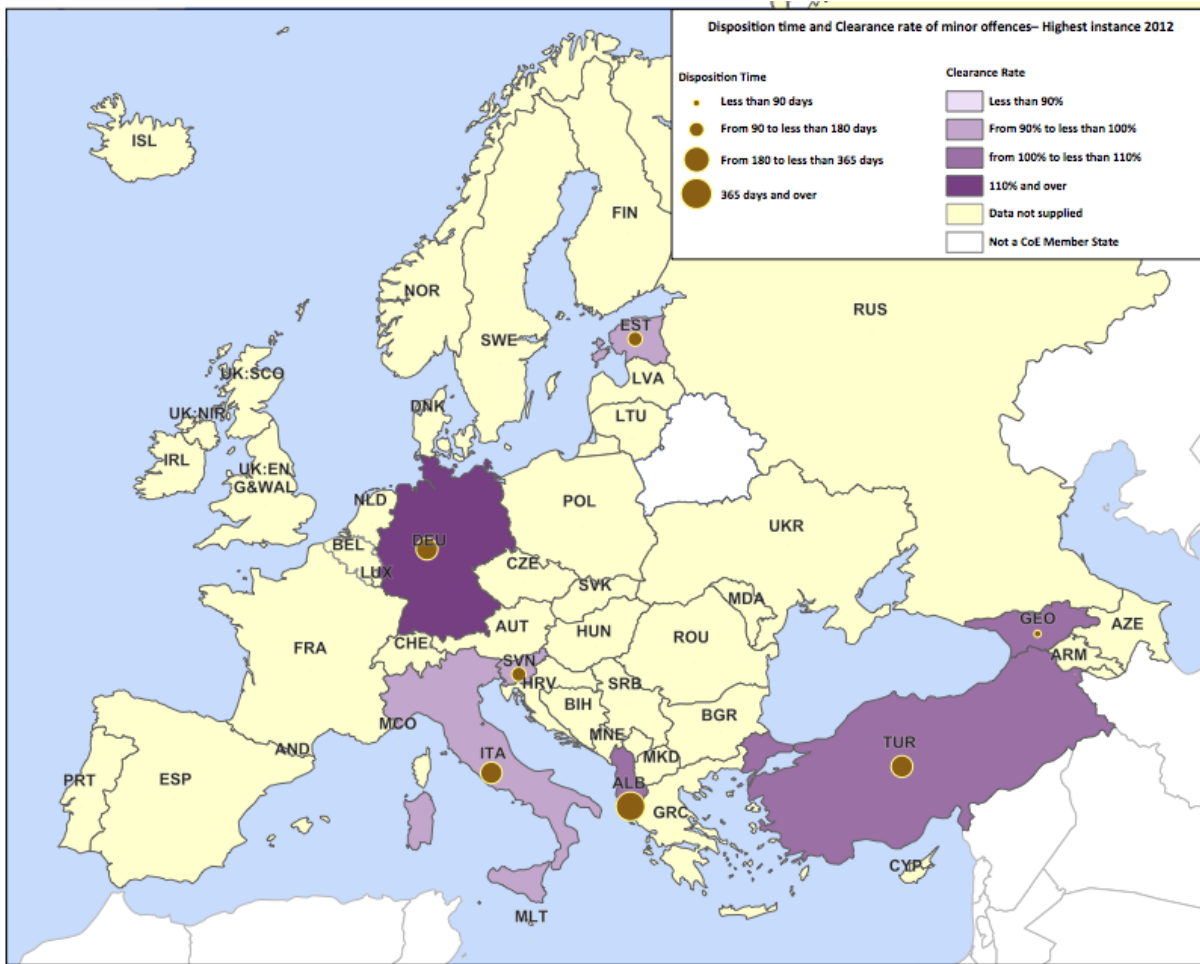


Figure 25 - Disposition time and Clearance rate of severe criminal cases at highest instance in 2012



**Figure 26 – Map of Disposition time and Clearance rate of Misdemeanour and/or minor offences cases at highest instance in 2012**

It is also possible to calculate the disposition time and clearance rate of misdemeanour and/or minor offences cases in seven states. One state, **Georgia**, has a disposition time is below three months with a Clearance rate between above 100%, two states (**Estonia, Slovenia**) have a disposition time between three and six months and a Clearance rate between 90% and 100%.

Three states have a disposition time between six months and one year and a Clearance rate between 90% and 100% in one case (**Italy**) and above 100% in the other two cases (**Turkey, Germany**). **Albania** has a disposition time of more than one year and a Clearance rate below above 100%.

## 5.5. Clearance rate of the total number of criminal cases in 2012

### 5.5.1. Second instance

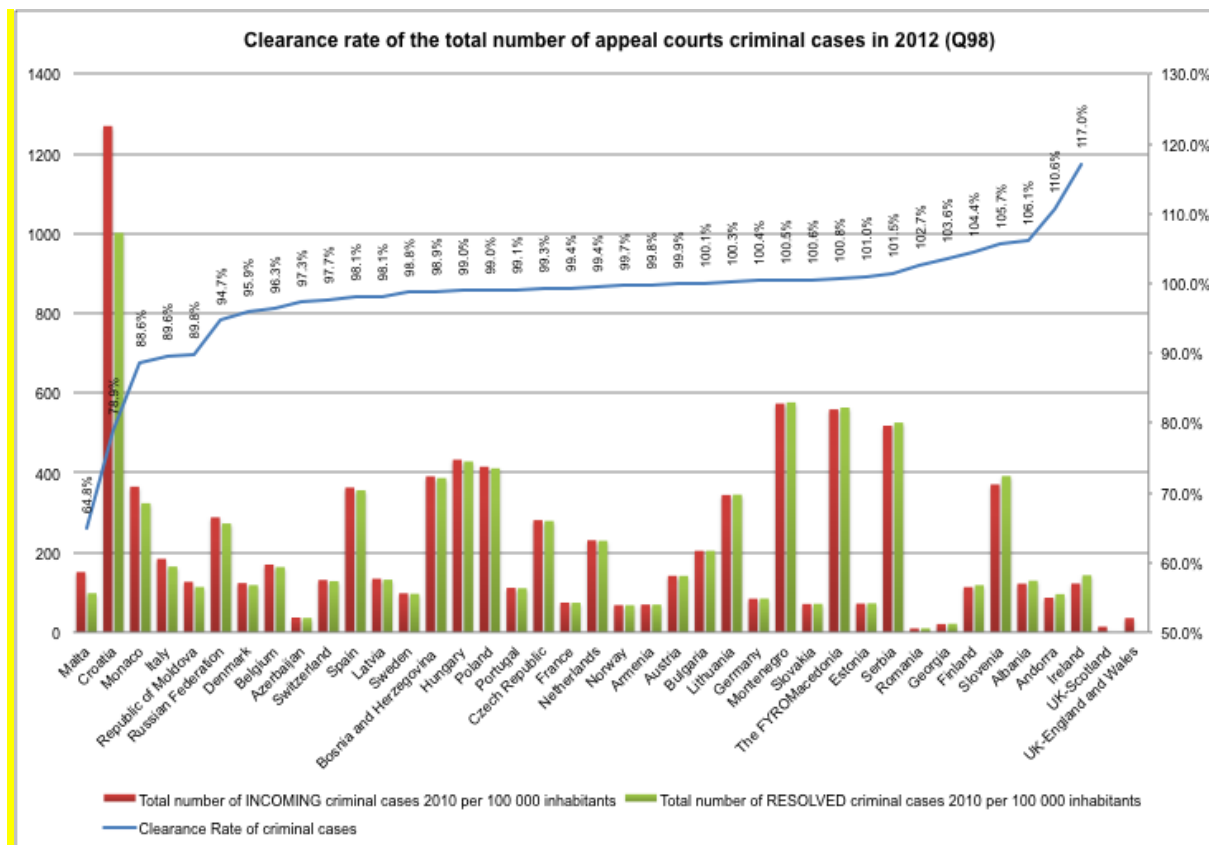


Figure 27 - Clearance rate of the total number of criminal cases at second instance in 2012, % compared with incoming and resolved cases per 100 000 inhabitants

Clearance rates of the total number of criminal cases in 2012 range from a minimum of 64.8% (**Malta**) to a maximum of 117.0% (**Ireland**), with an average of 98.4% cases and a median of 99.4%. Of the 39 states which provided the data needed to calculate it, five (**Malta, Croatia, Monaco, Italy, Republic of Moldova**) have a Clearance rate below 90%, 18 between 90% and 100% (**Russian Federation, Denmark, Belgium, Azerbaijan, Switzerland, Spain, Latvia, Sweden, Bosnia and Herzegovina, Hungary, Poland, Portugal, Czech Republic, France, Netherlands, Norway, Armenia, Austria**), 13 have a Clearance rate higher between 100% and 110% (**Bulgaria, Lithuania, Germany, Montenegro, Slovakia, The FYROMacedonia, Estonia, Serbia, Romania, Georgia, Finland, Slovenia, Albania**) and the remaining two have a Clearance rate above 110%.

Similarly to what noted for the first time in the CEPEJ European judicial systems study, Edition 2012 (data 2010) in relation to first instance courts, at CoE level, the capacity of dealing with cases does not seem to be strictly related to the number of cases per fixed number of inhabitants but to be more dependent from other variables, such as procedural norms, organization of the work, human and technological resources and so on and so forth. Further analysis in this direction and with a more limited number of states characterized by similar justice administration structures and procedures could result in interesting results.

### 5.5.2. Highest instance

Figure 28 shows the highest instance 2012 Clearance rate for the total of criminal cases for 39 states, one more compared to the previous edition. The Clearance rate values range between a minimum of 83.2% (**Estonia**) to a maximum of 142.2% (**Denmark**), with an average of 100.2% cases and a median of 99.6%. Two states have a clearance rate below 90% (**Estonia, Norway**), 18 have a clearance rate between 90% and 100% (**Iceland, Serbia, Monaco, Greece, Netherlands, Latvia, Russian Federation, Poland, Slovenia, Azerbaijan, Switzerland, Italy, Portugal, Hungary, Belgium, Germany, Slovakia, Lithuania**), while 17 states have a Clearance rate equal (**Montenegro**), or higher (**Armenia, Spain, Bulgaria, Cyprus, Bosnia and Herzegovina, Austria, Republic of Moldova, Czech Republic, Romania, The**

FYROMacedonia, Croatia, France, Albania, Sweden, Turkey, Finland) than 100% but lower than 110% and two states have a clearance rate higher than 110% (Georgia, Denmark).

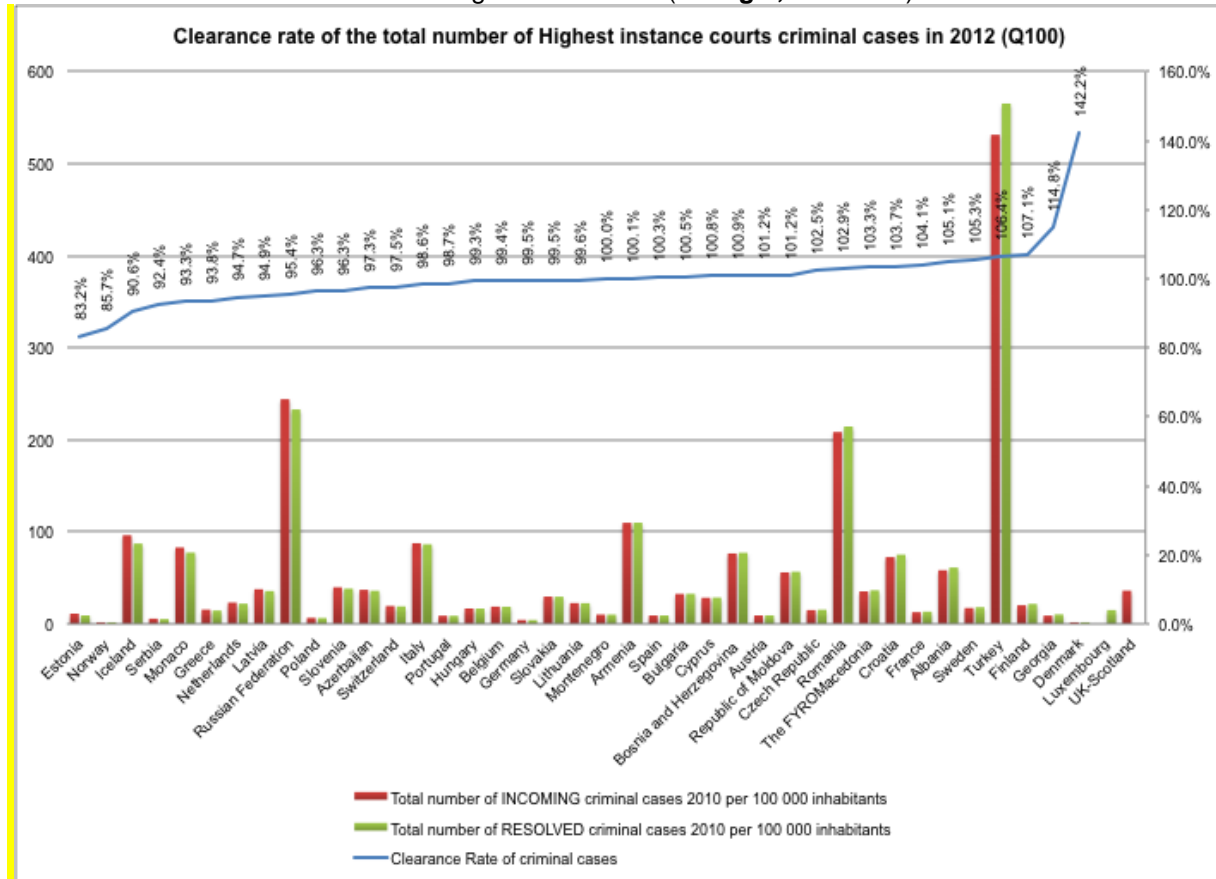
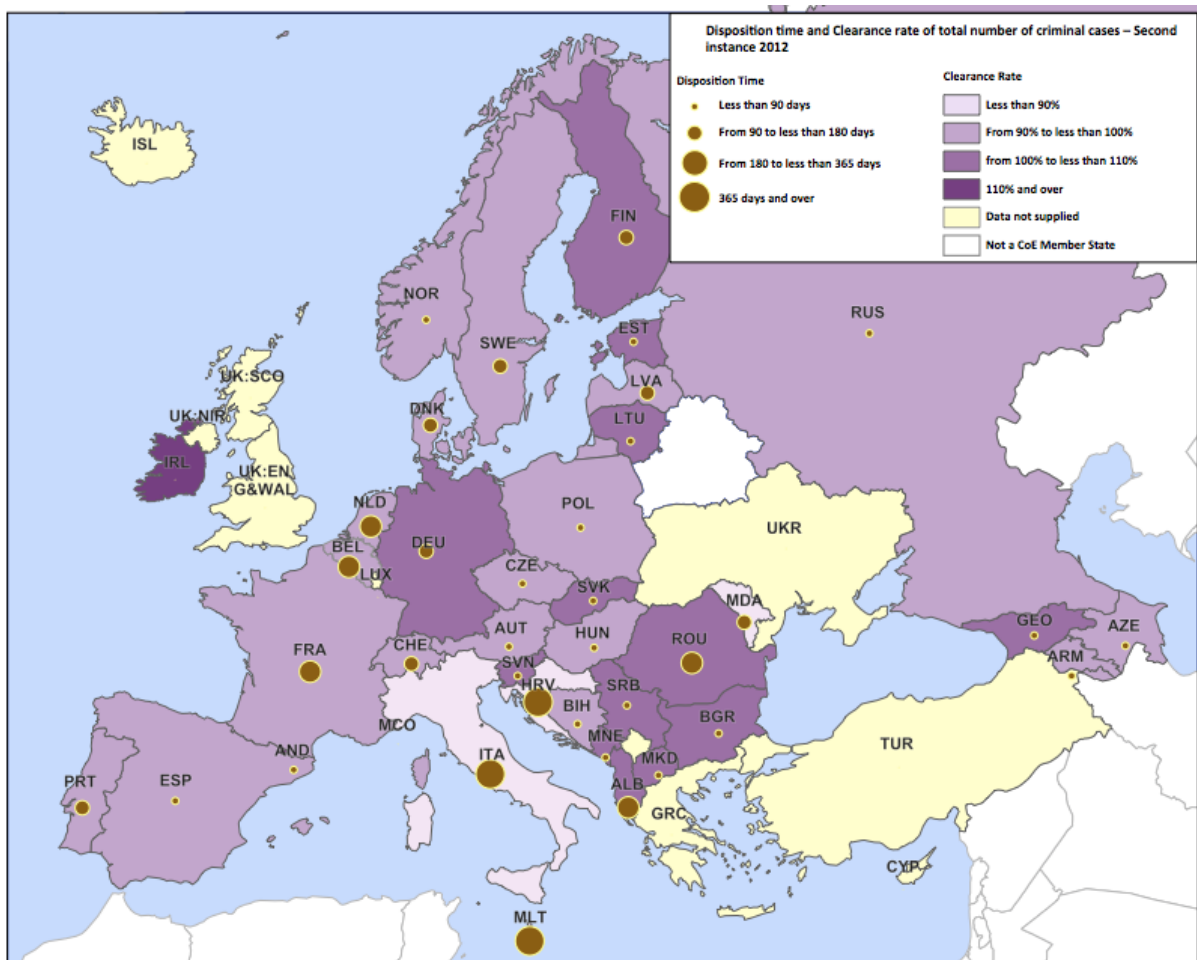


Figure 28 - Clearance rate of the total number of criminal cases at highest instance in 2012, % compared with incoming and resolved cases per 100 000 inhabitants

## 5.6. Disposition time and Clearance rate of total number of criminal cases in 2012

### 5.6.1. Second instance



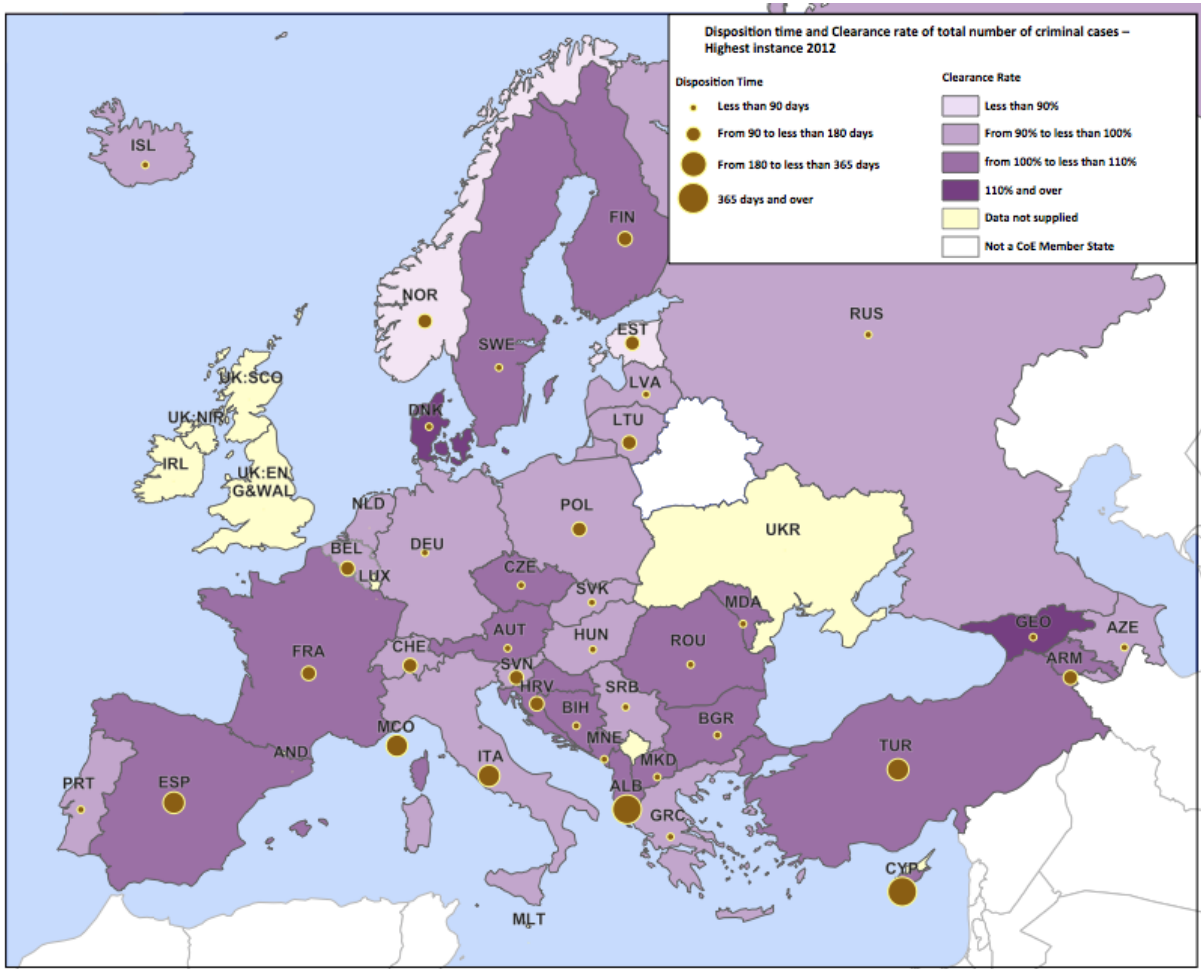
**Figure 29 Map of Disposition time and Clearance rate of total number of criminal cases at second instance in 2012**

Figure 29 shows the Disposition time of the total number of criminal cases at second instance in 36 states and Clearance rate in 38 states.

Of the 20 states that have a Disposition time of less than 90 days, 11 have a Clearance rate below 100% (**Russian Federation, Azerbaijan, Spain, Bosnia and Herzegovina, Hungary, Poland, Czech Republic, Norway, Armenia, Austria**), although in all but two cases (**Russian Federation, Azerbaijan**) the Clearance rate is above 98%. The remaining ten states a Disposition time of less than 90 days (**Bulgaria, Lithuania, Montenegro, Slovakia, The FYROMacedonia, Estonia, Serbia, Georgia, Slovenia, Andorra**) have a Clearance rate equal or higher than 100%. Of the eight states with a Disposition time between three and six months, six (**Republic of Moldova, Denmark, Switzerland, Latvia, Sweden, Portugal**) have a Clearance rate below 100%, while two (**Germany, Finland**) have a Clearance rate equal or higher than 100%. Of the five states with a Disposition time between six months and one year, three (**Belgium, France, Netherlands**) have a Clearance rate below 100%, while two (**Romania, Albania**) have a Clearance rate higher than 100%. All three states with a Disposition time of more than one year (**Malta, Croatia, Italy**) have a Clearance rate below 100%.

Two state provided data only to calculate the Clearance rate, which is below 100% (**Monaco**) in one case and above 100% in the other (**Ireland**).

## 5.6.2. Highest instance



**Figure 30 Map of Disposition time and Clearance rate of total number of criminal cases at highest instance in 2012**

Figure 30 shows total number of criminal cases at highest instance court Disposition time for 38 states and Clearance rate for 39 states.

Of the 21 states that have a Disposition time of less than 90 days, ten have a Clearance rate below 100% (**Iceland, Serbia, Greece, Latvia, Russian Federation, Azerbaijan, Portugal, Hungary, Germany, Slovakia**), while the other eleven (**Montenegro, Bulgaria, Bosnia and Herzegovina, Austria, Republic of Moldova, Czech Republic, Romania, The FYROMacedonia, Sweden, Georgia, Denmark**) have a Clearance rate equal or higher than 100%. Of the 11 states with a Disposition time between three and six months, seven (**Estonia, Norway, Poland, Slovenia, Switzerland, Belgium, Lithuania**) have a Clearance rate below 100%, while four (**Armenia, Croatia, France, Finland**) have a Clearance rate higher than 100%. Of the four states with a Disposition time between six months and one year, two (**Monaco, Italy**) have a Clearance rate below 100%, while two (**Spain, Turkey**) have a Clearance rate higher than 100%. Both states with a Disposition time of more than one year (**Cyprus, Albania**) have a Clearance rate above 100%. One state (**Netherlands**) provided data only to calculate the Clearance rate, which is below 100%.



## 6. Litigious divorce cases second and highest instance data analysis

### 6.1. Average length of proceedings for litigious divorce cases between 2006 and 2012

#### 6.1.1. Average length of proceedings for litigious divorce cases at second instance

According to CEPEJ "GOJUST" Guidelines (CEPEJ(2008)11) on which the Evaluation Scheme builds upon, *Litigious divorce cases* are defined as "the dissolution of a marriage contract between two persons, by the judgement of a court of a competent jurisdiction. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the court) or ruled through an administrative procedure".<sup>36</sup> As observed in the CEPEJ European Judicial Systems study, the length of litigious divorce proceedings "varies in between the states and entities concerned according to the family law (civil law) procedure and the volume of cases filed in courts".<sup>37</sup> Here is the selection of comments provided in the CEPEJ European judicial systems study, Edition 2014 (data 2012), pp. 241-243 to help interpret the length of litigious divorce proceedings data:

**Albania:** as regards non-litigious divorce cases, a draft agreement is presented to the court signed by both partners. The court may, after consultation with each partner alone and together, approve the agreement by decision. If the judge believes that the agreement does not provide enough security for the children or one of the partners, he or she shall suspend the procedure for three months. If, after the suspension of the procedure, the partners have not rectified the agreement accordingly, the judge shall refuse the approval for the non-litigious divorce.

**Armenia:** there are two possibilities of divorce procedure: if there is no dispute between the spouses, the divorce procedure can be made by the body of the registration of the civil acts. In case of dispute, the divorce procedure shall be solved by the court.

**Austria:** the procedure of a litigious divorce is almost identical to regular civil proceedings – a decision is only taken about the dissolution of the marriage (not about alimony, child custody etc.). For a non-litigious divorces, the couple has to agree on the dissolution of the marriage, but also on all legal consequences and effects of the divorce such as alimony for the dependent spouse and children, child custody and division of the joint property, and then the court issues an order about the dissolution of the marriage.

**Azerbaijan:** according to the Family Code, the length of consideration of the divorce case is 3 months (90 days) (but when one side does not agree, the judge has the right to give a term of no more than 3 months (90 days) for conciliation). So the maximum length of this type of cases is 6 months (180 days). One month is allowed for submitting an appeal and three months for the consideration of the case at the Appeal Court. Two months are allowed for submitting an appeal to the Supreme Court and two months for consideration of the case at the Supreme Court. Thus the total is 13 months (390 days) with a conciliation period and 12 months (360 days) without a conciliation period.

**Bosnia and Herzegovina:** the laws regulating family relations govern how courts conduct divorce proceedings, i.e. first instance courts adjudicate divorce cases. Divorce proceedings are initiated in one of the following ways: a spouse files a law suit requesting divorce; or both spouses file a joint request for the marriage to be dissolved. Prior to taking one of the above legal actions, the couple with underage children must try to reconcile through a legally prescribed procedure which is handled by municipal social workers. A court decision by which a marriage is dissolved may be appealed, in principle only on the ground of grave procedural mistakes. There is no mandatory timeframe for the divorce case to be decided upon.

**Bulgaria:** divorce by mutual consent is a non-contentious proceeding where the court permits the divorce without searching for the reasons for the termination of the marriage. Safeguard proceedings are applied to divorce through mutual consents while adversary proceedings are applied to divorce through claims procedure.

**Czech Republic:** if a marriage has existed for at least 1 year, the spouses have not lived together for more than 6 months and the petition for divorce by one spouse is joined by the other, the court does not establish the grounds for the breakdown of marriage and issues a judgment of divorce under several conditions. If there is a minor child (minor children) the court decides, before issuing the judgment of divorce, on the rights and duties of the parents with respect to the child or children, in particular who of them will be entrusted with the custody of a child or children and what their duties to (financially) support and maintain the children are. Marriage may not be dissolved until the decision on the position of the children after the divorce becomes

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<sup>36</sup> "GOJUST" Guidelines (CEPEJ(2008)11), p. 8.

<sup>37</sup> European Judicial Systems, Edition 2012 (data 2010): Efficiency and quality of justice, p.213.

final and binding. The decision on parental responsibility may be replaced by an agreement of the parents which must be approved by a court in order to be valid.

**Estonia:** divorce cases are litigious cases. Upon granting a divorce, the court can settle disputes concerning a child and disputes concerning the support or the division of joint property. However, divorce can be granted by the civil status officials or by the notary when the spouses agree about the divorce and there is no dispute at all concerning the circumstances relating to the divorce.

**Finland:** a marriage may be dissolved by a court order after a reconsideration period of six months or after the spouses have lived separately for the past two years without interruption. The divorce is dealt with at the District Court by written application, which can be made by the spouses together or one spouse alone. When a divorce is handled at the District Court for the first time, the handling will be postponed until further notice. Thereafter the District Court shall grant the spouses a divorce when the six-month reconsideration period has expired and the spouses demand together or one of them demands that they be granted divorce. A divorce case shall lapse if the demand for the granting of divorce is not made within one year from the beginning of the reconsideration period. However, the spouses can be granted a divorce immediately without the otherwise obligatory six-month reconsideration period if they have lived separately for the past two years without interruption.

**France:** all divorces in France involve the intervention of a judge; there are a variety of procedures depending on whether or not divorce is consensual. In addition, some litigious divorces are procedurally divided into two periods. The time between the end of the conciliation phase and the beginning of the period where the divorce is pronounced does not depend on any judicial authority. Indeed, once the order of non-conciliation is made the judge, it is up to the parties to assign the other spouse in a divorce.

**Georgia:** if there is a property dispute between spouses, or if they have minor children, their divorce case is heard by the court which adopts a decision within 2 months after admission of the lawsuit, if the case is difficult, within a maximum period of 5 months. If there is no dispute between the spouses, or if they have no minor children, their divorce may take place in a territorial unit of the Civil Registry Agency.

**Germany:** the family court has exclusive jurisdiction over marriage cases and other family cases. The family court is a department of the Local Court. Anyone wishing to bring a marriage case to court, that is anyone wishing to divorce, must be represented by a solicitor. The respondent also needs to be represented by a lawyer if motions are to be fixed. As a rule, the spouses are to pay half the court costs of the divorce case and the ancillary cases; plus, each spouse pays their own legal costs. It is possible to apply for legal aid. Spouses wishing to divorce can reduce the costs of the proceedings by the respondent agreeing to the divorce for the record of the court registry or in the oral hearing without appointing a solicitor.

**Greece:** divorce cases are resolved under a special procedure as described in the code of civil procedure. This means that the procedure in the special panels is faster and simplified compared to the ordinary civil procedure.

**Hungary:** the court may attempt at any time during the proceedings to steer the parties towards reconciliation. If during the first hearing in a divorce case the parties fail to settle their differences, the court shall postpone the hearing, and shall advise the parties of their right to request a continuation of the proceedings within three months in writing. The court shall set the date of the next hearing thirty days after the time of submission of the application. If dissolution of the marriage was requested jointly, or the parties have no child of minor age, the court shall proceed to hear the case on the merits during the first session. If the marriage is dissolved, the court shall decide concerning the placement and maintenance of the couple's minor children even in the absence of a claim.

**Ireland:** the applicant lodges an application for a divorce decree, specifying the grounds on which the decree is sought and the facts supporting the application and relevant to the issues of maintenance, custody, access etc. (as appropriate). If the respondent opposes the application, he/she must enter a defence/answer within a specified time from the service on him/her of the application. Even where the parties consent to a divorce decree, the court is required to enquire as to whether proper provision exists or will be made for a spouse or dependant.

**Lithuania:** divorce cases are dealt with in closed court sessions if at least one of the parties ask for it. When any question related to a child is dealt with, a child, who is capable to formulate his/her view, has to be heard directly, and, if not possible, through a representative. In the process of hearing a divorce case, the court undertakes measures to reconcile the spouses and has the right to establish the time limit for reconciliation. This time limit has to be not longer than 6 months. Until the judicial decision the court, considering the interests of spouses, children, also one of the spouses may establish the interim measures of protection.

**Malta:** till June 2011 there existed no divorce proceedings, whether litigious or non-litigious. On the other hand, there exist separation proceedings, which may be either litigious or non-litigious, as well as annulment proceedings, which are always litigious.

**Republic of Moldova:** The family Code states that if there is the agreement between the spouses who have no common minor children and, in the absence of any dispute regarding the sharing, or maintenance of the husband unable to work, marriage can be annulled by the registry office of the territorial division of a spouse, with the obligatory participation of both spouses. Similarly, at the request of either spouse, the marriage can be annulled by the registry office where the other spouse has been declared incompetent or declared



missing or sentenced to imprisonment for a period longer than 3 years. In such cases, the annulment of the marriage and the certificate of divorce takes place one month after the period of one month from the date of the filing the divorce petition. In case of disputes between spouses concerning the children, sharing, or maintenance of the husband unable to work and that requires a material support; the annulment of marriage is through the courts. Similarly, if after the annulment by the registry office there are disputes between the spouses concerning the children, sharing, or maintenance of the husband unable to work and who requires material support, it shall be settled through the courts.

**Monaco:** there are two categories of divorce: litigious proceedings due to a fault, a break-up of the relationship, a criminal sentence over one of the spouses, illness of which the seriousness and nature can negatively affect the balance of family life; and non-litigious proceedings in which divorce due to a fault can be judged with a joint request from the spouses.

**Norway:** with very few exceptions the dissolution of a marriage follows a non-judicial procedure.

**Poland:** the termination of marriage can take the form of divorce or separation. Separation is decided by the court when there is a complete (but not irreversible) disintegration of matrimonial life. The most significant difference is that separated spouses are not allowed to remarry. Dissolution cases are first instance litigation and examined by the Circuit Court. The dissolution petition can include requests for additional decisions such as property division, custody of minor children, child support or alimony. The petitioner must pay an interim court fee, unless he/she is granted legal aid. The service of a lawyer is not mandatory. The hearing of both parties is mandatory. If there is a prospect of restoring the marriage, the court may order a mediation proceeding with the consent of both parties. Judgment is pronounced orally. The party may request a written copy of the judgment within 7 days. An appeal can be filed within 14 days.

**Portugal:** separation and divorce by mutual consent (non-litigious) are applied for at the civil registry office for the area in which either of the spouses is resident or at another office chosen and expressly designated by both spouses. Other applications are submitted to courts. A contested divorce (litigious) involves an application known as an initial application, which sets out the facts deemed to point to the need for the dissolution of the marriage. The evidence may be submitted immediately.

**Romania:** two alternative divorce procedures were introduced by the new Civil Code (2011): the administrative divorce, at the civil status service, and the divorce in front of the public notary. These alternatives are available in the situation of a divorce by mutual consent. They are already contributing to a quicker dispute resolution and to relieving the burden on courts.

**Russian Federation:** according to the Family Code, spouses can apply for divorce either to civil status registration offices or to courts. The Code allows divorce in civil status registration offices when both spouses agree with to the divorce and they have no common minor children, when one of the spouses has been declared missing or legally incapable by a court, or when he/she has been sentenced to more than three years of imprisonment. Civil status registration offices declare the divorce no earlier than one month after the submission of the application. Other divorce cases are heard by the courts of general jurisdiction by way of civil proceedings. The courts can make use of conciliatory measures or postpone the hearing of the case for up to three months to allow the spouses to reconcile.

**Serbia:** there is a reconciliation procedure (it must be terminated within 2 months) and an agreement procedure (it must also be terminated within the 2 months).

**Slovakia:** there is no non-litigious divorce procedure.

**Slovenia:** litigious divorce cases include the following two types of divorce proceedings: divorces involving children and divorces without children. The data given exclude divorces as a result of mutual agreement between the parties (i.e. the non-litigious divorce).

**Spain:** divorce does not require a previous judicial separation nor the concurrence of causes legally determined. This means that it is possible to sue directly to get a divorce without an invocation of a cause (divorce needs always a judicial decision). The divorce procedure can be initiated at the request of one of the spouses, at the request of one of them with the consent of the other, or at the request of both spouses. When divorce is asked at the request of only one of the spouses, the claim must include a proposal for the measures that should regulate the effects derived from the divorce or the separation. These measures will be the object of debate during the process, with the judge deciding on them if there is no agreement between the spouses. If the divorce is asked at the request of one spouse with the consent of the other or by both spouses, then the claim must include an agreement reached between the spouses on the measures that are to be adopted.

**Sweden:** if neither of the spouses live together with their own children and they have jointly applied for a divorce, the district court may issue a judgment as soon as possible. If the spouses have children living at home (their own, the wife's/husband's or common children), or if one of the spouses does not agree to the divorce, there will always be a period of reconsideration. If the spouses have lived apart for more than two years they can have a divorce directly, even if they have children or if one of the spouses does not agree to the divorce. In that event the husband or wife should enclose a certificate of separate living.

“the former Yugoslav Republic of Macedonia”: the Law on civil procedure is applied in divorce cases. In addition, the Law on the Family includes for five articles dedicated to divorce, but it does not contain provisions regarding the court procedure.

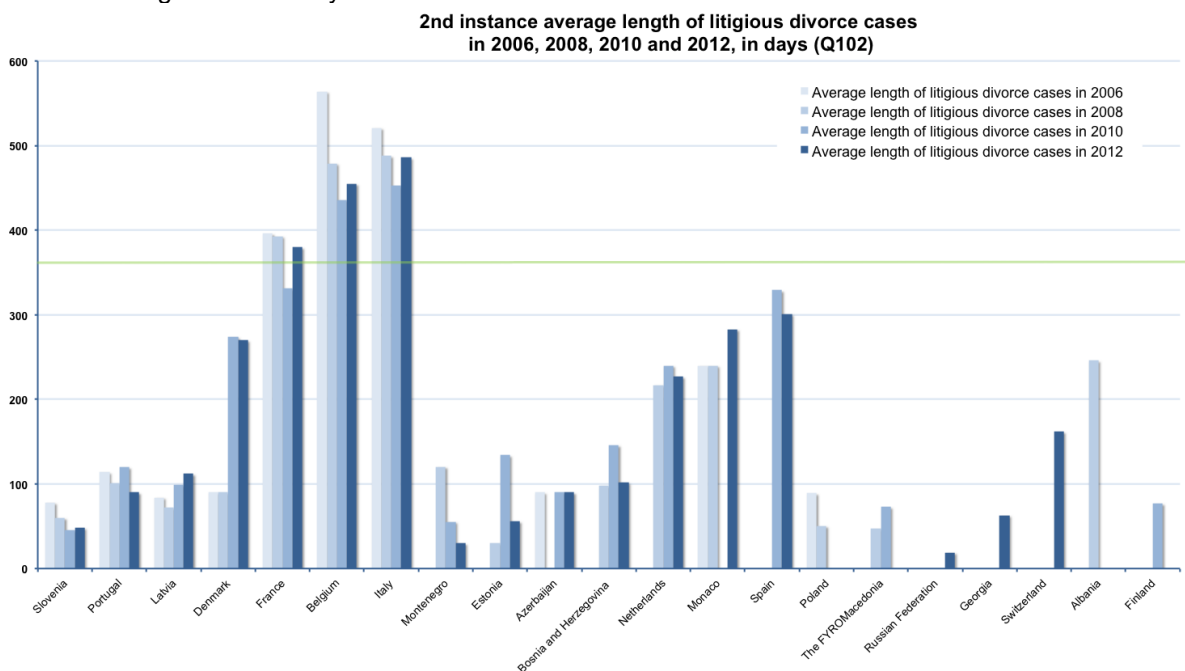
**Turkey:** divorce cases are handled by family courts. According to the Law on the Establishment, Functions and Trial Procedure of Family Courts, before considering the merits of the case the family courts shall, if appropriate, by involving specialists, encourage the parties to resolve the problems peacefully. If the conflict is not resolved in this way, then the court is entitled to hear the case.

**Ukraine:** In case of non-litigious divorce, a marriage can be dissolved by the Public Civil Status Act Registration Authority upon joint application of the spouses without children or by court upon joint application of the spouses with children. The court dissolves a marriage if the application corresponds to the will of the spouses, within one month from the date of the application. In case of litigious divorce, the court ascertains the actual relationships of the spouses, the real reasons for taking legal action for marriage dissolution, take into consideration the existence of a minor child, disabled child and other circumstances relating to the life of the married couple.

**UK-England and Wales:** people seeking a divorce are required to apply to the court and provide evidence to support their application. If the court is satisfied on the evidence that the marriage has broken down irretrievably, a decree of divorce will be granted. The first stage of granting a decree of divorce is to issue a decree "nisi". After a period of six weeks an application can be made to make the decree absolute.

**UK-Northern Ireland:** marriage and Civil Partnership Agreements can be dissolved through divorce, nullity, and dissolution proceedings. All are litigious. Proceedings are commenced by way of petition. There is no time requirement for Nullity proceedings. Parties may also petition the court for judicial separation proceedings which if a decree is granted means that the petitioner is no longer obliged to cohabit with the respondent and effects how property is devolved on the death of an intestate party to the marriage.

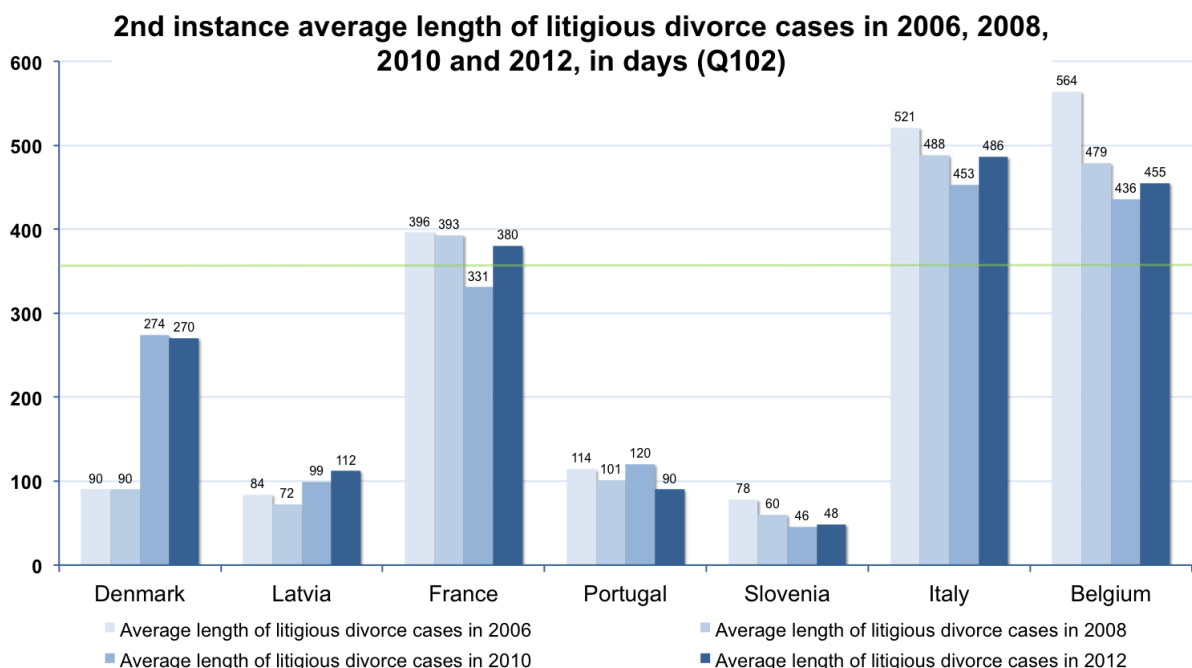
Second instance data are available for ten states in 2006 (**Slovenia, Latvia, Poland, Denmark, Azerbaijan, Portugal, Monaco, France, Italy, Belgium**) ranging between a minimum of 78 (**Slovenia**) and a maximum of 564 days (**Belgium**), with an average of 226.6 days and a median of 102.0 days. It is available in 15 states in 2008 (**Estonia, The FYROMacedonia, Poland, Slovenia, Latvia, Denmark, Bosnia and Herzegovina, Portugal, Montenegro, Netherlands, Monaco, Albania, France, Belgium, Italy**), ranging between a minimum of 30 (**Estonia**) and a maximum of 488 days (**Italy**), with an average of 182.1 days and a median of 101.0 days. Data are available also for 15 states in 2010 (**Slovenia, Montenegro, The FYROMacedonia, Finland, Azerbaijan, Latvia, Portugal, Estonia, Bosnia and Herzegovina, Netherlands, Denmark, Spain, France, Belgium, Italy**) ranging from a minimum of 46 (**Slovenia**) to a maximum of 453 days (**Italy**), with an average of 193.5 days and a median of 134.0. In 2012 data are available for 17 states (**Russian Federation, Montenegro, Slovenia, Estonia, Georgia, Azerbaijan, Portugal, Bosnia and Herzegovina, Latvia, Switzerland, Netherlands, Denmark, Monaco, Spain, France, Belgium, Italy**), ranging from a minimum of 19 (**Russian Federation**) to a maximum of 486 (**Italy**), with an average of 186.7 days and a median of 112.0.



**Figure 31 - Second instance court litigious divorce proceedings average length (in days) in 2006, 2008, 2010 and 2012**

In only seven cases, **Slovenia, Portugal, Latvia, Denmark, France, Belgium, Italy**, data are available in all four dates. In four additional cases data are available in 2008, 2010 and 2012 (**Montenegro, Estonia, Bosnia and Herzegovina, Netherlands**). Figure 32 shows the data for these states ordered by 2006-2012

variation in absolute number of days. The variation between 2006 and 2012 ranges from an increase of 180 days in **Denmark** to a decrease of 109 days in **Belgium**, with an average decrease of 0.8 days.



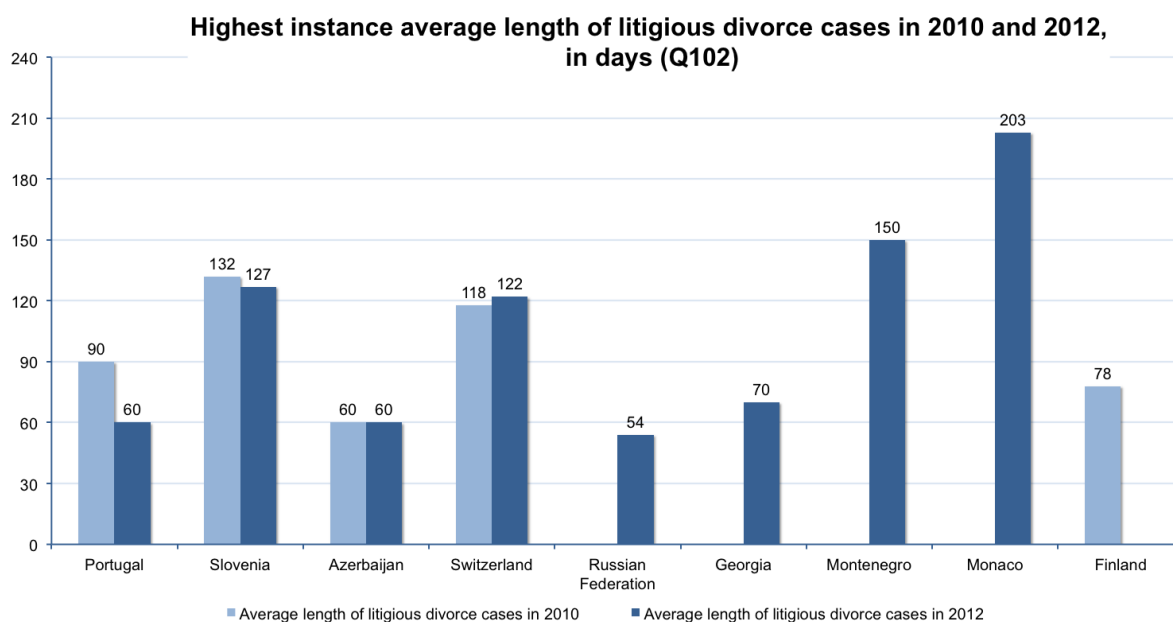
**Figure 32 - Second instance court litigious divorce proceedings average length (in days) in 2006, 2008, 2010 and 2012 ordered by 2006-2012 variation in absolute number of days.**

### 6.1.2. Average length of proceedings for litigious divorce cases at highest instance

Data on the average length of proceedings for litigious divorce cases at highest instance is available only for 2010 for (five countries: **Switzerland, Slovenia, Azerbaijan, Finland, Portugal**) and 2012 (eight countries: **Slovenia, Switzerland, Azerbaijan, Portugal, Monaco, Montenegro, Georgia, Russian Federation**).

The average length of proceedings for litigious divorce cases at highest instance in 2010 ranges from a minimum of 60 days (**Azerbaijan**) to a maximum of 132 (**Slovenia**), with an average of 95.6 days and a median of 90.0 days, while in 2012 it ranges from a minimum of 54 days (**Russian Federation**) to a maximum of 203 (**Monaco**), with an average of 105.8 days and a median of 96.0.

Considering the four countries for which both 2010 and 2012 data are available, the difference in days ranges between a minimum of minus 30 days (**Portugal**) to a maximum of plus four days (**Switzerland**), with an average of minus 7.8 days and a median of minus 2.5 days.



**Figure 33 - Highest instance court litigious divorce proceedings average length (in days) in 2010 and 2012**



## 7. Synthesis

The synthesis analysis that follows investigates 2012 data on total of civil, commercial and administrative law cases and total criminal cases at first, second and highest instance level. In particular, two indicators are discussed, the Clearance rate and the Disposition time as they have been the main focus of the present work, in accordance with the indications provided by CEPEJ. Follows an analysis of litigious divorce cases at first and second and highest instance in relation to the average length of proceedings, also in line with the CEPEJ selection of this category between the four indicated by the "GOJUST" Guidelines -CEPEJ(2008)11.

### **7.1. Total of civil, commercial and administrative law cases at first, second and highest instance (civil & commercial litigious + administrative law cases)**

As mentioned in chapter 4, in this edition, in line with the choice made for the European Judicial Systems report 2014, the total of civil, commercial and administrative law cases is calculated as the sum of "civil & commercial litigious cases" + "administrative law cases". The value is provided only if data is available in both categories or NAP in one of the two categories. If both categories are NAP, the result is considered NAP, while if one or both categories are NA, the results is NA.<sup>38</sup>

#### **7.1.1. Clearance rate**

In 2012 it has been possible to calculate Clearance rate values of total of civil, commercial and administrative law cases for in 35 states at first instance (**Albania, Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, Turkey**), 25 states at second instance (**Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Republic of Moldova, Montenegro, Poland, Russian Federation, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, UK-England and Wales**), 23 states at highest instance (**Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Hungary, Ireland, Italy, Lithuania, Republic of Moldova, Montenegro, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia**).

First instance courts Clearance rate ranges between from a minimum of 65.4% (**Greece**) to a maximum of 146.6% (**Luxembourg**), with an average of 103.4% cases and a median of 100.6%. The Clearance rate is below 95% in 4 states (**Croatia, Greece, Poland, Slovakia**), equal or higher than 95% but lower than 100% in 9 states (**Albania, Andorra, Azerbaijan, Czech Republic, France, Montenegro, Norway, Romania, Russian Federation**) and higher than 100% in the remaining 22 states (**Armenia, Austria, Bosnia and Herzegovina, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Serbia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, Turkey**).

Second instance courts Clearance rate ranges between from a minimum of 73.3% (**Greece**) to a maximum of 109.2% (**Sweden**), with an average of 98.0% cases and a median of 99.2%. The Clearance rate is below 95% in 7 states (**Azerbaijan, Bosnia and Herzegovina, Greece, Montenegro, Poland, Russian Federation, UK-England and Wales**), equal or higher than 95% but lower than 100% in 8 states (**Andorra, Armenia, Czech Republic, Estonia, France, Luxembourg, Slovenia, Spain**) and higher than 100% in the remaining 10 states (**Finland, Georgia, Hungary, Italy, Latvia, Lithuania, Republic of Moldova, Sweden, Switzerland, The FYROMacedonia**).

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<sup>38</sup> N.B. These values are not comparable with those of the previous editions. In the first edition of this report, the data analysed were those of the "total of other than criminal law cases" category, in the second edition data are provided by the sum of three categories, "civil & commercial litigious cases" + "civil & commercial non-litigious cases" + "administrative law cases", and in line to what done in the European Judicial Systems report 2012, for the purpose of Total number of civil, commercial and administrative law cases computation "NA" and "NAP" values in one or two categories were computed as 0.

Highest instance courts Clearance rate from a minimum of 42.1% (**Ireland**) to a maximum of 130.5% (**Spain**), with an average of 94.8% cases and a median of 97.2%. The Clearance rate is below 95% in 9 states (**Azerbaijan, Bosnia and Herzegovina, Cyprus, Hungary, Ireland, Italy, Lithuania, Romania, Sweden**), equal or higher than 95% but lower than 100% in 8 states (**Estonia, Finland, France, Georgia, Republic of Moldova, Montenegro, Russian Federation, Switzerland**) and higher than 100% in the remaining 6 states (**Armenia, Czech Republic, Serbia, Slovenia, Spain, The FYROMacedonia**).

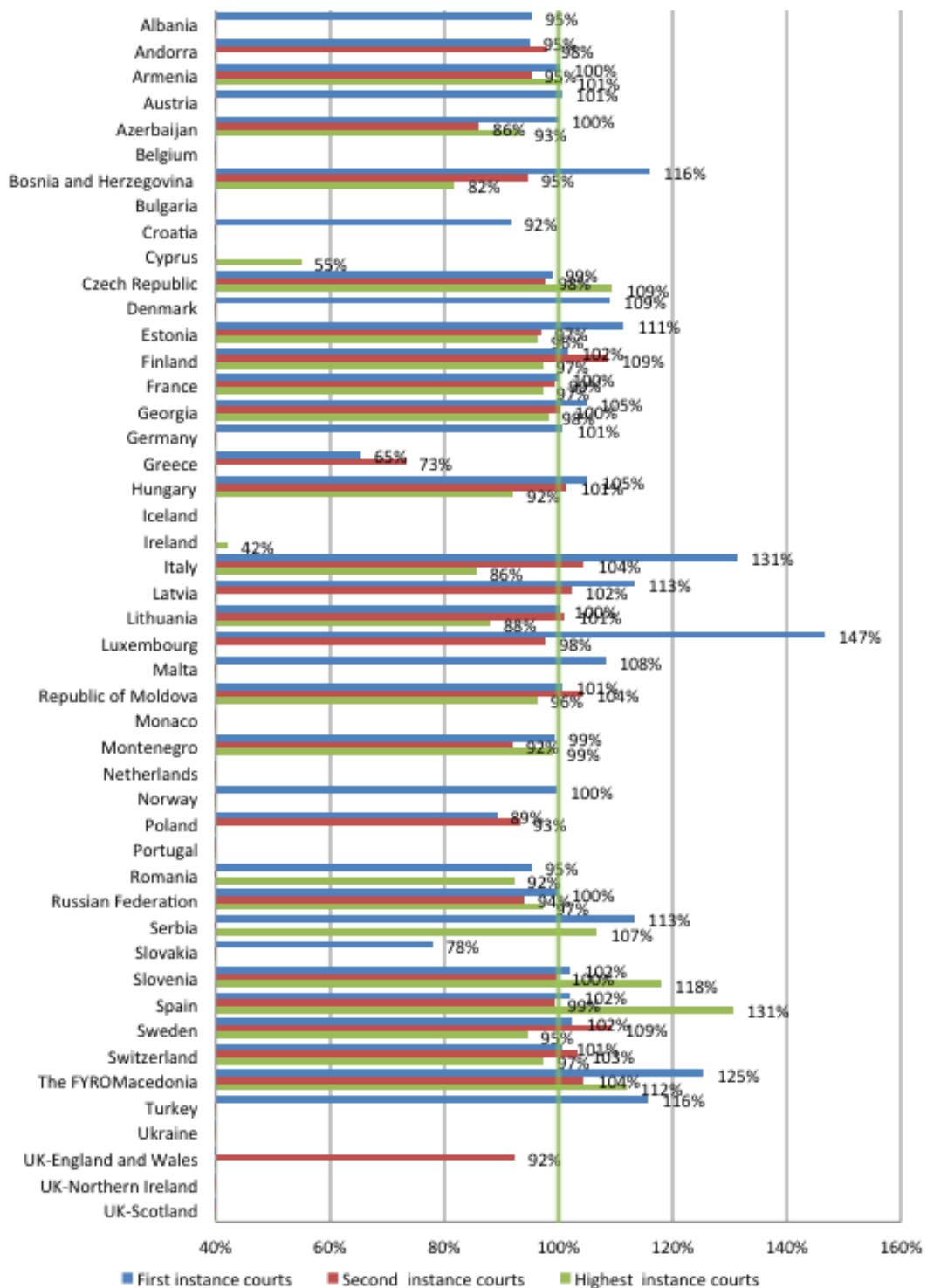
Table 15 presents the percentages of states with a first, second and highest instance courts Clearance rate below 95%, equal or higher than 95% but lower than 100% and equal or higher than 100% over the total of states that provided the data for that instance.

**Table 15 - First, second and highest instance courts total of civil, commercial and administrative law cases (2012) Clearance rate synthesis table**

	States with Clearance rate below 95%	States with Clearance rate equal or higher than 95% but lower than 100%	States with Clearance rate equal or higher than 100%	Total	% of states with Clearance rate below 95%	% of states with Clearance rate equal or higher than 95% but lower than 100%	% of states with Clearance rate equal or higher than 100%
First instance	4	9	22	35	11%	26%	63%
Second instance	7	8	10	25	28%	32%	40%
Highest instance	9	8	6	23	39%	35%	26%

Figure 34 synthesizes the 2012 Clearance rate values of total of civil, commercial and administrative law cases at first, second at first, second and highest instance ordered by state. Please note that the explanation of the context of very low **Ireland** Clearance rate value at highest instance is provided in chapter 2.3.2

### First, second and highest instance courts total of civil, commercial and administrative law case Clearance rate, in % (2012)



**Figure 34 - First, second and highest instance total of civil, commercial and administrative law cases Clearance rates (2012)**

Overall, data are available for all three instances in 19 cases. Figure 35 provides an additional tool to help the reader visualize the Clearance rate situation at an aggregated level. For each of the 19 states which provided the needed data, it has been assessed in how many cases between first, second and highest instance the total of civil, commercial and administrative law cases Clearance rates (2012) are equal or above 95%. If Clearance rates are equal or above 95% at all three court instances, the state is coloured

green; if the Clearance rates are equal or above 95% at two out of three court instances, the state is coloured yellow. If the Clearance rate is equal or above 95% only in one case and below 95% in the other two, out of three court instances, the state is coloured orange. Finally, if Clearance rates are equal or above 95% at all three court instances, the state is coloured red.

This Figure provides an indication of the variation of the pending cases in 2012. It should be noted, though, that without looking also at the disposition time and at the absolute numbers of pending cases, the assessment of the situation can be misleading.

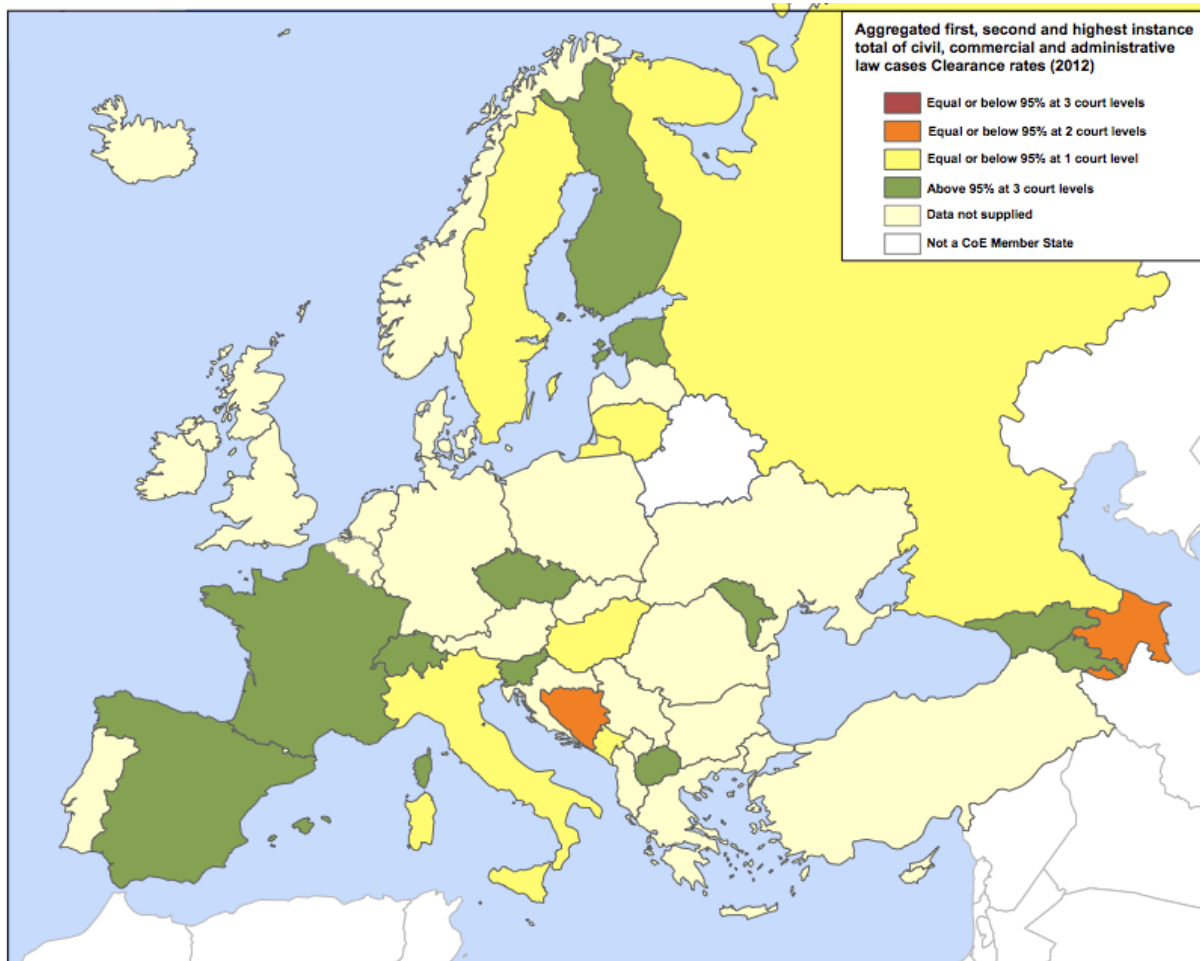


Figure 35 – Map of aggregated first, second and highest instance total of civil, commercial and administrative law cases Clearance rates (2012)

### 7.1.2. Disposition time

With the available data, it has been possible to calculate the Disposition time at in 34 states at first instance (**Albania, Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Republic of Moldova, Montenegro, Norway, Poland, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, Turkey**), 24 states at second instance (**Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Republic of Moldova, Montenegro, Poland, Russian Federation, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia**), 23 states at highest instance (**Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Hungary, Ireland, Italy, Lithuania, Republic of Moldova, Montenegro, Romania, Russian Federation, Serbia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia**).

First instance disposition time ranges from a minimum of 26 (**Russian Federation**) to a maximum of 707 (**Malta**), with an average of 250.9 cases and a median of 212.4. Second instance disposition time ranges from a minimum of 38 (**Russian Federation**) to a maximum of 1161 (**Italy**), with an average of 238.4 cases and a median of 136.3. Highest instance disposition time ranges from a minimum of 7 (**Montenegro**) to a maximum of 1470 (**Italy**), with an average of 299.3 cases and a median of 191.2.



Furthermore, it has been possible to calculate the Disposition time at all three instances in 19 states. Figure 36 allows checking with one glance the differences in Disposition time considering a case which is resolved at highest court level. In some countries the justice system is relatively fast compared to the others in dealing with first instance cases, while perform less speedily for cases which are appealed. See for example the case of **Hungary**, which shows a first instance Disposition time of 98 days compared to the average 220 days and median of 174 days for the 19 states for which it has been possible to calculate the Disposition time for all three instances. Summing up first, second and highest instance courts Disposition time shows a less positive Disposition time situation which is still below the average but above the median (455 days, compared to an average of 673 days and median of 434 days of the 19 states).

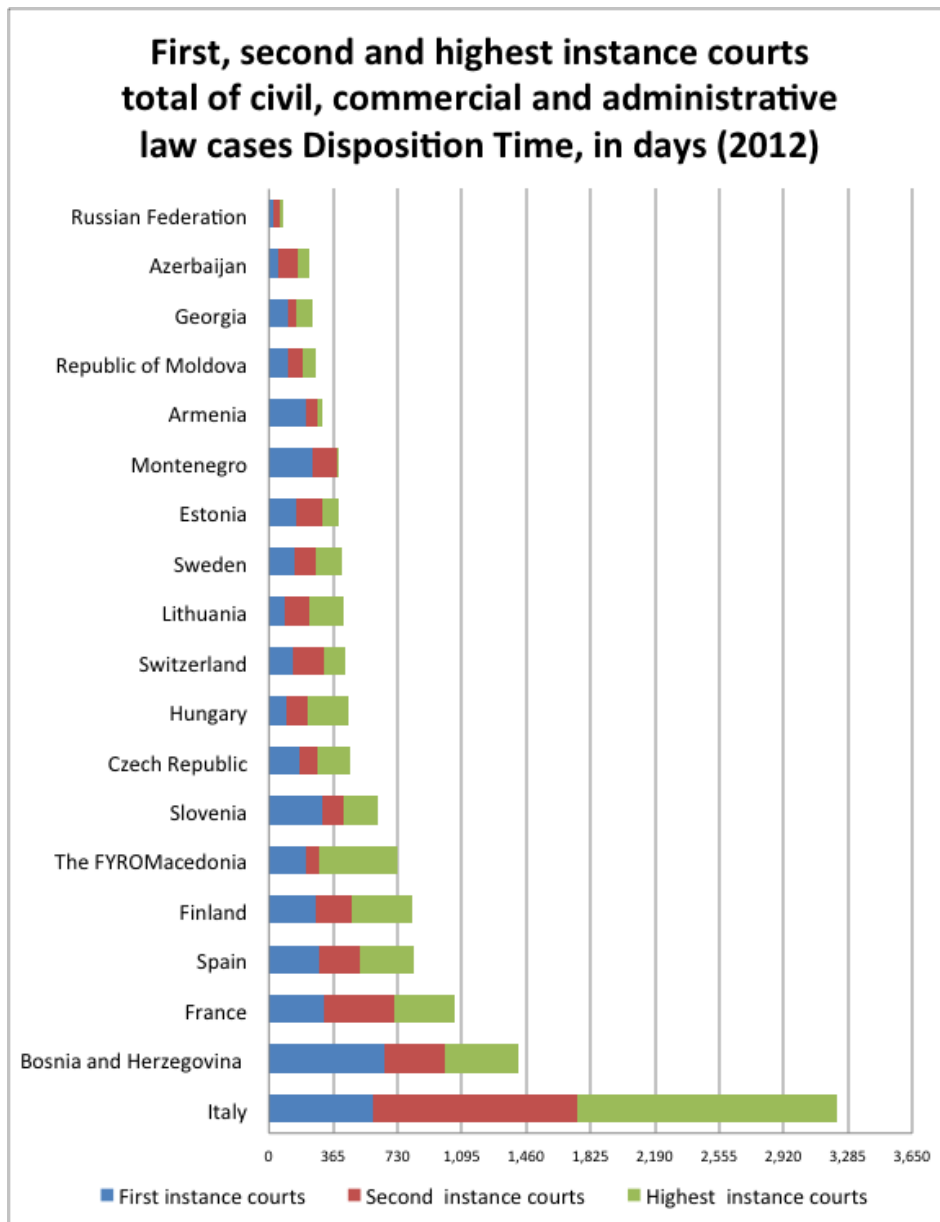


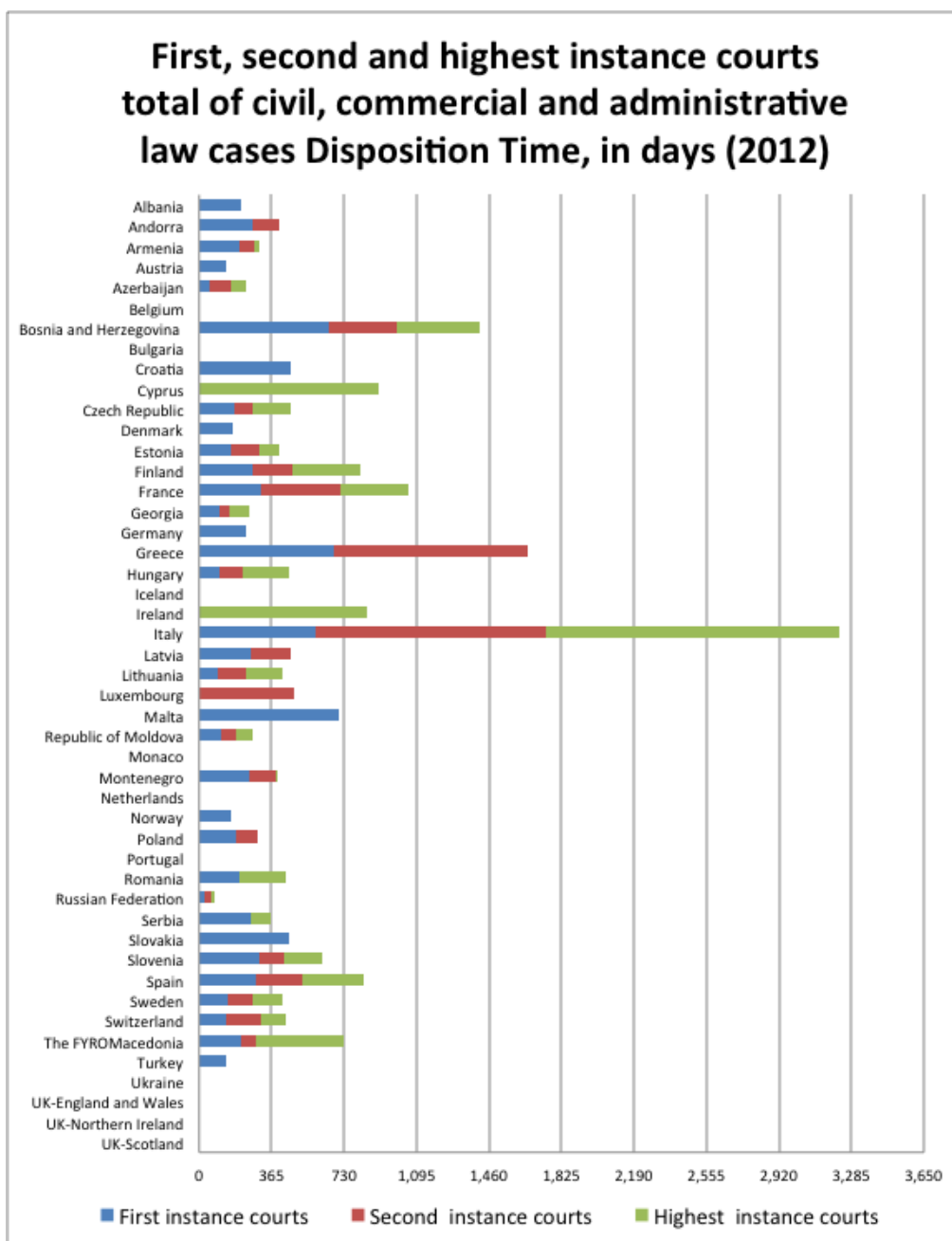
Figure 36 - First, second and highest instance courts total of civil, commercial and administrative law cases (2012) Disposition time (in 19 states) ordered by 1<sup>st</sup>+2<sup>nd</sup>+3<sup>rd</sup> instance Disposition time

Table 16 provides average, median, minimum and maximum values for first, second and highest court level Disposition time at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> court level, but also for 1<sup>st</sup> +2<sup>nd</sup> court level (as to say the total Disposition time for a case which is defined at second court level) and for 1<sup>st</sup> +2<sup>nd</sup> +3<sup>rd</sup> court level (total Disposition time for a case defined at highest level).

**Table 16 - First, second and highest instance total of civil, commercial and administrative law cases (2012) Disposition time (in days) synthesis table (24 states)**

	First instance Disposition time - Total of civil, commercial and administrative law cases (2012)	Second instance Disposition time - Total of civil, commercial and administrative law cases (2012)	Highest instance Disposition time - Total of civil, commercial and administrative law cases (2012)	1st +2nd instance Disposition time - Total of civil, commercial and administrative law cases (2012)	1st +2nd +3rd instance Disposition time - Total of civil, commercial and administrative law cases (2012)
Average	256	238	299	470	673
Median	209	136	191	305	434
Min	26	38	7	64	79
Max	707	1 161	1 470	1 751	3 221
Number of cases	34	24	23	23	19

In a future analysis it could be interesting to cross this data with the data on the percentage of cases that are defined at each level.



**Figure 37 - First, second and highest instance total of civil, commercial and administrative law cases (2012) Disposition time, in days**

Figure 37 presents all the 2012 Disposition time values that it has been possible to calculate, ordered by country.

## 7.2. Total criminal cases at first, second and highest instance

### 7.2.1. Clearance rate

In 2012 it has been possible to calculate Clearance rate values of total number of criminal cases for 37 states at first instance (Albania, Andorra, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, Turkey, UK-England and Wales), 38 states at second instance (Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia), 39 states at highest instance (Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The FYROMacedonia, Turkey).

First instance courts Clearance rate ranges between a minimum of 90.6% (Republic of Moldova) to a maximum of 120.7% (Slovenia), with an average of 100.4% cases and a median of 100.5%. The Clearance rate is below 95% in six states (Andorra, Cyprus, Estonia, Hungary, Italy, Republic of Moldova), equal or higher than 95% but lower than 100% in nine states (Bulgaria, Finland, Latvia, Lithuania, Montenegro, Netherlands, Romania, Russian Federation, Switzerland) and higher than 100% in the remaining 22 states (Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Denmark, France, Georgia, Germany, Malta, Norway, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, The FYROMacedonia, Turkey, UK-England and Wales).

Second instance courts Clearance rate ranges between from a minimum of 64.8% (Malta) to a maximum of 117.0% (Ireland), with an average of 98.4% cases and a median of 99.4%. The Clearance rate is below 95% in six states (Croatia, Italy, Malta, Republic of Moldova, Monaco, Russian Federation), equal or higher than 95% but lower than 100% in 18 states (Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Czech Republic, Denmark, France, Hungary, Latvia, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland) and higher than 100% in the remaining 15 states (Albania, Andorra, Bulgaria, Estonia, Finland, Georgia, Germany, Ireland, Lithuania, Montenegro, Romania, Serbia, Slovakia, Slovenia, The FYROMacedonia).

Highest instance courts Clearance rate ranges between a minimum of 83.2% (Estonia) to a maximum of 142.2% (Denmark), with an average of 100.2% cases and a median of 99.6%. The Clearance rate is below 95% in eight states (Estonia, Greece, Iceland, Latvia, Monaco, Netherlands, Norway, Serbia), equal or higher than 95% but lower than 100% in 12 states (Azerbaijan, Belgium, Germany, Hungary, Italy, Lithuania, Poland, Portugal, Russian Federation, Slovakia, Slovenia, Switzerland) and higher than 100% in the remaining 19 states (Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Republic of Moldova, Montenegro, Romania, Spain, Sweden, The FYROMacedonia, Turkey).

**Table 17 - First, second and highest instance total criminal cases (2012) Clearance rate synthesis table**

	States with Clearance rate below 95%	States with Clearance rate equal or higher than 95% but lower than 100%	States with Clearance rate equal or higher than 100%	Total	% of states with Clearance rate below 95%	% of states with Clearance rate equal or higher than 95% but lower than 100%	% of states with Clearance rate equal or higher than 100%
First instance	6	9	22	37	16%	24%	59%
Second instance	6	17	15	38	16%	45%	39%
Highest instance	8	12	19	39	21%	31%	49%

Table 17 presents the percentages of states with a first, second and highest instance courts Clearance rate below 95%, equal or higher than 95% but lower than 100% and equal or higher than 100% over the total of states that provided the data for that instance.

Figure 38 synthesizes the 2012 Clearance rate values at first, second and highest instance ordered by state.

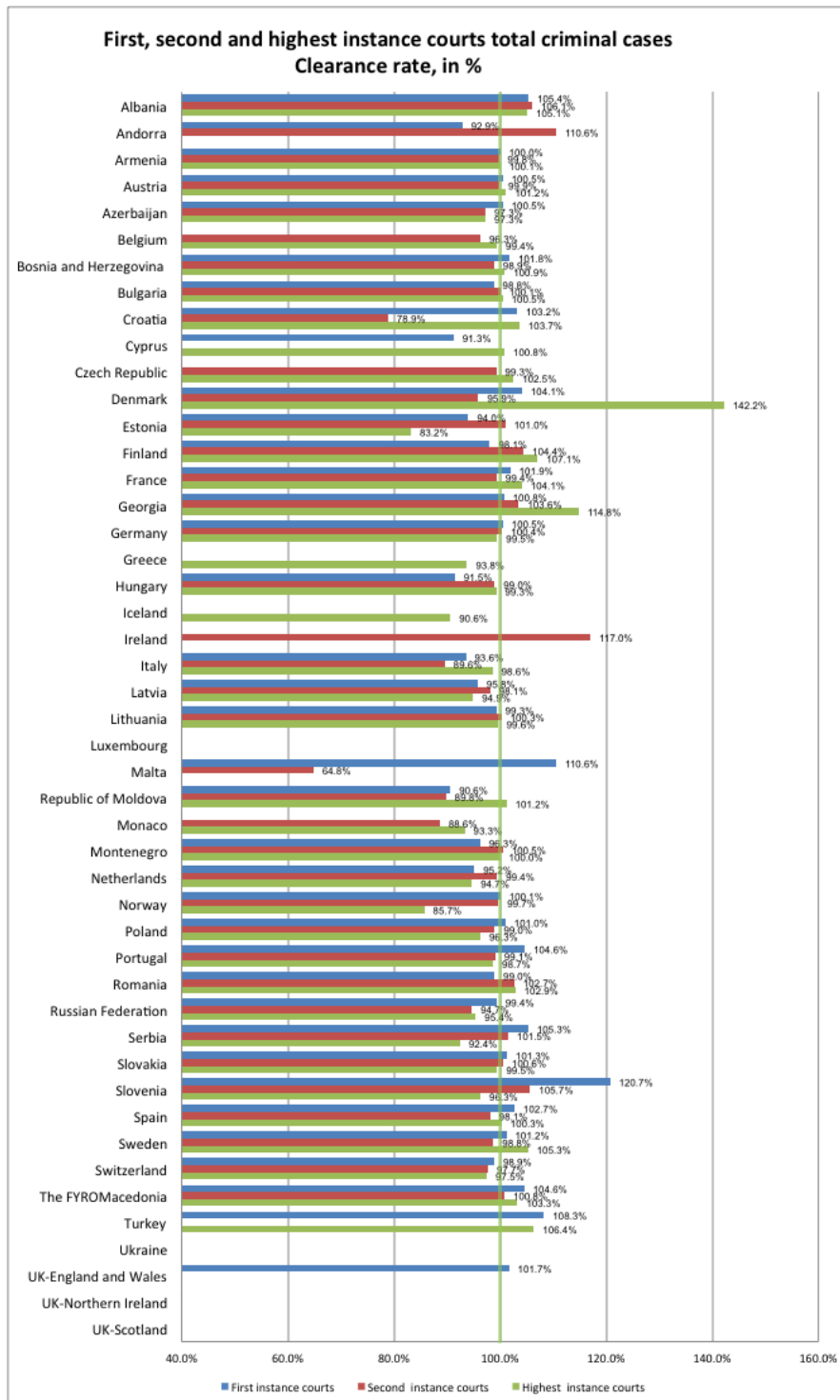
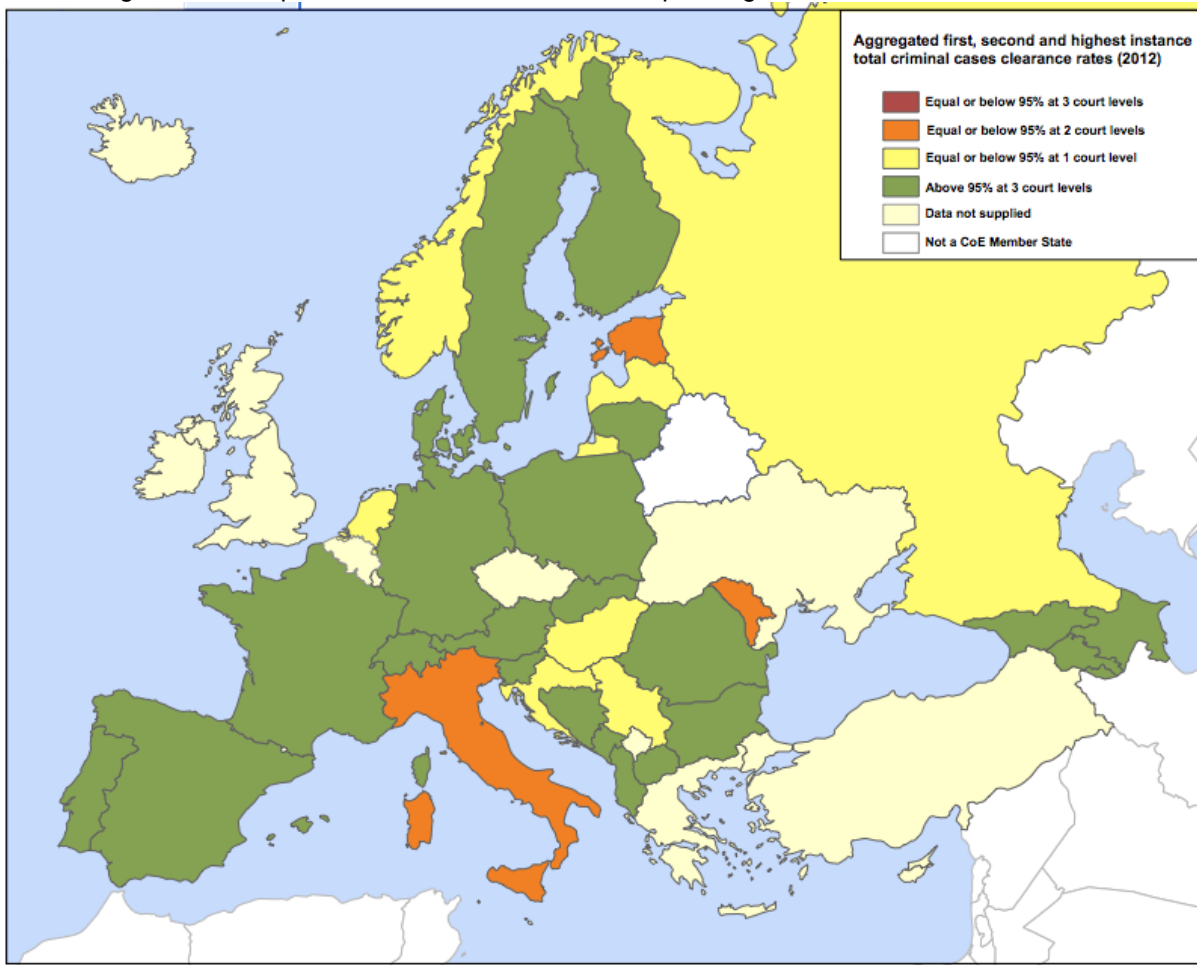


Figure 38 - First, second and highest instance total criminal cases Clearance rates (2012)

Figure 39 helps to visualize the Clearance rate situation at an aggregated level. For each state which provided the needed data it has been assessed in how many cases between first, second and highest instance the total criminal cases Clearance rates (2012) are equal or above 95%. If Clearance rates are equal or above 95% at all three court instances, the state is coloured green; if the Clearance rates are equal or above 95% at two out of three court instances, the state is coloured yellow. If the Clearance rate is equal or above 95% only in one case and below 95% in the other two, out of three court instances, the state is

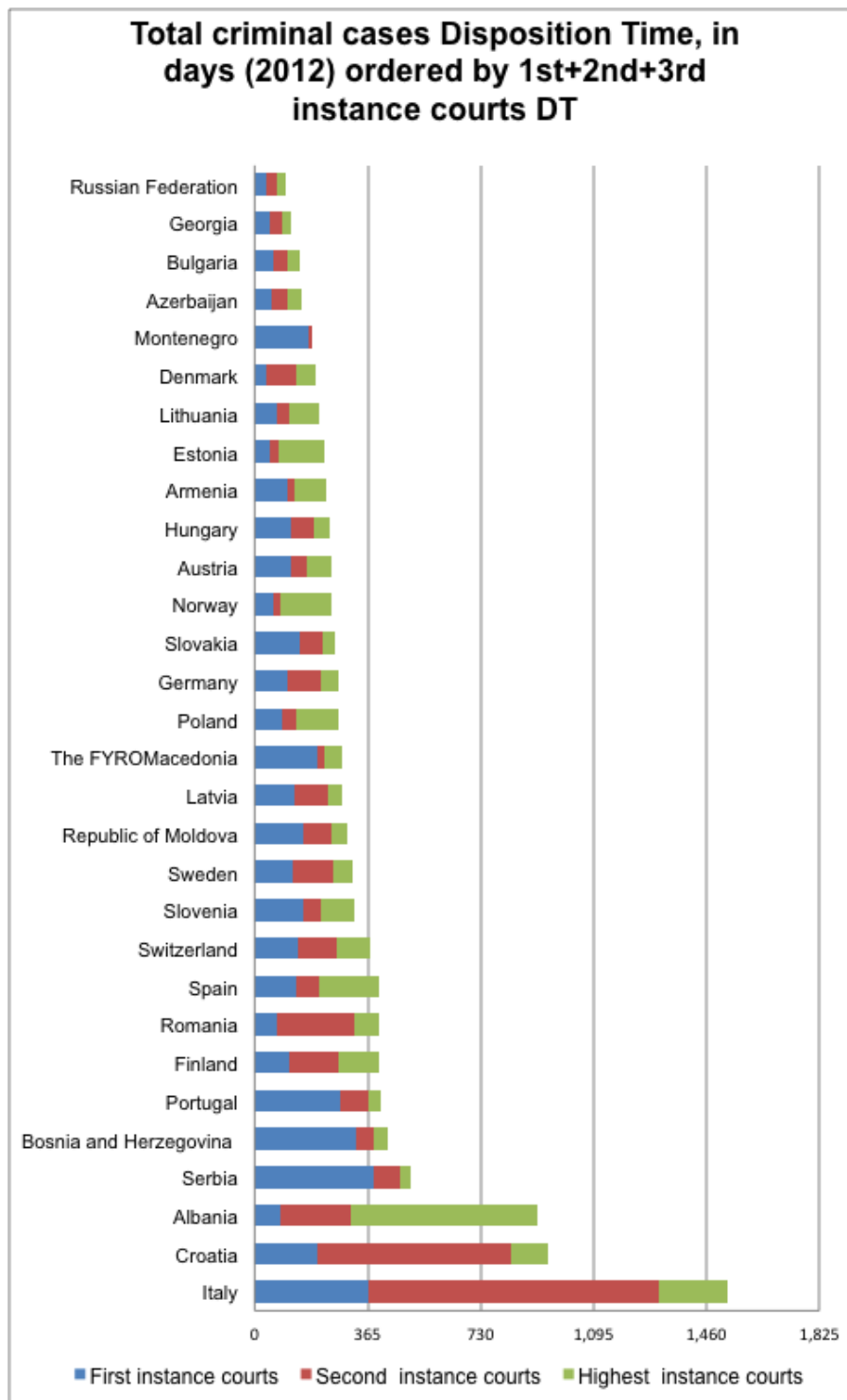
coloured orange. Finally, if Clearance rates are equal or above 95% at all three court instances, the state is coloured red. Again, as mentioned discussing Figure 35, the Clearance rate situation should be looked considering also the Disposition time and the number of pending cases.



**Figure 39 – Aggregated first, second and highest instance total criminal cases Clearance rates map (2012)**

### 7.2.2. Disposition time

With the available data, it has been possible to calculate the Disposition time for first instance in 36 states, for second instance in 36 states and for highest instance in 38 states. Furthermore, it has been possible to calculate the Disposition time for all three instances in 30 states.



**Figure 40 - First, second and highest instance courts total criminal cases (2012) Disposition time (in 30 states) ordered by 1<sup>st</sup>+2<sup>nd</sup>+3<sup>rd</sup> instance Disposition time**

Figure 40 allows checking with one glance the differences in Disposition time considering a case that is resolved at highest instance level. As with the Disposition time of total of civil, commercial and administrative law cases, this representation of the data allow to compare total Disposition time for cases which are defined at first second or highest instance court level. Again, some countries, while performing quite well at first instance, perform quite poorly -compared to the average- at higher level (such as in the case of **Romania** and **Albania**). In other cases (i.e. **Italy** on the low end, or the **Russian Federation** and **Georgia** on the high end) the performance is quite similar considering all levels.

While looking at figures below it should be borne in mind that these data do not include the pre-trial phase, which is also important and should be also taken into account when assessing the performance of a criminal justice system. It would be indeed useful to have also data on this part of the procedure though there are several difficulties to the collection of such data.

Table 18 provides average, median, minimum and maximum values for first, second and highest court level Disposition time, but also for 1<sup>st</sup> +2<sup>nd</sup> court level (as to say the total Disposition time for a case which is defined at second court level) and for 1<sup>st</sup> +2<sup>nd</sup> +3<sup>rd</sup> court level (total Disposition time for a case defined at highest level). Table 19 give a glance of the number of countries with a DT of less than one year, between one and two years and above two years at first, second and highest court level, but also at 1<sup>st</sup> +2<sup>nd</sup> court level and at 1<sup>st</sup> +2<sup>nd</sup> +3<sup>rd</sup> court level. As for Figure 40, looking at these values, the reader should keep in mind that they do not include the pre-trial phase.

**Table 18 - First, second and highest instance Total number of criminal cases (2012) Disposition time (in days) synthesis table**

	First instance Disposition time - Total number of criminal cases (2012)	Second instance Disposition time - Total number of criminal cases (2012)	Highest instance Disposition time - Total number of criminal cases (2012)	1st instance +2nd instance Disposition time - Total number of criminal cases (2012)	1st +2nd +3rd instance Disposition time - Total number of criminal cases (2012)
Average	148	148	114	291	364
Median	121	75	71	222	275
Min	36	13	0	71	102
Max	387	937	600	1 307	1 528
Total number of cases	36	36	38	33	30

**Table 19 - First, second and highest instance Total number of criminal cases (2012) disposition time grouped by years**

	First instance Disposition time - Total number of criminal cases (2012)	Second instance Disposition time - Total number of criminal cases (2012)	Highest instance Disposition time - Total number of criminal cases (2012)	1st instance +2nd instance Disposition time - Total number of criminal cases (2012)	1st +2nd +3rd instance Disposition time - Total number of criminal cases (2012)
Less than 1 year	34	33	36	27	20
1-2 years	2	1	2	3	7
More than 2 years	0	2	0	3	3
Total number of cases	36	36	38	33	30



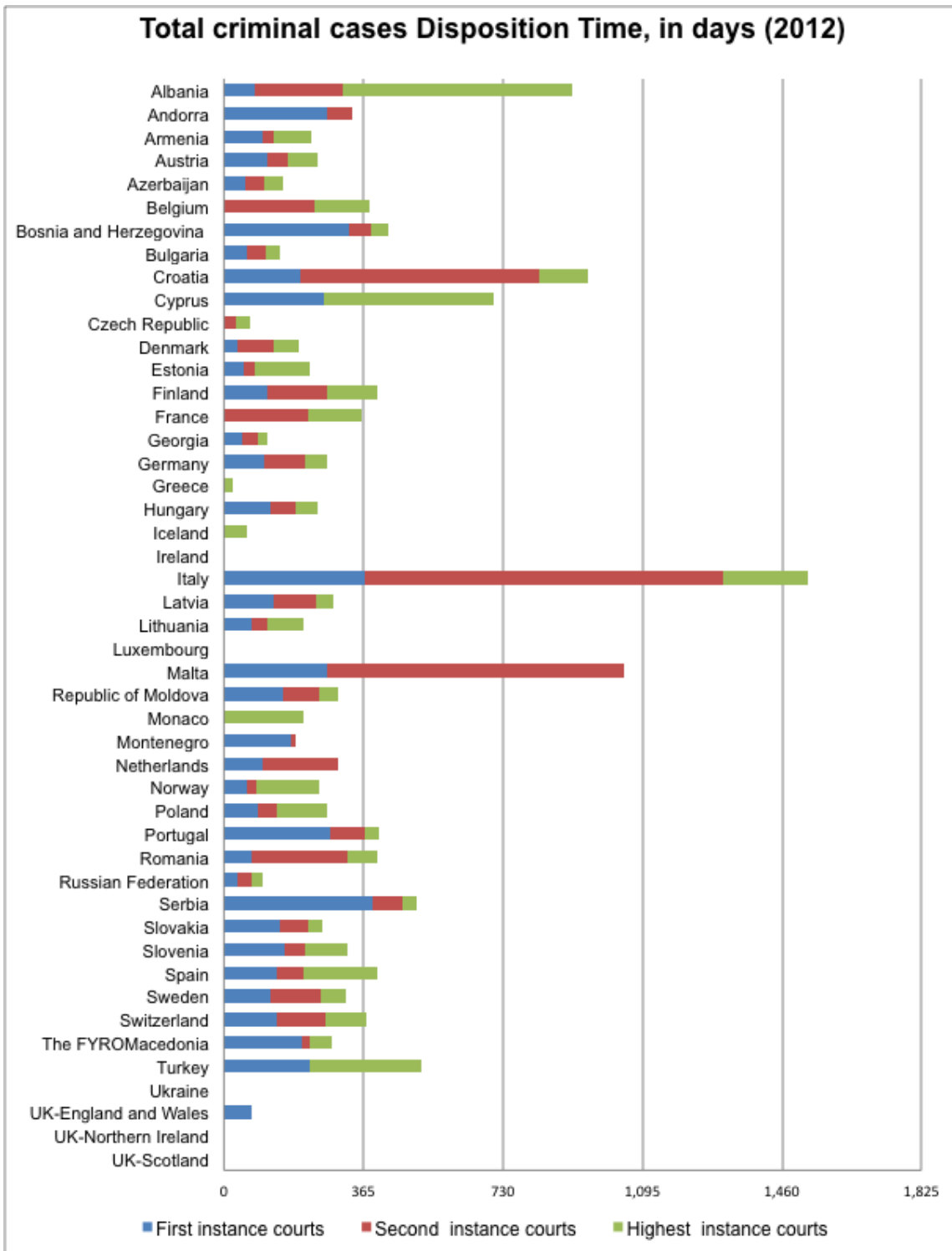
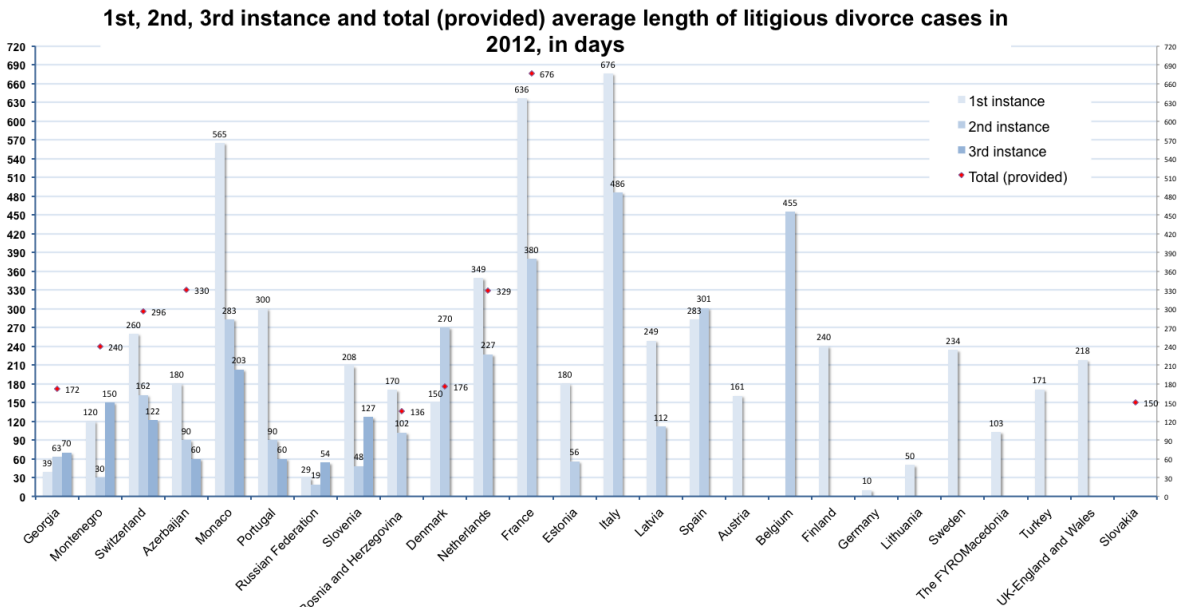


Figure 41 - First, second and highest instance total criminal cases (2012) Disposition time

Figure 41 presents all the 2010 Disposition time values that it has been possible to calculate, ordered by country. The values do not include the pre-trial phase.

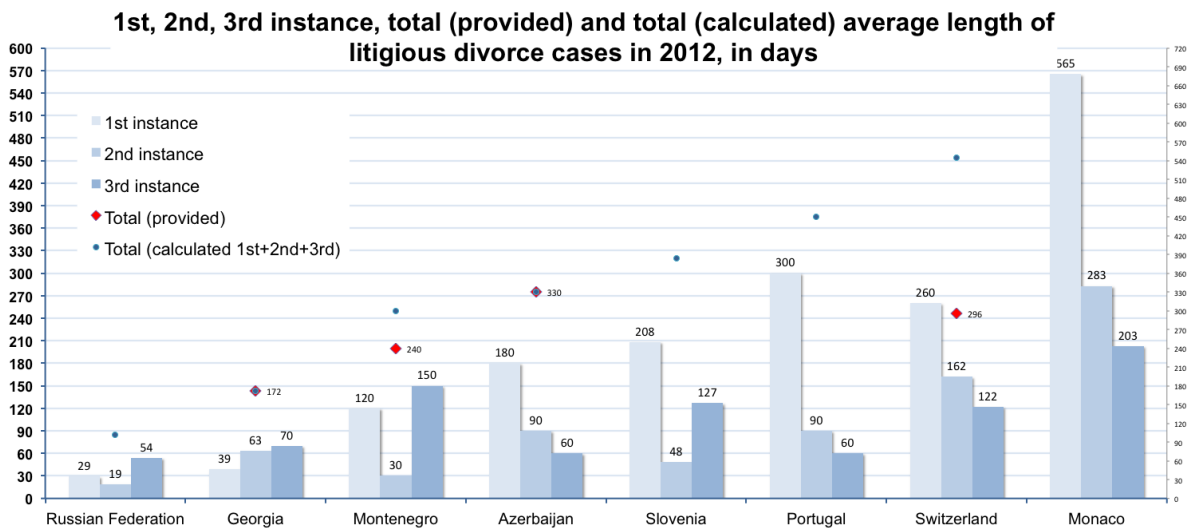
### 7.3. Litigious divorce cases average length at first, second and highest instance

24 states provided data on 2012 average length of litigious divorce cases at first instance (21 provided such data in 2010), 17 at second instance (15 in 2010) and eight at highest instance (five in 2010) and for the total average length in 9 cases.



**Figure 42 - Litigious divorce cases average length at first, second and highest instance and total number of days provided by the member states (2012)**

Figure 42 present a representation of the first, second, highest instance and total (provided) average length data. Litigious divorce cases average length at first instance ranges from a minimum of 10 days (**Germany**) to a maximum of 676 (**Italy**), with an average of 232.6 days and a median of 194.2. Second instance average length ranges from a minimum of 19 days (**Russian Federation**) to a maximum of 486 (**Italy**), with an average of 186.7 days and a median of 112.0. Highest instance average length ranges from a minimum of 54 days (**Russian Federation**) to a maximum of 203 (Monaco), with an average of 105.8 days and a median of 96.0. The total average length ranges from a minimum of 136 days (**Bosnia and Herzegovina**) to a maximum of 676 (**France**), with an average of 278.3 days and a median of 240.0.



**Figure 43 - Litigious divorce cases average length at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> instance and total number of days provided by the member states and calculated (1<sup>st</sup>+2<sup>nd</sup>+3<sup>rd</sup> instance) ordered by total calculated average length (2012)**

In eight cases data are available at first and second and highest instance court levels. In Figure 43 the data are arranged by the calculated total of first and second and highest instance procedures. Total provided length is also presented in the figure.

Table 29 in Annex 2 provides the raw data used to draw it.



# Annex 1 - Summary of “Length of court proceedings in the member states of the Council of Europe based on the case law of the European Court of Human Rights” CEPEJ Study No. 3 as revised by CEPEJ Study No. 19.

Full report available at: <http://www.coe.int/t/dghl/cooperation/CEPEJ/series/>

The purpose of the report is to establish whether the case law of the ECHR can be used to draw some general conclusions with regard to the length of proceedings in Europe. The report was written by Françoise Calvez in 2006 and updated in 2011 by Nicolas Regis and takes into account the case law of the European Court of Human Rights until 31 July 2011.

Three main issues are analysed:

1. What conclusions with respect to the length of proceedings for particular types of cases (minimum/maximum timeframes) can be drawn from the cases in which ECHR found violations of the right to a trial within a reasonable time, or found that there was no violation?
2. What categories of cases have been established in the case-law of the ECHR?
3. What are the forms of delays established in the ECHR case law and their causes?

Main findings of the report:

1. The Court has established the following criteria for assessing whether the duration of proceedings was reasonable:

1. Complexity of the case (complex cases need longer time to be completed, but complexity as such is not always sufficient to justify the length of proceedings);
2. The applicant's conduct (this is the only criterion that led the Court to conclude that Art. 6. was not violated even if the length of proceedings was manifestly excessive)
3. The conduct of the competent authorities (if the authorities have taken prompt and appropriate remedial action to manage the temporary unpredictable overload of the courts, the longer processing time of some cases may be justified)
4. What is at stake for the applicant (some cases require particular speed; mainly “priority cases”:
  - labour disputes involving dismissals, recovery of wages and the restraint of trade;
  - compensation for victims of accidents;
  - cases in which applicant is serving prison sentence; o police violence cases;
  - cases where applicant's health is critical;
  - cases of applicants of advanced age;
  - cases related to family life and relations of children and parents;
  - cases with applicants of limited physical state and capacity.

In addition to individual criteria, the Court also makes an overall assessment of the circumstances of the case. It may establish that ‘reasonable time’ is exceeded, if in such a global assessment, the Court finds that total time is excessive, or if it finds long periods of inactivity by competent authorities.

2. In its case law, the Court has defined methods to calculate length of proceedings. The starting point of the calculation is different in civil, criminal and administrative cases. In civil cases it is normally the date on which the case was referred to the court; in criminal cases, the starting day may also be the date on which the suspect was arrested or charged, or that on which the preliminary investigation began. In administrative cases, it is the date on which the applicant first refers the matter to the administrative authorities. The end of the period assessed by the court is in criminal cases the date on which the final judgment is given on the substantive charge or the decision by the prosecution or the court to terminate proceedings. In civil cases, the deadline corresponds to the date on which the decision becomes final; however, the Court also takes account of the length of the enforcement procedure, which is considered as an integral part of proceedings.

3. The causes of delay are sorted into those common to all types of proceedings and those specific to certain type of proceedings:

Type of proceedings	Stage of proceedings	Origins of delay
All proceedings	Before proceedings start	Territorial distribution of court jurisdiction; transfer of judges; insufficient number of judges; systematic use of multi-member tribunals (benches); backlog of cases; complete inactivity by judicial authorities; systematic shortcomings in procedural rules;
	From initiation to the closure of hearings	Failure to summon parties or witnesses; unlawful summons; late entry into force of legislation; disputes about the jurisdiction between administrative and judicial authorities; late transmission of the case file to the appeal court; delays imputable to barristers, solicitors, local and other authorities; judicial inertia in conduct of the case; involvement of expert witnesses; frequent adjournment of hearings; excessive intervals between hearings; excessive delay before the hearing.
	After hearings	Excessive lapse of time between making of the judgment and its notification to the court registry or parties;
Civil proceedings		Failure to use the courts' discretionary power; absence or inadequacy of rules of civil procedure;
Criminal proceedings		Structural problems relating to organisation of prosecution service; decisions to join or not to join criminal cases; failure of witnesses to attend hearings; dependence of civil proceedings on the outcome of criminal proceedings;
Administrative proceedings		Delays attributable to non-judicial authorities.

4. The report also contains an overview of existing national remedies established to react to unreasonable length of proceedings. Even if it mainly deals with appeals, which are lodged by member States in the wake of adverse findings by the European Court and are deemed effective, it also examines whether the ECHR has considered specific appeals effective or ineffective.

5. In the report, many judgments given by the ECHR are examined in order to establish standards and rules on the length of proceedings. In particular whether there could be some indication of the maximum/minimum length of particular types of cases that were regarded as reasonable or unreasonable by the court. Although the expert has established that the Court was reluctant to establish clear-cut rules, arguing that every case must be considered separately, the analysis and comparison of the large number of cases may provide a useful indication of the approach of the Court. The following was established:

- The total duration of up to two years per level of court in normal (non-complex) cases was generally

Type of case	Issues	Length	Decision
Criminal cases	Diverse	More than 5 y.	Violation
Civil cases	Priority cases	More than 2 y. (min: 1y10m)	Violation
Civil cases	Complex cases	More than 8 y.	Violation
Administrative	Priority	More than 2 y.	Violation
Administrative	Regular, complex	More than 5 y.	Violation

regarded as reasonable. When proceedings have lasted more than two years, the Court examines the case closely to determine whether the national authorities have shown due diligence in the process;

- In priority cases, the court may depart from the general approach, and find violation even if the case lasted less than two years; - In complex cases, the Court may allow longer time, but pays special attention to periods of inactivity which are clearly excessive. The longer time allowed is however rarely more than five years and almost never more than eight years of total duration;

- The only cases in which the Court did not find violation in spite of manifestly excessive duration of proceedings were the cases in which the applicant's behaviour had contributed to the delay.

6. The following is a brief overview of the types of cases analysed with respect to the length of proceedings (these observations remain relevant for the period 2006-2011):

Violation of the reasonable time (Art. 6) - summary

Non-violation of the reasonable time (Art. 6) – examples

Type of case	Issues	Length	Decision
Criminal cases	Normal cases	3y6m (total in 3 instances); 4y3m (total in 3 levels. + investigation)	No violation
Criminal cases	Complex	8y5m (investigation and 3 levels)	No violation
Civil cases	Simple cases	1y10m in first instance; 1y8m on appeal; 1y9m Court of Cassation	No violation
Civil cases	Priority cases (labour)	1y7m in first instance (labour); 1y9m on appeal; 1y9m Court of Cassation	No violation

The values from the above tables only relate to the analysed cases and cannot be taken as a fixed rule. Future cases will be considered in light of their particular circumstances, according to the established criteria of the Court. Still, they may be useful for the purposes of general assessment and analysis.





## Annex 2 - Additional Tables

**Table 20 Comments on the classification criminal cases (minor offenses and serious criminal cases)**

States	Comments on the classification criminal cases (2012)	Comments on the classification criminal cases (2010)
Albania	<p>1. In 'severe Criminal Cases' are included Criminal Matters involving the Serious Crimes Court.</p> <p>2. 'Misdemeanour and / or minor criminal Cases' includes all courts of first instance except the Serious Crimes Court.</p>	<p>1. In 'severe Criminal Cases' are included Criminal Matters involving the Serious Crimes Court.</p> <p>2. 'Misdemeanour and / or minor criminal Cases' includes all courts of first instance except the Serious Crimes Court.</p>
Andorra	<p>Legislative decree of 17 December 2008, from the publication of the Criminal code. The article 12 of the decree presents the offenses' classification. Criminal offenses are classified, according to their degree of gravity, in three categories: severe offenses, minor offenses and criminal fines. Severe offenses are offenses which lead at least to a sentence having a maximum limit higher than the one described in article 36. (Imprisonment of more than 2 years up to 25 years).</p> <p>Minor offenses are offenses which lead at least to a sentence having a maximum limit higher than the one described in article 37. (Imprisonment up to 2 years).</p> <p>Criminal fines are offenses which are provided in the book 3 of this criminal code (Never prison sentence).</p> <p>The new criminal code has changed the basis of the classification. The distinction is not any more the following one: severe offenses, minor offenses and criminal fines (i.e. on the description of the behaviours that are to be sentenced). The delimitation is now done according to the criminal sentence planned.</p>	<p>Legislative decree of 17 December 2008, from the publication of the Criminal code. The article 12 of the decree presents the offenses' classification. Criminal offenses are classified, according to their degree of gravity, in three categories: severe offenses, minor offenses and criminal fines. Severe offenses are offenses which lead at least to a sentence having a maximum limit higher than the one described in article 36. (Imprisonment of more than 2 years up to 25 years).</p> <p>Minor offenses are offenses which lead at least to a sentence having a maximum limit higher than the one described in article 37. (Imprisonment up to 2 years).</p> <p>Criminal fines are offenses which are provided in the book 3 of this criminal code (Never prison sentence).</p> <p>The new criminal code has changed the basis of the classification. The distinction is not any more the following one: severe offenses, minor offenses and criminal fines (i.e. on the description of the behaviours that are to be sentenced). The delimitation is now done according to the criminal sentence planned.</p>
Armenia	<p>According to the criminal code.</p> <p>2. The willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes.</p> <p>3. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.</p> <p>4. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.</p> <p>5. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life.</p>	<p>According to the criminal code.</p> <p>2. The willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes.</p> <p>3. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.</p> <p>4. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.</p> <p>5. Particularly grave crimes are those willful acts for which this Code envisages a maximal imprisonment for more than ten years or for life.</p>
Austria	<p>The Numbers in Question 94 Section 9 (misdemeanour and/or minor criminal cases) include all offences, which are fined</p>	<p>The Numbers in Question 94 Section 9 (misdemeanour and/or minor criminal cases) include all offences, which are fined or punished</p>

	or punished with a prison sentence of up to one year and must not be decided by a jury. In Section 8. are mentioned all other cases.	with a prison sentence of up to one year and must not be decided by a jury. In Section 8. are mentioned all other cases.
Azerbaijan	<p>E-mail from the NC sent on 13/05/2014: In the item 8 Criminal cases (severe criminal offences) we included the very grave crimes and grave crimes. According to our legislation the very grave crimes is crimes where the imprisonment term is from 12 years till life imprisonment. Grave crimes is crimes with imprisonment term from 8 years to 12 years.</p> <p>In the item 9 we included the less grave crimes and crimes which are not of high social danger. Less grave crimes are the crimes with imprisonment term from 2 years to 8 years.</p> <p>The crimes which are not of high social danger are crimes with imprisonment term till 2 years or alternative sanctions not related to imprisonment.</p>	<p>In the item 8 Criminal cases (severe criminal offences) we included the very grave crimes and grave crimes. According to our legislation the very grave crimes is crimes where the imprisonment term is from 12 years till life imprisonment. Grave crimes is crimes with imprisonment term from 8 years to 12 years.</p> <p>In the item 9 we included the less grave crimes and crimes which are not of high social danger. Less grave crimes are the crimes with imprisonment term from 2 years to 8 years.</p> <p>The crimes which are not of high social danger are crimes with imprisonment term till 2 years or alternative sanctions not related to imprisonment.</p>
Belgium	<p>Criminal cases: they refer to first instance cases handled by criminal courts (first instance courts). They do not concern cases of youth protection and cases handled by the chambers of council (chambres du conseil). Resolved cases are cases for which the criminal proceeding has been resolved for at least one defendant.</p> <p>Minor offenses: they concern cases handled by police courts (except civil cases). *10935 deduced from the other numbers.</p>	<p>Criminal cases: they refer to first instance cases handled by criminal courts (first instance courts). They do not concern cases of youth protection and cases handled by the chambers of council (chambres du conseil). Resolved cases are cases for which the criminal proceeding has been resolved for at least one defendant.</p> <p>Minor offenses: they concern cases handled by police courts (except civil cases). *11285 deduced from the other numbers.</p>
Bosnia and Herzegovina	<p>Severe offences:</p> <p>A criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed.</p> <p>Criminal sanctions are: punishments, suspended sentence, security measures and educational measures.</p> <p>Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. Corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.</p> <p>Minor offence cases: Minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed.</p> <p>The following sanctions may be imposed upon a person found responsible for</p>	<p>Severe criminal cases:</p> <p>A criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed.</p> <p>Criminal sanctions are: punishments, suspended sentence, security measures and educational measures.</p> <p>Examples of criminal cases: criminal acts against state, homicide, organized crime, criminal acts against official duty, theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.</p> <p>Minor offence cases: Minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed.</p> <p>The following sanctions may be imposed upon a person found responsible for commission of a minor offence: a) fine; b) suspended sentence;</p>

	<p>commission of a minor offence:  a) fine;  b) suspended sentence;  c) reprimand; and  d) protective measures.  The following measures may be imposed as a consequence of being found responsible for commission of a minor offence:  a) confiscation of gains;  b) obligation to compensate damages;  c) penalty points; and  d) deprivation of liberty to compel payment of a fine.</p> <p>Examples of minor offences: traffic offences, violations of public order, begging etc.</p>	<p>c) reprimand; and  d) protective measures.</p> <p>The following measures may be imposed as a consequence of being found responsible for commission of a minor offence:  a) confiscation of gains;  b) obligation to compensate damages;  c) penalty points; and  d) deprivation of liberty to compel payment of a fine.</p> <p>Examples of minor offences: traffic offences, violations of public order, begging etc.</p>
Bulgaria	<p>Regarding the fact that according to the form and the degree of the guilt, as well as the degree of public danger for most of the crimes in the Bulgarian Criminal Code provides for a deprivation of liberty, a distinction is hard to be made. The offences could be divided into two categories:</p> <p>Common offences – The search of responsibility is subordinated to the common regime (there is public interest concerned or public interest and personal goods). Such are the crimes against the individuals (homicide, greivous or intermediate bodily harm, rape, fornication and etc.), crimes against the property (the list is not exhaustive);</p> <p>Offences subject to private prosecution – The criminal proceedings is initiated upon a complaint by the affected person (personal interests of the affected person, and usually the affected person and the perpetrator are close relatives). Those offences have a lower degree of public danger and affect less the rights of the affected person. Such offences are the minor bodily injury, the insult, the slander and etc.</p>	<p>Severe crimes and crimes of significant public interest (organized crime, corruption money laundering, misuse of EU funds, crimes against the monetary and credit systems, tax crimes, crimes related to drugs and illegal traffic of people, over 5 years deprivation of liberty ( the upper limit is over 5 years )</p>
Croatia	<p>In the legislation of the Republic of Croatia, there are misdemeanours and criminal offences. The Misdemeanour Act (Official Gazette 107/07) stipulates that the misdemeanour harms the public order, social discipline or other social values not protected under the Penal Code and other acts where criminal offences are prescribed. Consequently, the misdemeanours constitute certain demeanours that deserve to be sanctioned, but by its severity and consequences do not deserve criminal liability. In criminal law sanctioned actions are not divided as severe and misdemeanour cases, but there are several categories of criminal cases (in that category are minor criminal cases) and misdemeanour cases are completely different category.</p>	<p>In answering question 94, under 'criminal cases (severe criminal acts)'information were listed for the first instance criminal cases belonging to the jurisdiction of municipal and county courts, the second instance criminal cases belonging to the jurisdiction of county courts, as well as criminal cases belonging to the jurisdiction of the Supreme Court of the Republic of Croatia. Under 'misdemeanour cases (smaller offences)' the information were listed for the first instance belonging to the jurisdiction of misdemeanour courts as well as misdemeanour cases belonging to the jurisdiction of the High Misdemeanour' Court of the Republic of Croatia.</p>
Cyprus		<p>Severe criminal cases are the ones tried by the Assize Court</p>
Czech Republic	<p>The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases:</p>	<p>The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases:</p>

	Severe criminal cases - crimes in which the law provides a minimum term of imprisonment of 5 years, are decided by regional courts in the first instance. Minor criminal cases are tried by district courts in the first instance, regional courts being appellate courts in such cases.	Severe criminal cases - crimes in which the law provides a minimum term of imprisonment of 5 years, are decided by regional courts in the first instance. Minor criminal cases are tried by district courts in the first instance, regional courts being appellate courts in such cases.
Denmark	The Danish Court Administration has defined a criminal case different than we did in 2010. In 2010 any case dealt with in the criminal court was included. This is not the case anymore, i.e. we do not include preliminary examination any longer. Severe criminal cases are defined as those cases where a lay assessor participate or cases dealt with by a jury. Also no-contest plea cases (plea guilty) are included as severe criminal cases. Misdemeanour and/or minor criminal cases are typically cases where the maximum sentence is a fee.	The division line is that misdemeanour and / or minor criminal cases are set so that those cases defined as court cases without use or participation of lay assessor are categorized as misdemeanour and / or minor criminal cases. Severe criminal cases are then all other criminal cases.
Estonia	<p>The category of 'severe criminal cases' includes all criminal offence for which the principal punishment is a pecuniary punishment or imprisonment.</p> <p>The category "misdemeanour and / or minor criminal cases" includes misdemeanours (offences) for which principal punishment is a fine or detention.</p> <p>CN 21/03 (a): The definition is given in 2010 is not entirely accurate. However, the numbers given in 2010 and in 2012 for severe criminal cases and misdemeanour and/or minor criminal cases are comparable. Both in 2010 and 2012 the numbers given for the category of 'severe criminal cases' includes all criminal offence for which the principal punishment is a pecuniary punishment or imprisonment. The category "misdemeanour and / or minor criminal cases" includes misdemeanours (offences) for which principal punishment is a fine or detention.</p> <p>The not accurate definition given in 2010 may be caused by the fact that in Estonia the criminal cases can be divided into the criminal offences of first degree (severe offences for which the maximum punishment prescribed is imprisonment for a term of more than five years or life imprisonment) and criminal offences of second degree (offence for which the punishment prescribed is imprisonment for a term of up to five years or a pecuniary punishment). In despite of the definition, the numbers given in 2010 correspond to the definition given in 2012 as explained above.</p>	Misdemeanour cases are cases where the punishment is monetary penalty or arrest. Severe criminal cases are cases where the punishment is imprisonment over 5 years.
Finland	Total criminal cases (8+9): The classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland. Anyhow, according to the Criminal Procedure Act it is possible to decide petty offence cases in written proceedings without holding the main hearing. In 2012 19693 of criminal cases were resolved in written proceedings. Most of them were traffic offence cases.	Total criminal cases (8+9): The classification of cases between severe criminal law cases and misdemeanour cases is not in statistical use in Finland. In addition to criminal cases mentioned above there are cases as follows:

France		It is understood as “severe offenses”, crimes and misdemeanours which fall under the competence of the assize courts, criminal courts, courts and judges for juveniles, and at the second degree, appeal courts and assize appeal courts. “Minor offenses” are offenses of the fourth first classes and the fifth-class which fall within the competence of police courts and local courts and at the second degree appeal courts. Fixed fines are not included.
Georgia	The grave and especially grave crime types are included in the category of serious crimes, and the less serious crimes are included in the category of minor crimes	The Criminal Code of Georgia does not classify the cases as felony and misdemeanour. All crimes included in the Code are serious criminal cases as they pose a danger to the society. All other minor cases which do not pose a danger to the society are included in the Code on Administrative Offences of Georgia. Broadly speaking, severe cases include severe and extremely severe crimes, misdemeanour may imply less severe crimes.
Germany	The category “severe criminal cases” (question 94.8) includes criminal proceedings in accordance with the Criminal Code and ancillary criminal laws. The category “misdemeanour and/or minor criminal cases” (question 94.9) includes regulatory fine proceedings before criminal courts.	The category “severe criminal cases” (line 8) includes proceedings in accordance with the Criminal Code and ancillary criminal laws. The category “minor criminal cases” (line 9) includes the regulatory offence proceedings pursued by the administrative authorities.
Greece		As severe criminal cases are considered the felonies which are offences punished by the law by a sentence of incarceration (5 to 20 years) or death penalty.  As misdemeanour cases are considered the crimes punished by the law by a sentence of imprisonment (10 days to 5 years).
Hungary	<p>Misdemeanour procedure</p> <p>In misdemeanour cases proceeds the misdemeanour authority (the police, the district office, or the National Tax and Customs Office). The person charged by a misdemeanour may apply to the court for reviewing the decision of the authority. The sections of misdemeanour of the district courts act in that procedure. The court passes ruling without oral hearing based upon the documents available or the court sets a hearing if the person charged by a misdemeanour requests it or the court finds it necessary. The ruling of the court is a final and executable decision.</p> <p>Act C of 2012 on the Criminal Code CHAPTER III CRIMINAL LIABILITY Criminal Offenses Section 4 (1) ‘Criminal offense’ means any conduct that is committed intentionally or - if negligence also carries a punishment - with negligence, and that is considered potentially harmful to society and that is punishable under this Act. (2) An ‘act harmful to society’ means any activity or passive negligence which prejudices or presents a risk to the person or rights of others, or the fundamental constitutional, economic or social structure</p>	The crimes are stipulated in the Ac on the Criminal Code, the misdemeanour and /or minor criminal cases are stipulated in the Act of misdemeanour cases.



	<p>of Hungary provided for in the Fundamental Law.</p> <p>Section 5</p> <p>Criminal offences may be classified as felonies and misdemeanours. Felony is a crime committed intentionally which is punishable under this Act by imprisonment of two or more years. Every other criminal offense is a misdemeanour.</p> <p>Classification of Crimes in Hungary</p> <p>Legal classification</p> <p>Hungarian law differentiates between felonies and misdemeanours, depending on the seriousness of the crime.</p> <p>Felonies are intentional crimes that can result in sentences of more than 2 years imprisonment. All other crimes are misdemeanours. All unintentional crimes (for example, no intentional homicide) are misdemeanours. All intentional crimes that have a penalty of less than 2 years of imprisonment are misdemeanours.</p> <p>Hungarian law also includes civil offenses, which comprise offenses mainly against public administration. However some criminal offenses, such as property crimes involving objects of small value (under 50000 HUF~170€), are placed in this category as well. Civil offenses fall under the jurisdiction of various administrative agencies, local governments or traffic police, but not the courts.</p>	
Iceland		
Ireland	<p>Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).</p>	<p>Severe criminal cases include all cases required to be tried on indictment (e.g. robbery (i.e. stealing with force/threat of force), assault causing serious harm, rape, aggravated sexual assault, manslaughter, murder).</p> <p>Misdemeanour and /or minor criminal cases include all cases triable summarily (e.g. common assault, public order offences, burglary or theft in other than aggravated circumstances).</p>
Italy	<p>In Italy there is no formal definition of "Minor criminal cases". For the purposes of this report we have defined "Minor criminal cases" as those proceedings dealt by the Justice of Peace Offices.</p>	<p>Please can you add the following definition for "minor offences" after Figure 9.25:</p> <ul style="list-style-type: none"> <li>• In Italy there is no formal definition of "Minor criminal cases". For the purposes of this report we have defined "Minor criminal cases" as those proceedings dealt by the Justice of Peace Offices.</li> </ul>
Latvia	<p>The classification of offences is provided Article 7 of the Criminal Law. This Article stipulates that criminal offences shall be divided into criminal violations and crimes according to the nature and harm of the threat to the interests of a person or the society.</p> <p>The classification is as follows:</p> <ol style="list-style-type: none"> <li>1) A criminal violation is an offence for which this Law provides for deprivation of liberty for a term exceeding fifteen days, but not exceeding three months (temporary deprivation of liberty), or a type of lesser punishment.</li> <li>2) A less serious crime is an intentional offence for which this Law provides for</li> </ol>	<p>According to the Criminal Law crimes are subdivided as follows:</p> <ol style="list-style-type: none"> <li>1) A less serious crimes – an intentional offense for which crime. Law provides for deprivation of liberty for a term exceeding 2 years, but not exceeding 5 years, as an offense, which has been committed through negligence and for which Criminal Law provides for deprivation of liberty for a term exceeding 2 years.</li> <li>2) A serious crime – an intentional offense for which Criminal Law provides for deprivation of liberty for a term exceeding 5 years, but not exceeding 10 years.</li> <li>3) An especially serious crimes – is an intentional offense for which Criminal Law</li> </ol>

	<p>deprivation of liberty for a term exceeding three months but not exceeding three years, as well as an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term up to eight years.</p> <p>3) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding three years but not exceeding eight years, as well as an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding eight years.</p> <p>4) An especially serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding eight years or life imprisonment.</p>	<p>provides for deprivation of liberty for a term exceeding 10 years, life imprisonment or death penalty.</p>
Lithuania	<p>According to the Lithuanian criminal law: the misdemeanour is an offense for which it is not possible to pronounce a sentence of privation of liberty (prison), whereas minor offenses and serious offenses are offenses punishable by a deprivation of liberty.</p>	
Luxembourg	<p>The distinction misdemeanour / minor offenses and serious offenses corresponds in national law to the notions on 'contraventions' (case 9) and 'crime' as well as 'délit' (case 8). The figures include contradictory procedures, procedures in absentia and cases resolved through 'ordonnances pénales', a procedure where the court does not hear the defendant in a first phase. Please consider also D.2 to receive an explanation on the NAP mention.</p>	<p>The column 94.8 refers to cases which led to a public hearing, whereas column 94.9 refers to cases which led to an "ordonnance pénale" given following a non-adversarial procedure conducted "sur dossier" ("on record") and which is the equivalent of a decision rendered in absentia. It has to be noted that a part of the criminal orders ("ordonnances pénales") has been subject to an appeal before a substantive criminal jurisdiction and these cases are therefore also found in the first column 94.8.</p>
Malta	<p>In the Maltese legal system, all proceedings which appear before the Court of Magistrates may be punishable with a fine or imprisonment, bar a few contraventions which still appear before the Court of Magistrates, and it is not possible to obtain data relating to these few cases. Nevertheless, all cases which lead to an imprisonment of ten years or more can only be heard by the Criminal Court. As a result, the category in No. 8 will relate solely to cases being heard by the Criminal Courts while the category in No. 9 will relate solely to cases heard by the Court of Magistrates, which cases could lead to a fine or imprisonment in the vast majority of cases.</p>	<p>In order to simplify matters, all cases which could lead to more than six months imprisonment were indicated as 'severe criminal cases' whilst all those who could give rise to up till six months imprisonment were indicated as 'misdemeanour'</p>
Republic of Moldova	<p>In 2010, the comment was the following one: According to the article 16 of the Criminal code, offenses are classified as follow:</p> <ul style="list-style-type: none"> <li>- Minor offence – acts sentenced by deprivation of liberty up to 2 years;</li> <li>- Less severe offence – acts sentenced by deprivation of liberty up to 5 years;</li> <li>- Severe offence – acts sentenced by deprivation of liberty up to 15 years;</li> <li>- Extremely severe offence – acts sentenced by deprivation of liberty for more than 15 years;</li> <li>- Exceptionally severe offences – intentional acts sentenced by a penalty of life imprisonment.</li> </ul>	<p>According to the Article 16 of the Criminal code, offenses are classified as follow:</p> <ul style="list-style-type: none"> <li>- Minor offence – acts sentenced by deprivation of liberty up to 2 years;</li> <li>- Less severe offence – acts sentenced by deprivation of liberty up to 5 years;</li> <li>- Severe offence – acts sentenced by deprivation of liberty up to 15 years;</li> <li>- Extremely severe offence – acts sentenced by deprivation of liberty for more than 15 years;</li> <li>- Exceptionally severe offences – intentional acts sentenced by a penalty of life imprisonment.</li> </ul>

	<p>For 2012, the same comment is still valid to the exception that deprivations of liberty up to 15 years have been replaced by 12 years. The Criminal code has been partially amended. Therefore, according to article 16 of the Criminal code, offenses are classified as follows:</p> <ul style="list-style-type: none"> <li>- Minor offence – acts sentenced by deprivation of liberty up to 2 years;</li> <li>- Less severe offence – acts sentenced by deprivation of liberty up to 5 years;</li> <li>- Severe offence – acts sentenced by deprivation of liberty up to 12 years;</li> <li>- Extremely severe offence – acts sentenced by deprivation of liberty for more than 12 years;</li> <li>- Exceptionally severe offenses – intentional acts sentenced by a penalty of life imprisonment.</li> </ul> <p>It has to be mentioned that statistical data dealt with by judicial bodies (as appeal bodies) do not reflect the real number of criminal cases.</p> <p>Regarding criminal cases, the Explanatory note gave a different definition for 2010 and 2012. That is why data regarding the number of criminal cases dealt with by judicial bodies provided for 2010 cannot be compared to those provided for 2012.</p> <p>Indeed, the Explanatory note gives the following definitions:</p> <ul style="list-style-type: none"> <li>• For 2010: “Criminal cases include acts, which are normally processed by the public prosecutor, whereas offences processed directly by the police, such as minor traffic offences and certain breaches of public order are not included.”</li> <li>• For 2012: “Are considered here as criminal cases, all cases for which a sanction may be imposed by a judge, even if this sanction is foreseen, in some national systems, in an administrative code (e.g. fines or community service).”</li> </ul> <p>It has to be noted that cases regarding administrative offences dealt with by the courts in accordance with the provisions of the Offence Code (Code contraventionnel) No. 218 of 24.10.2008 which entered into force on 31.05.2009 were not included, although according to the Explanatory note for 2012 data, they should have been included.</p>	
Monaco	<p>“Severe criminal cases” are dealt with by the correctional courts. According to article 25 of the Criminal procedure code, prison penalties go from 6 days to 5 years except if the law establishes other limits (it is the case for recidivism or some offences such as fraudulent bankruptcy providing penalties going from 5 to 10 years – Art. 327, paragraph 2 of the Criminal code). The article 26 provides penalties of fines from 750 € to 90 000 €.</p>	



	<p>“Misdemeanour / minor offenses” include offenses dealt with by the Police Court which is competent to judge minor offences (“contraventions de simple police”). Penalties pronounced by the Police Court go from 1 to 5 days of prison, and from 15 to 600 € of fines):</p> <p>Minor offences are provided in Articles 415 to 423 of the Criminal code and include: non-public insult, driving while drunk, crimes against property, etc.</p>	
Montenegro		<p>Note:</p> <p>'Severe criminal offences' encompasses cases from the competence of high courts, which are competent for cases as stated in the art. 18 of The Law on Courts (Official Gazette of RMN', no. 5/02, 49/04 and 22/08):</p> <p>'At first instance the High Courts shall:</p> <ol style="list-style-type: none"> <li>1) judge in criminal proceedings for criminal offences for which imprisonment in excess of 10 years is prescribed by the law as the principal punishment, regardless of the character, profession and position of the person against whom the proceedings are instituted and regardless whether the criminal offence has been committed in peace, extraordinary circumstances, in a state of imminent war danger or in a state of war, and in criminal cases concerning: <ul style="list-style-type: none"> <li>- Manslaughter,</li> <li>- Rape,</li> <li>- Endangering the safety of the air traffic,</li> <li>- Unauthorized manufacturing, possessing and putting on the market intoxicating drugs,</li> <li>- Incitement to a violent abolition of the constitutional order,</li> <li>- Disclosure of classified information,</li> <li>- Provocation of national, racial and religious hatred, conflict or intolerance,</li> <li>- Violation of territorial sovereignty,</li> <li>- Associating for unconstitutional activities,</li> <li>- Preparing actions against constitutional order and security of Montenegro,</li> <li>- Money laundering;</li> </ul> </li> <li>2) judge in criminal proceedings for criminal offences of organized crime, regardless of the seriousness of the imposed sanction;</li> <li>3) judge in criminal proceedings for criminal offences with elements of corruption, such as: <ul style="list-style-type: none"> <li>- Violation of equality in the conduct of business activities;</li> <li>- Abuse of monopolistic position;</li> <li>- Causing bankruptcy;</li> <li>- Causing false bankruptcy;</li> <li>- Trading in influence;</li> <li>- False balance of accounts;</li> <li>- Abuse of appraisal;</li> <li>- Disclosure of business secret;</li> <li>- Disclosure and usage of stock-exchange secret;</li> <li>- Passive bribery;</li> <li>- Active bribery;</li> <li>- Abuse of an official position; abuse of a position in business operations; frauds during service; and abuse of authorities practiced in economy, for which eight-year imprisonment or even a more serious sanction is prescribed;</li> </ul> </li> </ol>

		<p>4) judge in those criminal offences which are prescribed by special legislation to fall within the jurisdiction of the high court;</p> <p>'Minor criminal offences' encompasses cases from competence of the basic courts, which try for other criminal offences (criminal offences which are not under the competence of the high court). The figure incorporates data of first instance criminal cases, without investigations and investigative actions and preparatory proceeding against minor.</p>
Netherlands	<p>Minor = mainly traffic offences (speeding tickets, running red lights), petty theft, vagrancy, littering etc. Severe = Driving while drunk, grand theft, violent crimes, vice, drugs/narcotics etc</p>	<p>Minor = mainly traffic offences (speeding, running red light), vagrancy, littering etc. A major part of these offenses is dealt with by an administrative procedure without bringing the case to a court. Both resulting administrative cases and criminal cases brought to the courts are mentioned here. Severe = driving while drunk, grand theft, violent crimes, vice/drugs etc. Cases include decisions 'in chamber' (Raadkamer) and 'writing conclusions for appeal' ('uitwerking vonnis voor appel') (according to the specification of output types)</p>
Norway	<p>Comment to Q 94: The number of criminal cases includes composite court cases ( with 1 professional judge and 2 lay judges) and guilty plea cases ( 1 single professional judge). Please note that Norway has not been able to extract guilty plea cases from other single judge cases in the previous evaluation cycles. We are now able to do that, and the increase in number of criminal cases can be explained accordingly. The division between guilty plea cases and composite court cases is: Pending 1 Jan. 2012: Composite Court cases: 3615 Guilty plea cases: 974 Incoming cases Composite Court cases: 15037 Guilty plea cases: 12377</p> <p>Resolved cases: Composite Court cases: 15095 Guilty plea cases: 12334</p> <p>Pending 31. Dec. 2012:  Composite Court cases: 3491 Guilty plea cases: 1009</p> <p>Furthermore – please note that the numbers only include cases where a criminal sanction is pronounced, i.e. not cases of coercive pre trial measures.</p> <p>As for the previous evaluation cycles, we cannot differ in our data between misdemeanour cases and severe cases, although the composite court cases usually concern more severe cases than was adjudicated in the simplified procedure for guilty plea cases.</p>	<p>The numbers presented for 'Total criminal cases' includes only composite court cases, that is all criminal cases without an unconditional guilty plea, as well as the most serious guilty plea cases. The court is then composed of a district court judge and two lay judges – one woman and one man. Each judge has one vote and all decisions are reached through voting – the majority vote decides.</p> <p>Single-judge criminal cases include some actions relating to police investigation, like court orders for arrests, searches, communications interception (telephone interception etc.), remand in custody, restraining orders and provisional confiscations of driving licences. Another important category is the adjudication of criminal cases with guilty pleas. Single-judge cases are heard by a district court judge or deputy judge. These cases are not included in the figures.</p>
Poland	<p>Misdemeanour cases (minor offences) – the offences that the law restrict maximum penalty up to 1 month of detention or fine or both of them. This category covers all cases</p>	<p>Misdemeanour cases (minor offences) – the offences that the law restrict maximum penalty up to 1 month of detention or fine or both of them. This category covers all cases that the</p>

	<p>that the motion for penalty for committing misdemeanour have been filed to the court. All other criminal cases constitutes severe cases. The category of severe offences represents:</p> <ul style="list-style-type: none"> <li>- the cases that the indictment (or other motion substituting the indictment) have been filed at a court,</li> <li>- cases in the matter to issue the conjunctive rulings</li> <li>- prosecutor's motions for discontinuation of the case because of insanity, and</li> <li>- prosecutor's motions for conditional discontinuation of the proceeding.</li> </ul> <p>Statistics contain also the so called 'organisation cases' which do not deal directly with crimes.</p>	<p>motion for penalty for committing misdemeanour have been filed to the court. All other criminal cases constitutes severe cases. The category of severe offences represents:</p> <ul style="list-style-type: none"> <li>- the cases that the indictment (or other motion substituting the indictment) have been filed at a court,</li> <li>- cases in the matter to issue the conjunctive rulings</li> <li>- prosecutor's motions for discontinuation of the case because of insanity, and</li> <li>- prosecutor's motions for conditional discontinuation of the proceeding.</li> </ul> <p>Statistics contain also the so called 'organisation cases' which do not deal directly with crimes. For the Criminal cases category: incoming:50915 resolved:5462; for the misdemeanour cases: incoming:54959, resolved:3999. It is important to underline that previous schemes were filled with the same methodology. Therefore the data is fully comparable.</p>
Portugal	On question 94 "severe criminal cases" includes all criminal processes. "Misdemeanour and minor criminal cases" includes civil and criminal transgressions.	Question 94 –"The severe criminal cases" includes all criminal processes. The "Misdemeanour and minor criminal cases" includes criminal and labour-criminal transgressions.
Romania	There is no classification of severe and less severe offences in the Romanian statistics.	There is no classification of severe and less severe offences in the Romanian judiciary.
Russian Federation	<p>e-mail from the NC sent on 15/05/2014: In the Russian legislation there are no exact equivalents for definitions of "severe criminal cases", "misdemeanour and minor criminal cases";</p> <p>According to Article 15 of the Criminal Code of the Russian Federation, acts covered by the Criminal Code of the Russian Federation depending on the nature and degree of social danger, are divided into a misdemeanour, a crime of medium gravity, grave crime, particularly grave crime; Misdemeanour is an intentional and negligent act for commitment of which the maximum punishment, covered by the Code, shall not exceed three years of imprisonment; Crime of medium gravity is an intentional act for commitment of which the maximum punishment, covered by the Code, shall not exceed five years of imprisonment, and a negligent act for which the maximum punishment covered by the Code, - more than three years of imprisonment; Grave crime is an intentional act for commitment of which the maximum punishment covered by the Code, shall not exceed ten years of imprisonment. Particularly grave crime is an act for the commitment of which the punishment covered by the Code is a period exceeding ten years or a more severe punishment;</p>	<p>8. Criminal cases - cases concerning crimes defined in the Russian Criminal Code.</p> <p>9. Misdemeanour and / or minor offences cases - cases concerning offences defined in the Russian Code of Administrative Offences.</p> <p>Both types of cases are heard by the courts of general jurisdiction.</p>
Serbia	Basic courts shall adjudicate in the first instance in connection with criminal offences punishable, as the principal penalty, by a fine or imprisonment of up to ten years and ten years unless some of these offences fall under the jurisdiction of another court, and shall decide on requests to suspend a security measure or legal	Question 94 – First instance criminal cases are in competence of the Basic Courts and Higher Courts. Criminal offences punishable by up to 10 years imprisonment are in competence of the Basic Courts, while more severe criminal offences are in competence of the Higher Courts. Furthermore, these data do not include misdemeanour cases, since they fall under the

	<p>consequences of the conviction for criminal offences under its competence. A high court in the first instance:</p> <p>1. adjudicates in connection with criminal offences punishable by imprisonment of more than ten years as the principal penalty;  Minor Offences courts shall adjudicate in the first instance in minor offence cases unless under the competence of an administrative authority, decide on appeals against decisions passed by administrative authorities in minor offences proceedings, and perform other tasks set forth by law. The Higher Minor Offences Court shall decide on appeals against decisions of minor offences courts, on conflicts and transfer of territorial jurisdiction of minor offences courts, and perform other tasks set forth by law.</p> <p>2. adjudicates in connection with criminal offences against the Army of Serbia; disclosure of state secrets; incitement to change of constitutional order by use of force; provoking national, racial and religious hatred and intolerance, violation of territorial sovereignty; conspiracy for anti-constitutional activity; organising and incitement to genocide and war crimes; damaging the reputation of the Republic of Serbia; damaging the reputation of a foreign state or an international organisation; money laundering; disclosure of official secret; violation of law by judges, public prosecutors or their deputies; endangerment of air traffic safety; murder in the heat of passion; rape; copulation with a powerless person, copulation by abuse of authority; abduction; trafficking in minors for the purpose of adoption; violent conduct at sports events; accepting bribes;</p> <p>3. adjudicates in juvenile criminal proceedings;</p> <p>4. decides on petition to suspend security measures or legal consequences of convictions for criminal offences under its jurisdiction;</p> <p>5. decides on requests for rehabilitation;</p> <p>6. decides on prohibition of distribution of press and dissemination of information through the public information media;</p>	<p>jurisdiction of Misdemeanour Courts (Courts with specialised jurisdiction). Total number of resolved misdemeanour cases is 569844.</p>
Slovakia	<p>The statistical data collected by the Ministry of justice of the Slovak republic do not distinguish the two types of criminal offences.</p>	<p>The statistical data collected by the Ministry of justice of the Slovak republic do not distinguish the two types of criminal offences.</p>
Slovenia	<p>Severe criminal law cases at first instance include:</p> <ul style="list-style-type: none"> <li>- K – criminal cases at local and district courts,</li> <li>- Kpr – criminal investigations at district courts,</li> <li>- Km – criminal cases against juveniles at district courts.</li> </ul> <p>They do not include the following:</p> <ul style="list-style-type: none"> <li>- Kpd – criminal investigation actions at local and district courts,</li> <li>- Kr – various criminal matters at local and</li> </ul>	<p>Criminal law cases concerning severe criminal offences include:</p> <ul style="list-style-type: none"> <li>- K – criminal cases at local and district courts,</li> <li>- Kpr – criminal investigations at district courts,</li> <li>- Km – criminal cases against juveniles at district courts.</li> </ul> <p>They do not include the following:</p> <ul style="list-style-type: none"> <li>- Kpd – criminal investigation actions at local and district courts,</li> <li>- Kr – different criminal matters at local and district courts,</li> <li>- Po – clemency procedures at local and district</li> </ul>

	<p>district courts,</p> <ul style="list-style-type: none"> <li>- Po – clemency procedures at local and district courts,</li> <li>- Kmp – criminal cases against juveniles in preparatory proceedings,</li> <li>- Ks – cases of the out-of-hearing senate,</li> <li>- IKZ – execution of the sanction of prison,</li> <li>- IKZt – execution of criminal sanctions of foreign courts,</li> <li>- Pp – cases of decisions to permit interventions within human rights and freedoms.</li> </ul> <p>Misdemeanour cases and minor offences cases at first instance include:</p> <ul style="list-style-type: none"> <li>- PR-zsv – minor offences in regular court procedure – request for judicial protection,</li> <li>- PR-obp – minor offences in regular court procedure – accusation proposals,</li> <li>- PRs – minor offences at the transition from 2004 to 2005,</li> <li>- PRv – minor offences, introduced in the judicial jurisdiction after the 31.12.2004,</li> <li>- EPVD – cancellation of validity of the driver's licence according to the legal limit of punitive points,</li> <li>- PRuz – compliance detention.</li> </ul> <p>They do not include the following:</p> <ul style="list-style-type: none"> <li>- PomPR – legal aid in minor offences,</li> <li>- PomPRi – international legal aid in minor offences,</li> <li>- PRhp – search of premises,</li> <li>- PRnk – setting a task for the good of the community or the local community,</li> <li>- PRr – various cases in minor offences.</li> </ul>	<p>courts,</p> <ul style="list-style-type: none"> <li>- Kmp – criminal cases against juveniles in preparatory proceedings,</li> <li>- Ks – cases of the out-of-hearing senate,</li> <li>- IKZ – execution of the sanction of prison,</li> <li>- IKZt – execution of criminal sanctions of foreign courts,</li> <li>- Pp – cases of decisions to permit interventions within human rights and freedoms.</li> </ul> <p>Misdemeanour cases and minor offences cases include:</p> <ul style="list-style-type: none"> <li>- PR-zsv – minor offences in regular court procedure at 1st instance – request for judicial protection,</li> <li>- PR-zsv – minor offences in regular court procedure at 1st instance – accusation proposals,</li> <li>- PRs – minor offences at 1st instance at the transition from 2004 to 2005,</li> <li>- PRv – minor offences at 1st instance, introduced in the judicial jurisdiction after the 31.12.2004,</li> <li>- EPVD – cancellation of validity of the driver's licence at 1st instance according to the legal limit of punitive points,</li> <li>- PRuz – compliance detention.</li> </ul> <p>They do not include the following:</p> <ul style="list-style-type: none"> <li>- PomPR – legal aid in minor offences,</li> <li>- PomPRi – international legal aid in minor offences,</li> <li>- PRhp – search of premises,</li> <li>- PRnk – setting a task for the good of the community or the local community,</li> <li>- Prr – different cases in minor offences.</li> </ul>
Spain	<p>Article 13 of the Spanish Criminal Code distinguishes among grave felonies, less grave felonies and misdemeanours. The distinction is established according to the punishment available for each type of criminal offence: grave felonies are those punished with a serious punishment; less grave crimes are those punished with a less severe punishment; misdemeanours are those punished with a minor punishment. Misdemeanours may also be distinguished systematically: They are found in Book III; grave and less grave felonies, meanwhile, are found mixed in Book II. The systematic distinction is based on the legal interest to protect.</p> <p>Article 33 of the Spanish Criminal Code sets out what is to be considered as severe penalties, less serious penalties and minor penalties. Some penalties are always considered to be severe (e.g. general disqualification). Others are always minor penalties (e.g. permanent localization). In most of the cases, however, it is the length of the sentence that determines the class of severity: a prison sentence is considered to be of great severity if it exceeds five years, or lesser severity otherwise; a community service sentence is considered less serious if it exceeds thirty days but is minor if shorter duration; a fine is minor if it does not exceed two months and is otherwise considered less serious, etc.</p>	<p>Article 13 of the Spanish Penal Code distinguishes among grave felonies, less grave felonies and misdemeanours. The distinction is established according to the punishment available for each: grave felonies are those punished with a serious punishment; less grave crimes are those punished with a less severe punishment; misdemeanours are those punished with a minor punishment. Misdemeanours may also be distinguished systematically: They are found in Book III; grave and less grave felonies, meanwhile, are found mixed in Book II. The systematic distinction is based on the legal interest each serves to protect.</p> <p>Article 33 sets out what are to be considered as severe penalties, less serious penalties and minor penalties. Some penalties are always considered to be severe (e.g. general disqualification). Others are always minor penalties (e.g. permanent localization). In most of the cases, however, it is the length of the sentence that determines the class of severity: A prison sentence is considered to be of great severity if it exceeds five years, or lesser severity otherwise; a community service sentence is considered less serious if it exceeds thirty days but is minor if of shorter duration; a fine is minor if it does not exceed two months and is otherwise considered less serious, etc.</p>
Sweden		

Switzerland	In most of the cantons, the distinction is not possible. Those who have provided differentiated data have used, in general, as a distinction criterion, the type of court: minor offences are dealt with by a unique judge and severe offences are dealt with by a bench of judges.	In some cantons, crimes and offences are considered as severe offences, and fines are considered as minor offences; other cantons have made a distinction according to the competent authority to pronounce the sentence: severe offences are those which are pronounced by a court and minor offences are those which are pronounced by an investigating judge. Many cantons cannot distinguish at the level of statistics the two types of offences.
The FYROMacedonia	As severe criminal cases are presented data from criminal acts defined in Criminal Code, while in category misdemeanour and minor criminal cases are presented misdemeanours defined in Law on misdemeanour and other substantive laws(for these misdemeanours is not proscribed imprisonment).	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 misdemeanours that are only in court competence.
Turkey		<p>In our criminal law, the penalties are categorized as punitive fines and prison sentences. In our system, no distinction is made between heavy offences and petty offences. Therefore, the numbers of cases heard by the courts dealing with simple disputes are shown here. The offences falling in the jurisdiction of the criminal courts of peace and the courts of criminal enforcement are considered as petty offences. The offences entailing imprisonment up to 2 years or a fine are petty offences.</p> <p>The offences other than those described above are considered as heavy offences. The cases involving such offences are heard by high criminal courts, juvenile high criminal courts, high criminal courts operating under article 250 of the Code of Criminal Procedure, criminal courts of general jurisdiction, juvenile courts, and criminal courts for intellectual and industrial property rights.</p>
Ukraine		The numbers indicated in the boxes 'Total criminal cases' include the number of severe criminal offences and the number of misdemeanour and minor offences cases. The information about the exact number of the severe criminal offences and misdemeanour/minor offences cases is not available.
UK-England and Wales	<p>Severe criminal cases will include the following:</p> <ul style="list-style-type: none"> <li>• Indictable only offences are the most serious offences, such as murder and sexual assault and must be heard at the Crown Court. The involvement of the magistrates' is usually brief before the case is passed to the Crown.</li> <li>• Triable either way offences are more serious than summary offences, but less serious than indictable only offences. These cases can be dealt with either by magistrates' or before a judge and jury at the Crown Court. Such offences include dangerous driving and theft and handling stolen goods.</li> </ul> <p>Misdemeanour and/or minor offences will including the following:</p> <ul style="list-style-type: none"> <li>• Summary cases are offences which are less serious, such as motoring offences, minor assaults and criminal damage. These cases are usually dealt with entirely in</li> </ul>	<p>Severe criminal cases will include the following:</p> <ul style="list-style-type: none"> <li>• Indictable only offences are the most serious offences, such as murder and sexual assault and must be heard at the Crown Court. The involvement of the magistrates' is usually brief before the case is passed to the Crown.</li> <li>• Triable either way offences are more serious than summary offences, but less serious than indictable only offences. These cases can be dealt with either by magistrates' or before a judge and jury at the Crown Court. Such offences will include dangerous driving and theft and handling stolen goods.</li> </ul> <p>Misdemeanour and/or minor offences will including the following:</p> <ul style="list-style-type: none"> <li>• Both indictable/triable either way cases start in magistrates' courts and are sent to the Crown. Therefore, under section 9, misdemeanour cases are defined as all those cases heard in the magistrates' court.</li> <li>• Summary cases are offences which are less</li> </ul>



	<p>magistrates' courts.</p> <ul style="list-style-type: none"> <li>• Adult breach proceedings are proceedings against a defendant (aged 18 or over) who has breached an order previously imposed against them.</li> </ul>	<p>serious, such as motoring offences, minor assaults and criminal damage. These cases are usually dealt with entirely in magistrates' courts.</p> <ul style="list-style-type: none"> <li>• Adult breach proceedings are proceedings against a defendant (aged 18 or over) who has breached an order previously imposed against them.</li> <li>• Youth proceedings are proceedings of any type involving a defendant aged between 10 and 17. These cases are recorded in minor offences for the purpose of this form, but could contain a small number of severe criminal cases.</li> </ul>
UK-Northern Ireland	NA	NA
UK-Scotland	<p>Severe criminal cases are termed SOLEMN (serious assault, fraud, assault and robbery etc)</p> <p>Misdemeanour/minor cases are termed SUMMARY (theft, assault, road traffic offences etc)</p>	<p>Severe – Serious assault, fraud, Assault and Robbery</p> <p>Misdemeanour/Minor cases – Theft, assault, road traffic offences</p>

**Table 21 – Resolved second instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Total number of civil & commercial cases	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NA	364	NA	NA	477	NA	NA	NA
Armenia	NA	3 551	NA	NA	117	NA	NA	NA
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	10 218	10 218	NAP	111	111	NAP	100%	NAP
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NA
Bosnia and Herzegovina	31 218	31 218	NAP	815	815	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	76 556	NA	NA	1 796	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	87 208	87 208	NAP	830	830	NAP	100%	NAP
Denmark	NA	7 363	NA	NA	131	NA	NA	NA
Estonia	2 721	1 822	899	212	142	70	67%	33%
Finland	3 026	1 912	1 114	56	35	21	63%	37%
France	234 577	204 319	30 258	358	312	46	87%	13%
Georgia	NA	4 808	NA	NA	107	NA	NA	NA
Germany	112 365	31 056	81 309	140	39	101	28%	72%
Greece	NA	19 711	NA	NA	178	NA	NA	NA
Hungary	43 077	23 668	19 409	435	239	196	55%	45%
Iceland	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA	NA	NA
Italy	168 276	163 967	4 309	282	275	7	97%	3%
Latvia	6 384	6 213	171	312	304	8	97%	3%
Lithuania	13 999	13 999	NAP	466	466	NAP	100%	NAP
Luxembourg	1 312	1 312	NAP	250	250	NAP	100%	NAP
Malta	542	542	NAP	129	129	NAP	100%	NAP
Republic of Moldova	NA	13 399	NA	NA	376	NA	NA	NA
Monaco	NA	135	NA	NA	374	NA	NA	NA
Montenegro	8 374	7 994	380	1 351	1 289	61	95%	5%
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	141 611	121 722	19 889	368	316	52	86%	14%
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	18 829	18 777	52	88	88	0	100%	0%
Russian Federation	578 875	572 875	6 000	404	400	4	99%	1%
Serbia	104 524	103 363	1 161	1 452	1 436	16	99%	1%
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	12 972	11 723	1 249	630	569	61	90%	10%
Spain	NA	153 656	NA	NA	334	NA	NA	NA
Sweden	2 805	2 805	NAP	29	29	NAP	100%	NAP
Switzerland	NA	19 747	NA	NA	246	NA	NA	NA
The FYROMacedonia	24 428	24 428	NAP	1 185	1 185	NAP	100%	NAP
Turkey	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	3 697	3 697	NAP	7	7	NAP	100%	NAP
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NAP	NA	NA	NAP	NA	NA
Average	73 229	54 504	12 785	450.3	418.8	49.5	89%	18%
Median	16 414	13 699	1 249	334.9	289.3	46.1	99%	10%
Minimum	542	135	52	6.5	6.5	0.2	28%	0%
Maximum	578 875	572 875	81 309	1 451.9	1 796.2	195.9	100%	72%



**Table 22 – Pending (31 Dec.) second instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Total number of civil & commercial cases	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NA	169	NA	NA	222	NA	NA	NA
Armenia	NA	629	NA	NA	21	NA	NA	NA
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	2 809	2 809	NAP	30	30	NAP	100%	NAP
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NA
Bosnia and Herzegovina	29 730	29 730	NAP	776	776	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	77 604	NA	NA	1 821	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	16 717	16 717	NAP	159	159	NAP	100%	NAP
Denmark	NA	3 193	NA	NA	57	NA	NA	NA
Estonia	650	536	114	51	42	9	82%	18%
Finland	1 356	1 068	288	25	20	5	79%	21%
France	237 962	226 684	11 278	363	346	17	95%	5%
Georgia	NA	700	NA	NA	16	NA	NA	NA
Germany	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	45 044	NA	NA	407	NA	NA	NA
Hungary	12 460	8 101	4 359	126	82	44	65%	35%
Iceland	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA	NA	NA
Italy	523 966	521 416	2 550	878	874	4	100%	0%
Latvia	2 891	2 879	12	141	141	1	100%	0%
Lithuania	5 788	5 788	NAP	193	193	NAP	100%	NAP
Luxembourg	1 836	1 836	NAP	350	350	NAP	100%	NAP
Malta	1 582	1 582	NAP	375	375	NAP	100%	NAP
Republic of Moldova	NA	3 009	NA	NA	85	NA	NA	NA
Monaco	NA	206	NA	NA	570	NA	NA	NA
Montenegro	2 438	2 355	83	393	380	13	97%	3%
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	28 667	23 732	4 935	74	62	13	83%	17%
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	11 228	11 205	23	53	53	0	100%	0%
Russian Federation	NA	28 045	NA	NA	20	NA	NA	NA
Serbia	46 448	46 344	104	645	644	1	100%	0%
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	4 221	3 923	298	205	191	14	93%	7%
Spain	NA	88 791	NA	NA	193	NA	NA	NA
Sweden	946	946	NAP	10	10	NAP	100%	NAP
Switzerland	NA	6 853	NA	NA	85	NA	NA	NA
The FYROMacedonia	5 267	5 267	NAP	255	255	NAP	100%	NAP
Turkey	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NAP	NA	NA	NAP	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NAP	NA	NA	NAP	NA	NA
Average	49 314	38 905	2 186	268.5	282.5	11.1	94%	10%
Median	5 267	4 595	288	192.7	174.8	8.9	100%	5%
Minimum	650	169	12	9.9	9.9	0.1	65%	0%
Maximum	523 966	521 416	11 278	877.9	1 820.8	44.0	100%	35%

**Table 23 – Resolved highest instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Total number of civil & commercial cases	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	1 791	1 791	NAP	59	59	NAP	100%	NAP
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	4 265	4 265	NAP	46	46	NAP	100%	NAP
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NA
Bosnia and Herzegovina	5 094	5 094	NAP	133	133	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NA	325	NA	NA	38	NA	NA	NA
Czech Republic	NA	5 000	NA	NA	48	NA	NA	NA
Denmark	NA	NA	NAP	NA	NA	NAP	NA	NA
Estonia	NA	187	NA	NA	15	NA	NA	NA
Finland	841	841	NAP	15	15	NAP	100%	NAP
France	NA	20 874	NA	NA	32	NA	NA	NA
Georgia	NA	1 711	NA	NA	38	NA	NA	NA
Germany	3 416	802	2 614	4	1	3	23%	77%
Greece	NA	1 851	NA	NA	17	NA	NA	NA
Hungary	2 786	2 426	360	28	24	4	87%	13%
Iceland	NA	NA	NA	NA	NA	NA	NA	NA
Ireland	255	255	NAP	6	6	NAP	100%	NAP
Italy	NA	24 637	NA	NA	41	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA	NA	NA
Lithuania	605	605	NAP	20	20	NAP	100%	NAP
Luxembourg	NA	NA	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	4 047	4 047	NAP	114	114	NAP	100%	NAP
Monaco	NA	47	NA	NA	130	NA	NA	NA
Montenegro	1 194	1 194	NAP	193	193	NAP	100%	NAP
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	171 136	170 341	795	803	800	4	100%	0%
Russian Federation	471 540	465 540	6 000	329	325	4	99%	1%
Serbia	NA	4 676	NA	NA	65	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	1 754	1 728	26	85	84	1	99%	1%
Spain	NA	8 333	NA	NA	18	NA	NA	NA
Sweden	348	348	NAP	4	4	NAP	100%	NAP
Switzerland	1 739	1 739	NAP	22	22	NAP	100%	NAP
The FYROMacedonia	1 513	1 513	NAP	73	73	NAP	100%	NAP
Turkey	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NAP	NA	NA	NAP	NA	NA
Average	42 020	28 083	1 959	120.9	90.7	3.2	94%	19%
Median	1 773	1 765	795	52.7	39.7	3.6	100%	1%
Minimum	255	47	26	3.6	1.0	1.3	23%	0%
Maximum	471 540	465 540	6 000	803.3	799.5	4.2	100%	77%

**Table 24 – Pending (31 Dec.) highest instance civil and commercial total, litigious & NON litigious cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Total number of civil & commercial cases	Number of civil & commercial LITIGIOUS cases	Number of civil & commercial NON-LITIGIOUS cases	Per 100 000 inhabitants			Part of LITIGIOUS in the total number of civil & commercial cases	Part of NON-LITIGIOUS in the total number of civil & commercial cases
				Total	LITIGIOUS	NON-LITIGIOUS		
Albania	NA	NA	NA	NA	NA	NA	NA	NA
Andorra	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	164	164	NAP	5	5	NAP	100%	NAP
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	765	765	NAP	8	8	NAP	100%	NAP
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NA
Bosnia and Herzegovina	3 329	3 329	NAP	87	87	NAP	100%	NAP
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NA	303	NA	NA	35	NA	NA	NA
Czech Republic	NA	3 025	NA	NA	29	NA	NA	NA
Denmark	NA	NA	NAP	NA	NA	NAP	NA	NA
Estonia	NA	36	NA	NA	3	NA	NA	NA
Finland	483	483	NAP	9	9	NAP	100%	NAP
France	NA	21 590	NA	NA	33	NA	NA	NA
Georgia	NA	332	NA	NA	7	NA	NA	NA
Germany	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	1 754	NA	NA	16	NA	NA	NA
Hungary	1 424	1 385	39	14	14	0	97%	3%
Iceland	NA	NA	NA	NA	NA	NA	NA	NA
Ireland	591	591	NAP	13	13	NAP	100%	NAP
Italy	NA	99 253	NA	NA	166	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA	NA	NA
Lithuania	312	312	NAP	10	10	NAP	100%	NAP
Luxembourg	NA	NA	NA	NA	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	891	891	NAP	25	25	NAP	100%	NAP
Monaco	NA	21	NA	NA	58	NA	NA	NA
Montenegro	6	6	NAP	1	1	NAP	100%	NAP
Netherlands	NA	NA	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA	NA	NA
Portugal	NA	NA	NA	NA	NA	NA	NA	NA
Romania	87 991	87 724	267	413	412	1	100%	0%
Russian Federation	NA	18 909	NA	NA	13	NA	NA	NA
Serbia	NA	1 376	NA	NA	19	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	1 306	1 289	17	63	63	1	99%	1%
Spain	NA	7 302	NA	NA	16	NA	NA	NA
Sweden	168	168	NAP	2	2	NAP	100%	NAP
Switzerland	497	497	NAP	6	6	NAP	100%	NAP
The FYROMacedonia	1 863	1 863	NAP	90	90	NAP	100%	NAP
Turkey	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA	NA	NA
UK-Scotland	NA	NA	NAP	NA	NA	NAP	NA	NA
Average	7 128	10 135	108	53.4	45.6	0.8	100%	1%
Median	678	891	39	11.6	15.9	0.8	100%	1%
Minimum	6	6	17	1.0	1.0	0.4	97%	0%
Maximum	87 991	99 253	267	413.0	411.8	1.3	100%	3%

**Table 25 – Disposition time of civil and commercial litigious cases at second instance courts in 2006, 2008, 2010 and 2012**

States / entities	DT 2006 of civil litigious cases (days)	DT 2008 of civil litigious cases (days)	DT 2010 of civil litigious cases (days)	DT 2012 of civil litigious cases (days)
Albania	NA	400	NA	NA
Andorra	NA	NA	146	169
Armenia	NA	73	NA	65
Austria	NA	NA	NA	NA
Azerbaijan	NA	74	NA	100
Belgium	NA	NA	NA	NA
Bosnia and Herzegovina	304	290	299	348
Bulgaria	NA	NA	NA	NA
Croatia	300	278	322	370
Cyprus	767	NA	1194	NAP
Czech Republic	NA	NA	75	70
Denmark	NA	170	151	158
Estonia	NA	181	102	107
Finland	257	212	223	204
France	358	369	359	405
Georgia	175	73	54	53
Germany	84	NA	NA	NA
Greece	NA	NA	298	834
Hungary	118	101	114	125
Iceland	NA	NAP	NAP	NAP
Ireland	NA	NA	NA	NA
Italy	1 324	1 229	1 268	1 161
Latvia	190	298	257	169
Lithuania	186	109	191	151
Luxembourg	NA	412	472	511
Malta	NA	500	470	1065
Republic of Moldova	19	66	125	82
Monaco	819	711	798	557
Montenegro	430	NA	NA	108
Netherlands	259	NA	NA	NA
Norway	NA	NA	NA	NA
Poland	63	39	45	71
Portugal	NA	NA	NA	NA
Romania	148	163	221	218
Russian Federation	14	25	NA	18
Serbia	126	NA	NA	164
Slovakia	164	NA	NA	NA
Slovenia	150	97	101	122
Spain	193	184	189	211
Sweden	207	183	111	123
Switzerland	NA	129	144	127
The FYROMacedonia	44	94	102	79
Turkey	NA	NA	NA	NAP
Ukraine	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA
UK-Scotland	NA	NA	NA	NA
Average	279.1	248.4	301.3	264.8
Median	187.8	175.5	190.5	154.6
Minimum	14	25	45	18
Maximum	1 324	1 229	1 268	1 161

**Table 26 – Disposition time of civil and commercial litigious cases at highest instance courts in 2006, 2008, 2010 and 2012**

States / entities	DT 2006 of civil litigious cases (days)	DT 2008 of civil litigious cases (days)	DT 2010 of civil litigious cases (days)	DT 2012 of civil litigious cases (days)
Albania	NA	NAP	NA	NA
Andorra	NA	NA	NAP	NAP
Armenia	NA	0	NA	33
Austria	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	65
Belgium	NA	NA	NA	NA
Bosnia and Herzegovina	386	331	223	239
Bulgaria	NA	NA	NA	NA
Croatia	92	317	420	NA
Cyprus	NA	NA	NAP	340
Czech Republic	249	340	287	221
Denmark	NA	NA	NA	NA
Estonia	76	86	133	70
Finland	105	136	NA	210
France	329	369	342	378
Georgia	121	93	108	71
Germany	659	NA	NA	NA
Greece	NA	NA	NA	346
Hungary	64	130	148	208
Iceland	NA	NAP	NAP	NA
Ireland	NA	NA	NA	846
Italy	1 250	1 066	1 231	1 470
Latvia	82	210	NA	NA
Lithuania	NA	57	144	188
Luxembourg	NA	255	NA	NA
Malta	NA	NA	NA	NAP
Republic of Moldova	34	42	78	80
Monaco	NA	782	NA	163
Montenegro	281	1	19	2
Netherlands	0	NA	NA	NA
Norway	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	NA	NA	NA	NA
Romania	86	95	138	188
Russian Federation	NA	NA	NA	15
Serbia	136	153	214	107
Slovakia	NA	NA	NA	NA
Slovenia	536	514	386	272
Spain	502	429	273	320
Sweden	126	143	166	176
Switzerland	131	96	97	104
The FYROMacedonia	430	213	375	449
Turkey	357	231	NA	NA
Ukraine	NA	NAP	249	NA
UK-England and Wales	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA
UK-Scotland	NA	NA	NA	NA
Average	274.1	253.7	264.9	262.5
Median	133.2	181.5	214.4	188.2
Minimum	0	0	19	2
Maximum	1 250	1 066	1 231	1 470

**Table 27 – Incoming, resolved and pending (31 Dec.) second instance severe criminal law cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	76	80	7	2.7	2.8	0.2
Andorra	46	48	12	60.3	63.0	15.7
Armenia	NA	NA	NA	NA	NA	NA
Austria	7 726	7 643	870	91.4	90.4	10.3
Azerbaijan	NA	NA	NA	NA	NA	NA
Belgium	8 118	8 442	8 476	72.7	75.6	75.9
Bosnia and Herzegovina	9 906	9 878	1 373	258.5	257.8	35.8
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	9 464	10 387	2 541	222.0	243.7	59.6
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	1 210	1 177	647	11.5	11.2	6.2
Denmark	6 913	6 631	1 718	123.4	118.4	30.7
Estonia	800	811	64	62.2	63.0	5.0
Finland	NAP	NAP	NAP	NAP	NAP	NAP
France	NA	NA	NA	NA	NA	NA
Georgia	704	718	101	15.7	16.0	2.3
Germany	57 508	57 695	19 680	71.7	71.9	24.5
Greece	NA	NA	NA	NA	NA	NA
Hungary	42 009	41 561	7 986	424.0	419.4	80.6
Iceland	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	NA	NA	NA	NA	NA	NA
Italy	NA	NA	NA	NA	NA	NA
Latvia	2 043	2 203	431	99.9	107.7	21.1
Lithuania	NA	NA	NA	NA	NA	NA
Luxembourg	NAP	656	NAP	NAP	125.0	NAP
Malta	27	18	61	6.4	4.3	14.5
Republic of Moldova	NA	NA	NA	NA	NA	NA
Monaco	54	41	NA	149.4	113.5	NA
Montenegro	3 543	3 563	117	571.4	574.7	18.9
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	152 513	151 724	20 240	395.8	393.8	52.5
Portugal	11 686	11 585	2 884	111.4	110.5	27.5
Romania	NAP	NAP	NAP	NAP	NAP	NAP
Russian Federation	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	NA	NA	NA	NA	NA	NA
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	4 252	4 422	842	206.5	214.8	40.9
Spain	NA	NA	NA	NA	NA	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP
Switzerland	7 909	7 930	2 544	98.4	98.6	31.6
The FYROMacedonia	4 348	4 348	304	210.8	210.8	14.7
Turkey	NAP	NAP	NAP	NAP	NAP	NAP
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	7 610	NA	NA	13.5	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	750	NA	NA	14.1	NA	NA
Average	14 748	15 071	3 545	143.2	153.9	28.4
Median	4 348	4 385	856	98.4	109.1	22.8
Minimum	27	18	7	2.7	2.8	0.2
Maximum	152 513	151 724	20 240	571.4	574.7	80.6

**Table 28 – Incoming, resolved and pending (31 Dec.) highest instance severe criminal law cases in 2012, absolute numbers and per 100 000 inhabitants**

States/entities	Incoming	Resolved	Pending 31 Dec '12	Per 100 000 inhabitants		
				Incoming	Resolved	Pending 31 Dec '12
Albania	98	109	194	3.5	3.9	6.9
Andorra	NAP	NAP	NAP	NAP	NAP	NAP
Armenia	NA	NA	NA	NA	NA	NA
Austria	NA	NA	NA	NA	NA	NA
Azerbaijan	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	2 934	2 960	393	76.6	77.3	10.3
Bulgaria	NA	NA	NA	NA	NA	NA
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	NA	NA	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA	NA	NA
Denmark	45	64	11	0.8	1.1	0.2
Estonia	123	100	42	9.6	7.8	3.3
Finland	NAP	NAP	NAP	NAP	NAP	NAP
France	NA	NA	NA	NA	NA	NA
Georgia	342	400	25	7.6	8.9	0.6
Germany	3 406	3 387	520	4.2	4.2	0.6
Greece	NA	NA	NA	NA	NA	NA
Hungary	1 661	1 649	252	16.8	16.6	2.5
Iceland	NA	NA	NA	NA	NA	NA
Ireland	NA	NA	NA	NA	NA	NA
Italy	51 401	50 743	30 482	86.1	85.0	51.1
Latvia	NA	NA	NA	NA	NA	NA
Lithuania	NA	NA	NA	NA	NA	NA
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP
Republic of Moldova	NA	NA	NA	NA	NA	NA
Monaco	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	63	63	0	10.2	10.2	0.0
Netherlands	NA	NA	NA	NA	NA	NA
Norway	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	NA	NA
Portugal	936	924	97	8.9	8.8	0.9
Romania	NAP	NAP	NAP	NAP	NAP	NAP
Russian Federation	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	NAP	NAP	NAP	NAP	NAP	NAP
Slovakia	NA	NA	NA	NA	NA	NA
Slovenia	694	666	204	33.7	32.3	9.9
Spain	NA	NA	NA	NA	NA	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP
Switzerland	NA	NA	NA	NA	NA	NA
The FYROMacedonia	729	753	114	35.3	36.5	5.5
Turkey	72 411	69 295	67 688	95.7	91.6	89.5
Ukraine	NA	NA	NA	NA	NA	NA
UK-England and Wales	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	NA	NA	NA	NA	NA
UK-Scotland	720	NA	NA	13.6	NA	NA
Average	9 683	10 086	7 694	28.8	29.6	13.9
Median	725	753	194	11.9	10.2	3.3
Minimum	45	63	0	0.8	1.1	0.0
Maximum	72 411	69 295	67 688	95.7	91.6	89.5

**Table 29 – All first, second and highest instance litigious divorce cases average lengths (2012) in days, ordered by state**

States / entities	1st instance	2nd instance	3rd instance	Total (provided)	Total (calculated 1st+2nd+3rd)
Albania	NA	NA	NA	NA	NC
Andorra	NA	NA	NA	NA	NC
Armenia	NAP	NAP	NAP	NAP	NC
Austria	161	NA	NA	NA	NC
Azerbaijan	180	90	60	330	330
Belgium	NA	455	NA	NA	NC
Bosnia and Herzegovina	170	102	NA	136	NC
Bulgaria	NA	NA	NA	NA	NC
Croatia	NA	NA	NA	NA	NC
Cyprus	NA	NA	NA	NA	NC
Czech Republic	NA	NA	NA	NA	NC
Denmark	150	270	NAP	176	NC
Estonia	180	56	NA	NA	NC
Finland	240	NA	NA	NA	NC
France	636	380	NAP	676	NC
Georgia	39	63	70	172	172
Germany	10	NA	NA	NA	NC
Greece	NA	NA	NA	NA	NC
Hungary	NA	NA	NAP	NA	NC
Iceland	NA	NA	NA	NA	NC
Ireland	NA	NA	NA	NA	NC
Italy	676	486	NA	NA	NC
Latvia	249	112	NA	NA	NC
Lithuania	50	NA	NA	NA	NC
Luxembourg	NA	NA	NA	NA	NC
Malta	NA	NA	NA	NA	NC
Republic of Moldova	NA	NA	NA	NA	NC
Monaco	565.09	283	203	NA	1 051
Montenegro	120	30	150	240	300
Netherlands	349	227	NA	329	NC
Norway	NAP	NAP	NAP	NAP	NC
Poland	NA	NA	NA	NA	NC
Portugal	300	90	60	NA	450
Romania	NA	NA	NA	NA	NC
Russian Federation	29	19	54	NA	102
Serbia	NA	NA	NA	NA	NC
Slovakia	NA	NA	NAP	150	NC
Slovenia	208.4	48.3	127	NA	384
Spain	283	301	NA	NA	NC
Sweden	234	NA	NA	NA	NC
Switzerland	260	162	122	296	544
The FYROMacedonia	103	NA	NA	NA	NC
Turkey	171	NAP	NA	NA	NC
Ukraine	NA	NA	NA	NA	NC
UK-England and	218	NA	NA	NA	NC



Wales					
UK-Northern Ireland	NA	NA	NA	NA	NC
UK-Scotland	NA	NA	NA	NA	NC
Average	232.6	186.7	105.8	278.3	416.6
Median	194.2	112.0	96.0	240.0	356.9
Minimum	10.0	19.0	54.0	136.0	102.0
Maximum	676.0	486.0	203.0	676.0	1 051.1



# Annex 3 - Text of the questions from the CEPEJ Scheme for Evaluating Judicial Systems related to the report (2012-2014 Cycle)

## 1.1 Inhabitants and economic information

1. Number of inhabitants (if possible on 1 January 2013)

## 4.2.2 Case flow management and timeframes of judicial proceedings

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.

66.

67. First instance courts: number of other than criminal and criminal law cases  
 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. (*modified question*)

	Pending cases on 1 Jan.'12	Incoming cases	Resolved cases	Pending cases on 31 Dec.'12
Total of <i>other than criminal</i> law cases (1+2+3+4+5+6+7)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
1. <b>Civil (and commercial) litigious cases</b> (if feasible without administrative law cases, see category 6)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
2. <b>General civil (and commercial) non-litigious cases</b> , 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)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
3. Non litigious enforcement cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
4. Non litigious land registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
5. Non litigious business registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
6. Administrative law cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
7. <b>Other cases</b> (e.g. insolvency registry cases)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Note 1: the cases mentioned in categories 3 to 5 (*enforcement, land registry, business register*) should be presented separately in the table. The cases mentioned in category 6 (*administrative law cases*) 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: please check if the figures submitted are (horizontally and vertically) consistent. *Horizontal consistent* data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the

correct number of pending cases on 31 December 2012. *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.

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

93. If “other cases”, please indicate the case categories included:

94. 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. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
8. Severe criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Note: please check if the figures submitted are (horizontally and vertically) consistent. *Horizontal consistent* data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. *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.

95. To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

96. Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

97. Second instance courts: total number of cases

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.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of <i>other than criminal</i> law cases (1+2+3+4+5+6+7)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
1. <b>Civil (and commercial) litigious cases</b> (if feasible without administrative law cases, see category 6)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
2. <b>General civil (and commercial) non-litigious cases</b> , 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)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

3. Non litigious enforcement cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
4. Non litigious land registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
5. Non litigious business registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
6. Administrative law cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
7. Other cases (e.g. insolvency registry cases)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

98. 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.'12	Incoming cases	Resolved cases	Pending cases on 31 Dec.'12
Total of criminal cases (8+9)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
8. Severe criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Comments:

99. Highest instance courts: total number of cases

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.

	Pending cases on 1 Jan.'12	Incoming cases	Resolved cases	Pending cases on 31 Dec.'12
Total of other than criminal law cases (1+2+3+4+5+6+7)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
2. General 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)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
3. Non litigious enforcement cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
4. Non litigious land registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
5. Non litigious business registry cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
6. Administrative law cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

(litigious and non-litigious)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
<b>7. Other cases</b> (e.g. insolvency registry cases)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

a. At the level of the Higher court, is there a procedure of manifest inadmissibility?

- Yes. If yes, please indicate the number of cases closed by this procedure?  
 No

100. 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.'12	Incoming cases	Resolved cases	Pending cases on 31 Dec.'12
Total of criminal cases (8+9)	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
8. Severe criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
9. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Comments:

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts:

	Pending cases on 1 Jan.'12	Incoming cases	Resolved cases	Pending cases on 31 Dec.'12
Litigious divorce cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Employment dismissal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Robbery cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

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.

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.

	% of decisions subject to appeal	% of pending cases for more than 3 years	Average length in 1 <sup>st</sup> instance (in days)	Average length in 2 <sup>nd</sup> instance (in days)	Average length in 3 <sup>rd</sup> instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Employment dismissal cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

Insolvency	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Robbery cases	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP	<input type="checkbox"/> NA / <input type="checkbox"/> NAP

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

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





## Annex 4 – Courts resources

Some data in terms of budget and personnel (professional judges and non-judge staff) allocated to the court system in 2006-2012. Data is provided both in absolute values, both in relation to the population for the given year.

**Table 30 Total annual budget allocated to the courts, legal aid and prosecution system in 2012 (Euro)**

States/entities	Total annual budget allocated to the courts, legal aid and prosecution system 2012 (Q6, Q12, Q13)	Total annual budget allocated to the courts and prosecution system 2012 (Q6, Q13)	Total annual budget allocated to the courts and legal aid 2012 (Q6, Q12)	Total annual budget allocated to the courts 2012 (Q6)	Total annual budget allocated to legal aid 2012 (Q12)	Total annual budget allocated to the prosecution system 2012 (Q13)	Total annual budget allocated to the courts, legal aid and prosecution system per 100 000 inhabitants 2012	Total annual budget allocated to the courts and prosecution system per 100 000 inhabitants 2012	Total annual budget allocated to the courts and legal aid per 100 000 inhabitants 2012	Total annual budget allocated to the courts per 100 000 inhabitants 2012	Total annual budget allocated to legal aid per 100 000 inhabitants 2012	Total annual budget allocated to the prosecution system per 100 000 inhabitants 2012
Albania	25 573 987	25 513 734	12 573 253	12 513 000	60 253	13 000 734	9.1	9.1	4.5	4.4	0.0	4.6
Andorra	6 442 382	6 054 897	NA	NA	387 485	NA	84.5	79.4	NA	NA	5.1	NA
Armenia	NA	17 073 838	NA	11 717 070	NA	5 356 768	NA	5.6	NA	3.9	NA	1.8
Austria	770 790 000	751 790 000	NA	NA	19 000 000	NA	91.2	88.9	NA	NA	2.2	NA
Azerbaijan	107 058 274	106 601 274	59 176 620	58 719 620	457 000	47 881 654	11.6	11.5	6.4	6.4	0.0	5.2
Belgium	988 125 000	911 101 000	NA	NA	87 024 000	NA	88.5	81.6	NA	NA	7.8	NA
Bosnia & Herzegovina	107 431 615	100 303 381	86 141 531	79 013 297	7 128 234	21 290 084	28.0	26.2	22.5	20.6	1.9	5.6
Bulgaria	214 599 576	208 788 561	130 722 969	124 911 954	5 811 015	83 876 607	29.5	28.7	17.9	17.1	0.8	11.5
Croatia	198 808 412	198 641 781	156 768 089	156 601 458	166 631	42 040 323	46.6	46.6	36.8	36.7	0.0	9.9
Cyprus	50 109 977	48 583 239	32 138 218	30 611 480	1 526 738	17 971 759	57.9	56.1	37.1	35.4	1.8	20.8
Czech Republic	479 600 709	455 457 874	394 893 987	370 751 152	24 142 835	84 706 722	45.6	43.3	37.6	35.3	2.3	8.1
Denmark	421 337 784	337 694 736	326 937 784	243 294 736	83 643 048	94 400 000	75.2	60.3	58.4	43.4	14.9	16.8
Estonia	42 819 672	38 984 672	33 563 350	29 728 350	3 835 000	9 256 322	33.3	30.3	26.1	23.1	3.0	7.2
Finland	362 713 356	295 016 356	317 401 356	249 704 356	67 697 000	45 312 000	66.8	54.4	58.5	46.0	12.5	8.3
France	4 014 305 137	3 647 125 137	NA	NA	367 180 000	NA	61.2	55.6	NA	NA	5.6	NA
Georgia	25 980 182	24 551 297	18 143 602	16 714 717	1 428 885	7 836 580	5.8	5.5	4.0	3.7	0.3	1.7
Germany	9 170 186 780	8 825 651 349	8 646 840 277	8 302 304 846	344 535 431	523 346 503	114.3	110.0	107.8	103.5	4.3	6.5
Greece	450 970 924	442 670 924	NC	NA	8 300 000	NA	40.8	40.0	NA	NA	0.8	NA
Hungary	452 447 662	451 539 688	326 595 669	325 687 695	907 974	125 851 993	45.7	45.6	33.0	32.9	0.1	12.7
Iceland	14 109 339	10 553 685	13 158 254	9 602 600	3 555 654	951 085	43.8	32.8	40.9	29.8	11.0	3.0
Ireland	230 777 000	147 618 000	190 249 000	107 090 000	83 159 000	40 528 000	50.3	32.2	41.4	23.3	18.1	8.8
Italy	4 575 001 196	4 421 546 874	3 139 975 719	2 986 521 397	153 454 322	1 435 025 477	76.7	74.1	52.6	50.0	2.6	24.0
Latvia	65 953 173	64 990 879	45 457 215	44 494 921	962 294	20 495 958	32.3	31.8	22.2	21.8	0.5	10.0
Lithuania	83 783 573	79 239 747	57 682 438	53 138 612	4 543 826	26 101 135	27.9	26.4	19.2	17.7	1.5	8.7
Luxembourg	77 236 940	73 736 940	NA	NA	3 500 000	NA	147.1	140.5	NA	NA	6.7	NA
Malta	13 405 486	13 355 986	11 576 927	11 527 427	49 500	1 828 559	31.8	31.7	27.5	27.4	0.1	4.3
Republic of Moldova	16 671 277	15 459 707	10 793 533	9 581 963	1 211 570	5 877 744	4.7	4.3	3.0	2.7	0.3	1.7
Monaco	5 947 556	5 653 156	NA	NA	294 400	NA	164.6	156.4	NA	NA	8.1	NA
Montenegro	24 796 697	NA	19 252 931	NA	NA	5 543 766	40.0	NA	31.1	NA	NA	8.9
Netherlands	2 135 643 000	1 640 343 000	1 498 719 000	1 003 419 000	495 300 000	636 924 000	127.3	97.8	89.3	59.8	29.5	38.0

Norway	526 767 700	256 266 400	504 501 300	234 000 000	270 501 300	22 266 400	104.3	50.7	99.9	46.3	53.6	4.4
Poland	1 827 573 567	1 803 466 567	1 403 445 000	1 379 338 000	24 107 000	424 128 567	47.4	46.8	36.4	35.8	0.6	11.0
Portugal	605 812 816	550 628 716	508 261 490	453 077 390	55 184 100	97 551 326	57.8	52.5	48.5	43.2	5.3	9.3
Romania	480 890 952	472 932 902	332 569 660	324 611 610	7 958 050	148 321 292	22.6	22.2	15.6	15.2	0.4	7.0
Russian Federation	4 567 147 213	4 497 745 502	3 405 536 512	3 336 134 801	69 401 711	1 161 610 701	31.9	31.4	23.8	23.3	0.5	8.1
Serbia	193 479 528	NA	177 981 291	NA	NA	15 498 237	26.9	NA	24.7	NA	NA	2.2
Slovakia	214 796 609	213 025 322	154 487 073	152 715 786	1 771 287	60 309 536	39.7	39.4	28.6	28.2	0.3	11.1
Slovenia	189 999 970	183 258 350	171 801 675	165 060 055	6 741 620	18 198 295	92.3	89.0	83.4	80.2	3.3	8.8
Spain	1 489 804 631	1 452 913 920	1 278 451 671	1 241 560 960	36 890 711	211 352 960	32.4	31.6	27.8	27.0	0.8	4.6
Sweden	1 018 131 920	781 732 774	873 646 111	637 246 965	236 399 146	144 485 809	106.5	81.8	91.4	66.7	24.7	15.1
Switzerland	1 589 359 782	1 480 750 125	1 089 815 678	981 206 021	108 609 657	499 544 104	197.7	184.2	135.6	122.1	13.5	62.1
The FYROMacedonia	35 240 792	34 936 051	30 087 492	29 782 751	304 741	5 153 300	17.1	16.9	14.6	14.4	0.1	2.5
Turkey	1 385 201 689	1 295 361 065	NA	NA	89 840 624	NA	18.3	17.1	NA	NA	1.2	NA
Ukraine	668 136 539	NA	410 373 391	NA	NA	257 763 148	14.7	NA	9.0	NA	NA	5.7
UK-England & Wales	5 457 335 444	3 106 865 387	4 734 909 851	2 384 439 794	2 350 470 057	722 425 593	96.5	54.9	83.7	42.2	41.6	12.8
UK-Northern Ireland	209 042 000	116 792 000	166 182 000	73 932 000	92 250 000	42 860 000	114.6	64.0	91.1	40.5	50.6	23.5
UK-Scotland	447 360 849	268 360 849	314 811 499	135 811 499	179 000 000	132 549 350	84.2	50.5	59.2	25.6	33.7	24.9
Average	1 000 841 493	906 379 037	818 042 721	715 737 980	123 225 398	186 139 036	60.9	46.7	45.3	42.4	8.7	11.3
Median	296 745 178	234 645 861	184 115 146	154 658 622	8 300 000	45 312 000	46.2	41.4	36.8	32.9	2.3	8.7
Minimum	5 947 556	5 653 156	10 793 533	9 581 963	49 500	951 085	4.7	4.3	3.0	2.7	0.0	1.7
Maximum	9 170 186 780	8 825 651 349	8 646 840 277	8 302 304 846	2 350 470 057	1 435 025 477	197.7	184.2	135.6	156.4	53.6	62.1

**Table 31 Total annual budget allocated to the courts in 2006-2012 (Euro)**

States/entities	Total annual budget allocated to the courts 2006 (q6)	Total annual budget allocated to the courts 2008 (q6)	Total annual budget allocated to the courts 2010	Total annual budget allocated to the courts 2012	Total annual budget allocated to the courts per capita per 100 000 inhabitants 2006 (q6)	Total annual budget allocated to the courts per capita per 100 000 inhabitants 2008 (q6)	Total annual budget allocated to the courts per capita per 100 000 inhabitants 2010	Total annual budget allocated to the courts per capita per 100 000 inhabitants 2012
Albania	9 730 005	10 727 875	10 552 684	12 513 000	3.1	3.4	3.3	4.4
Andorra	NA	NA	NA	NA	NA	NA	NA	NA
Armenia	4 188 418	10 546 291	11 285 536	11 717 070	1.3	3.3	3.5	3.9
Austria	NA	NA	NA	NA	NA	NA	NA	NA
Azerbaijan	11 339 059	30 114 000	40 315 230	58 719 620	1.3	3.5	4.5	6.4
Belgium	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	66 899 635	74 824 920	75 206 736	79 013 297	17.4	19.5	19.6	20.6
Bulgaria	87 870 777	128 186 163	112 211 184	124 911 954	11.4	16.8	15.2	17.1
Croatia	206 261 500	225 955 724	211 304 301	156 601 458	46.4	51.0	47.9	36.7
Cyprus	25 778 787	25 924 554	33 546 827	30 611 480	33.1	32.5	41.7	35.4
Czech Republic	314 681 033	390 168 959	346 497 809	370 751 152	30.6	37.4	32.9	35.3
Denmark	183 000 000	228 761 776	216 795 693	243 294 736	33.7	41.8	39.0	43.4
Estonia	23 454 540	34 249 751	26 797 340	29 728 350	17.5	25.5	20.0	23.1
Finland	221 971 000	256 277 000	243 066 350	249 704 356	42.2	48.3	45.2	46.0
France	NA	NA	NA	NA	NA	NA	NA	NA
Georgia	11 760 558	14 929 371	16 214 854	16 714 717	2.7	3.4	3.6	3.7

Germany	8 731 000 000	NA	7 789 169 914	8 302 304 846	106.0	NA	95.3	103.5
Greece	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	277 750 000	285 674 860	259 501 133	325 687 695	27.6	28.4	26.0	32.9
Iceland	12 300 000	6 832 940	7 413 547	9 602 600	41.0	21.4	23.3	29.8
Ireland	111 841 000	136 195 000	148 722 000	107 090 000	26.4	30.8	32.5	23.3
Italy	2 751 910 175	3 124 673 861	3 051 375 987	2 986 521 397	46.8	52.4	50.3	50.0
Latvia	32 416 128	47 510 897	36 919 820	44 494 921	14.1	20.9	16.6	21.8
Lithuania	48 949 259	60 629 000	50 567 945	53 138 612	14.4	18.0	15.6	17.7
Luxembourg	NA	NA	NA	NA	NA	NA	NA	NA
Malta	8 716 000	9 073 000	10 260 000	11 527 427	21.4	21.9	24.6	27.4
Republic of Moldova	3 002 838	7 521 012	8 472 063	9 581 963	0.8	2.1	2.4	2.7
Monaco	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA
Netherlands	812 677 000	889 208 000	993 086 000	1 003 419 000	49.7	53.9	59.6	59.8
Norway	175 013 040	161 163 043	207 841 410	234 000 000	37.4	34.0	42.2	46.3
Poland	1 211 751 000	1 226 605 000	1 365 085 000	1 379 338 000	31.8	32.2	35.7	35.8
Portugal	506 493 713	513 513 518	528 943 165	453 077 390	47.9	48.4	49.7	43.2
Romania	294 735 140	380 932 306	355 246 737	324 611 610	13.6	17.7	16.6	15.2
Russian Federation	2 486 680 213	2 352 742 701	2 912 743 823	3 336 134 801	17.5	16.6	20.4	23.3
Serbia	NA	NA	NA	NA	NA	NA	NA	NA
Slovakia	111 477 334	145 584 333	139 851 564	152 715 786	20.7	27.0	25.7	28.2
Slovenia	133 840 315	162 282 837	178 158 919	165 060 055	66.8	80.1	86.9	80.2
Spain	2 983 492 000	3 906 088 640	4 202 016 219	1 241 560 960	68.2	86.3	91.4	27.0
Sweden	452 000 000	399 825 654	557 260 358	637 246 965	49.6	43.5	59.2	66.7
Switzerland	700 506 950	728 566 388	916 146 809	981 206 021	93.9	94.6	116.5	122.1
The FYROMacedonia	22 241 278	27 060 261	28 541 751	29 782 751	10.9	13.2	13.9	14.4
Turkey	NA	NA	NA	NA	NA	NA	NA	NA
Ukraine	NA	NA	NA	NA	NA	NA	NA	NA
UK-England and Wales	1 954 348 473	1 437 326 465	1 182 000 000	2 384 439 794	36.4	26.4	21.4	42.2
UK-Northern Ireland	185 002 000	161 600 000	83 154 000	73 932 000	106.2	91.9	46.2	40.5
UK-Scotland	120 852 210	151 940 889	146 420 820	135 811 499	23.6	29.4	28.0	25.6
Average	669 718 858	528 991 394	722 103 504	714 845 126	33.7	33.6	35.5	34.9
Median	175 013 040	161 941 419	178 158 919	165 060 055	29.1	28.4	27.0	29.0
Minimum	3 002 838	5 006 100	5 163 400	5 653 156	0.8	2.1	2.4	2.7
Maximum	8 731 000 000	3 906 088 640	7 789 169 914	8 302 304 846	106.2	94.6	116.5	122.1

**Table 32 Total number of professional judges sitting in courts in 2006-2012**

States/entities	Total number of professional judges sitting in courts 2006 (Q49)	Total number of professional judges sitting in courts 2008 (Q49)	Total number of professional judges sitting in courts 2010	Total number of professional judges sitting in courts 2012	Total number of professional judges sitting in courts per 100 000 inhabitants 2006 (Q49)	Total number of professional judges sitting in courts per 100 000 inhabitants 2008 (Q49)	Total number of professional judges sitting in courts per 100 000 inhabitants 2010	Total number of professional judges sitting in courts per 100 000 inhabitants 2012
Albania	NA	374	373	380	NA	12	12	13
Andorra	22	23	24	24	27	27	28	31
Armenia	179	216	220	219	6	7	7	7
Austria	1 674	1 658	1 491	1 547	20	20	18	18

Azerbaijan	494	494	600	600	6	6	7	6
Belgium	1 567	1 626	1 607	1 598	15	15	15	14
Bosnia and Herzegovina	846	857	938	962	22	22	24	25
Bulgaria	1 821	2 212	2 212	2 239	24	29	30	31
Croatia	1 924	1 883	1 887	1 932	43	42	43	45
Cyprus	98	100	104	103	13	13	13	12
Czech Republic	2 995	3 044	3 063	3 055	29	29	29	29
Denmark	359	380	372	372	7	7	7	7
Estonia	239	238	224	228	18	18	17	18
Finland	901	921	967	981	17	17	18	18
France	NA	6 919	6 945	7 033	NA	11	11	11
Georgia	272	282	234	242	6	6	5	5
Germany	20 138	NA	19 832	19 832	24	NA	24	25
Greece	3 163	3 739	3 313	2 574	28	33	29	23
Hungary	2 838	2 903	2 891	2 767	28	29	29	28
Iceland	47	47	52	55	16	15	16	17
Ireland	132	145	147	144	3	3	3	3
Italy	6 450	6 109	6 654	6 347	11	10	11	11
Latvia	510	473	472	439	22	21	21	21
Lithuania	732	755	776	768	22	22	24	26
Luxembourg	174	184	188	212	37	37	37	40
Malta	34	36	39	40	8	9	9	9
Republic of Moldova	431	460	443	441	12	13	12	12
Monaco	18	35	36	37	55	113	100	102
Montenegro	231	246	260	263	37	40	42	42
Netherlands	2 072	2 153	2 530	2 410	13	13	15	14
Norway	512	537	549	557	11	11	11	11
Poland	9 853	9 890	10 625	10 114	26	26	28	26
Portugal	1 840	1 906	1 956	2 009	17	18	18	19
Romania	4 482	4 142	4 081	4 310	21	19	19	20
Russian Federation	30 539	34 390	32 313	33 232	22	24	23	23
Serbia	2 506	2 506	2 455	2 916	34	34	34	41
Slovakia	1 337	1 388	1 351	1 307	25	26	25	24
Slovenia	1 002	1 083	1 024	970	50	53	50	47
Spain	4 437	4 836	4 689	5 155	10	11	10	11
Sweden	1 270	1 039	1 081	1 123	14	11	11	12
Switzerland	1 229	1 089	1 142	1 271	16	14	15	16
The FYROMacedonia	624	659	664	668	31	32	32	32
Turkey	6 593	7 176	7 727	8 126	9	10	11	11
Ukraine	6 893	7 205	7 726	7 754	15	16	17	17
UK-England and Wales	NA	1 902	1 984	2 016	NA	3	4	4
UK-Northern Ireland	371	123	NA	70	21	7	NA	4
UK-Scotland	227	181	185	185	4	4	4	3
Average	2 820	2 577	3 010	2 971	20	21	21	21
Median	952	980	1 053	981	19	16	17	18
Minimum	18	23	24	24	3	3	3	3
Maximum	30 539	34 390	32 313	33 232	55	113	100	102

**Table 33 Number of professional judges sitting in courts at first, second and highest instance in 2010 and 2012 (absolute values)**

States/entities	Total number of professional judges sitting in courts 2010	Total number of professional judges sitting in courts 2012	Number of 1st instance professional judges sitting in courts 2010	Number of 1st instance professional judges sitting in courts 2012	Number of 2nd instance professional judges sitting in courts 2010	Number of 2nd instance professional judges sitting in courts 2012	Number of Supreme court professional judges sitting in courts 2010	Number of Supreme court professional judges sitting in courts 2012
Albania	373	380	289	300	68	64	16	16
Andorra	24	24	12	12	12	12	NAP	NAP
Armenia	220	219	165	164	38	38	17	17
Austria	1 491	1 547	1 263	1 325	173	157	55	65
Azerbaijan	600	600	424	NA	135	NA	41	NA
Belgium	1 607	1 598	1 275	1 293	305	305	27	30
Bosnia and Herzegovina	938	962	644	665	198	202	96	95
Bulgaria	2 212	2 239	1 206	1 188	831	859	175	192
Croatia	1 887	1 932	1 355	1 378	492	514	40	40
Cyprus	104	103	91	90	13	NAP	13	13
Czech Republic	3 063	3 055	1 863	1 857	969	964	231	234
Denmark	372	372	259	259	94	94	19	19
Estonia	224	228	163	167	42	42	19	19
Finland	967	981	731	744	193	194	43	43
France	6 945	7 033	4 850	4 962	1 760	1 695	335	376
Georgia	234	242	163	168	52	58	19	16
Germany	19 832	19 832	14 861	14 861	4 056	4 056	457	457
Greece	3 313	2 574	1 179	1 518	592	812	270	244
Hungary	2 891	2 767	1 666	1 672	1 136	1 021	89	74
Iceland	52	55	43	43	NAP	NAP	9	12
Ireland	147	144	139	136	NAP	NAP	8	8
Italy	6 654	6 347	5 366	4 929	993	1 118	295	300
Latvia	472	439	298	263	125	126	49	50
Lithuania	776	768	693	684	46	51	37	33
Luxembourg	188	212	148	186	NA	NA	40	41
Malta	39	40	34	34	5	6	NAP	NAP
Republic of Moldova	443	441	317	322	79	86	47	33
Monaco	36	37	16	16	5	5	15	16
Montenegro	260	263	207	180	35	65	18	18
Netherlands	2 530	2 410	1 944	1 855	548	519	38	36
Norway	549	557	370	369	159	168	20	20
Poland	10 625	10 114	7 234	9 441	3 213	497	178	176
Portugal	1 956	2 009	1 449	1 480	422	445	85	84
Romania	4 081	4 310	1 872	1 998	2 101	2 217	108	95
Russian Federation	32 313	33 232	NA	NA	NA	NA	NA	145
Serbia	2 455	2 916	1 847	2 228	585	654	23	34
Slovakia	1 351	1 307	908	871	363	352	80	84
Slovenia	1 024	970	793	786	194	150	37	34
Spain	4 689	5 155	3 209	3 647	1 401	1 431	79	77
Sweden	1 081	1 123	734	766	308	324	39	33
Switzerland	1 142	1 271	797	873	307	360	38	38

The FYROMacedonia	664	668	537	532	103	116	24	20
Turkey	7 727	8 126	7 450	7 596	NA	NAP	277	530
Ukraine	7 726	7 754	6 162	6 162	1 544	1 544	20	48
UK-England & Wales	1 984	2 016	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NA	70	NA	57	NA	3	NA	10
UK-Scotland	185	185	168	168	17	17	NA	NA
Average	3 010	2 971	1 709	1 778	593	575	88	95
Median	1 053	981	733	755	196	305	40	40
Minimum	24	24	12	12	5	3	8	8
Maximum	32 313	33 232	14 861	14 861	4 056	4 056	457	530

**Table 34 Number of professional judges sitting in courts at first, second and highest instance in 2010 and 2012 (per 100 000 inhabitants)**

States/entities	Total number of professional judges sitting in courts per 100 000 inhabitants 2010	Total number of professional judges sitting in courts per 100 000 inhabitants 2012	Number of 1st instance professional judges sitting in courts per 100 000 inhabitants 2010	Number of 1st instance professional judges sitting in courts per 100 000 inhabitants 2012	Number of 2nd instance professional judges sitting in courts per 100 000 inhabitants 2010	Number of 2nd instance professional judges sitting in courts per 100 000 inhabitants 2012	Number of Supreme court professional judges sitting in courts per 100 000 inhabitants 2010	Number of Supreme court professional judges sitting in courts per 100 000 inhabitants 2012
Albania	11.7	13.5	9.0	10.7	2.1	2.3	0.5	0.6
Andorra	28.2	31.5	14.1	15.7	14.1	15.7	NAP	NAP
Armenia	6.7	7.2	5.1	5.4	1.2	1.3	0.5	0.6
Austria	17.8	18.3	15.1	15.7	2.1	1.9	0.7	0.8
Azerbaijan	6.7	6.5	4.7	NC	1.5	NC	0.5	NC
Belgium	14.8	14.3	11.8	11.6	2.8	2.7	0.2	0.3
Bosnia and Herzegovina	24.4	25.1	16.8	17.4	5.2	5.3	2.5	2.5
Bulgaria	30.0	30.7	16.4	16.3	11.3	11.8	2.4	2.6
Croatia	42.8	45.3	30.7	32.3	11.2	12.1	0.9	0.9
Cyprus	12.9	11.9	11.3	10.4	1.6	NAP	1.6	1.5
Czech Republic	29.1	29.1	17.7	17.7	9.2	9.2	2.2	2.2
Denmark	6.7	6.6	4.7	4.6	1.7	1.7	0.3	0.3
Estonia	16.7	17.7	12.2	13.0	3.1	3.3	1.4	1.5
Finland	18.0	18.1	13.6	13.7	3.6	3.6	0.8	0.8
France	10.7	10.7	7.5	7.6	2.7	2.6	0.5	0.6
Georgia	5.2	5.4	3.6	3.7	1.2	1.3	0.4	0.4
Germany	24.3	24.7	18.2	18.5	5.0	5.1	0.6	0.6
Greece	29.3	23.3	10.4	13.7	5.2	7.3	2.4	2.2
Hungary	29.0	27.9	16.7	16.9	11.4	10.3	0.9	0.7
Iceland	16.3	17.1	13.5	13.4	NAP	NAP	2.8	3.7
Ireland	3.2	3.1	3.0	3.0	NAP	NAP	0.2	0.2
Italy	11.0	10.6	8.9	8.3	1.6	1.9	0.5	0.5
Latvia	21.2	21.5	13.4	12.9	5.6	6.2	2.2	2.4
Lithuania	23.9	25.6	21.4	22.8	1.4	1.7	1.1	1.1

Luxembourg	36.7	40.4	28.9	35.4	NA	NA	7.8	7.8
Malta	9.3	9.5	8.1	8.1	1.2	1.4	NAP	NAP
Republic of Moldova	12.4	12.4	8.9	9.0	2.2	2.4	1.3	0.9
Monaco	100.3	102.4	44.6	44.3	13.9	13.8	41.8	44.3
Montenegro	41.9	42.4	33.4	29.0	5.6	10.5	2.9	2.9
Netherlands	15.2	14.4	11.7	11.1	3.3	3.1	0.2	0.2
Norway	11.2	11.0	7.5	7.3	3.2	3.3	0.4	0.4
Poland	27.8	26.2	18.9	24.5	8.4	1.3	0.5	0.5
Portugal	18.4	19.2	13.6	14.1	4.0	4.2	0.8	0.8
Romania	19.0	20.2	8.7	9.4	9.8	10.4	0.5	0.4
Russian Federation	22.6	23.2	NA	NA	NA	NA	NA	0.1
Serbia	33.7	40.5	25.3	30.9	8.0	9.1	0.3	0.5
Slovakia	24.9	24.2	16.7	16.1	6.7	6.5	1.5	1.6
Slovenia	49.9	47.1	38.7	38.2	9.5	7.3	1.8	1.7
Spain	10.2	11.2	7.0	7.9	3.0	3.1	0.2	0.2
Sweden	11.5	11.8	7.8	8.0	3.3	3.4	0.4	0.3
Switzerland	14.5	15.8	10.1	10.9	3.9	4.5	0.5	0.5
The FYROMacedonia	32.3	32.4	26.1	25.8	5.0	5.6	1.2	1.0
Turkey	10.6	10.7	10.3	10.0	NA	NAP	0.4	0.7
Ukraine	16.9	17.1	13.5	13.6	3.4	3.4	0.0	0.1
UK-England & Wales	3.6	3.6	NA	NA	NA	NA	NA	NA
UK-Northern Ireland	NC	3.8	NA	3.1	NA	0.2	NA	0.5
UK-Scotland	3.5	3.5	3.2	3.2	0.3	0.3	NA	NA
Average	21.0	21.0	14.6	15.1	5.0	4.9	2.2	2.2
Median	17.3	17.7	12.8	13.2	3.5	3.4	0.7	0.7
Minimum	3.2	3.1	3.0	3.0	0.3	0.2	0.0	0.1
Maximum	100.3	102.4	44.6	44.3	14.1	13.8	41.8	44.3

**Table 35 Total number of non judge staff working in courts in 2006-2012**

States/entities	Total number of non judge staff who are working in courts 2006 (q55)	Total number of non judge staff who are working in courts 2008 (q55)	Total number of non judge staff who are working in courts 2010	Total number of non judge staff who are working in courts 2012	Total number of non judge staff who are working in courts per 100 000 inhabitants 2006 (q55)	Total number of non judge staff who are working in courts per 100 000 inhabitants 2008 (q55)	Total number of non judge staff who are working in courts per 100 000 inhabitants 2010	Total number of non judge staff who are working in courts per 100 000 inhabitants 2012
Albania	NA	723	775	807	NA	23	24	29
Andorra	NA	102	113	106	NA	121	133	139
Armenia	965	951	618	618	30	30	19	20
Austria	4 735	4 638	4 642	4 631	57	56	55	55
Azerbaijan	1 753	1 753	2 295	2 310	21	20	26	25
Belgium	5 835	5 886	5 632	5 458	56	55	52	49
Bosnia and Herzegovina	2 563	2 739	2 988	3 082	67	71	78	80
Bulgaria	4 271	NA	5 866	6 014	56	NA	80	83
Croatia	7 168	6 822	6 944	6 932	161	154	157	163
Cyprus	440	452	463	424	57	57	58	49

Czech Republic	8 911	9 226	9 498	9 135	87	88	90	87
Denmark	1 424	2 000	NA	1 823	26	37	NA	33
Estonia	1 021	990	976	957	76	74	73	74
Finland	2 554	2 514	2 285	2 214	49	47	43	41
France	15 199	18 586	21 105	21 758	24	29	32	33
Georgia	718	NA	1 622	1 151	16	NA	36	26
Germany	57 530	NA	53 649	53 649	70	NA	66	67
Greece	6 500	6 544	6 760	5 327	58	58	60	48
Hungary	7 937	7 913	7 713	8 142	79	79	77	82
Iceland	60	60	NA	43	20	19	NA	13
Ireland	1 080	1 080	1 028	945	25	24	22	21
Italy	27 067	25 385	NA	23 672	46	43	NA	40
Latvia	1 444	1 534	1 601	1 608	63	68	72	79
Lithuania	2 613	2 707	2 656	2 619	77	81	82	87
Luxembourg	245	246	303	355	52	50	59	68
Malta	354	381	374	360	87	92	90	85
Republic of Moldova	1 636	1 635	1 570	1 512	46	46	44	42
Monaco	47	46	38	42	142	148	106	116
Montenegro	868	854	1 065	1 051	140	138	172	170
Netherlands	5 160	6 604	6 674	6 252	32	40	40	37
Norway	891	792	799	821	19	17	16	16
Poland	31 623	34 610	35 946	40 844	83	91	94	106
Portugal	7 187	6 774	6 631	6 110	68	64	62	58
Romania	9 359	8 648	8 481	9 283	43	40	40	44
Russian Federation	62 075	99 109	96 128	74 854	44	70	67	52
Serbia	10 696	9 602	11 040	10 345	144	131	151	144
Slovakia	4 282	4 133	4 468	4 482	79	77	82	83
Slovenia	2 705	3 000	3 274	3 330	135	148	160	162
Spain	40 513	45 733	NA	NA	93	101	NA	NA
Sweden	3 251	3 418	NA	5 173	36	37	NA	54
Switzerland	4 127	4 601	4 366	4 306	55	60	56	54
The FYROMacedonia	2 061	2 251	2 302	2 333	101	110	112	113
Turkey	23 832	26 492	22 011	24 362	32	37	30	32
Ukraine	NA	NA	NA	32 800	NA	NA	NA	72
UK-England & Wales	26 000	19 103	NA	17 311	48	35	NA	31
UK-Northern Ireland	NA	795	NA	739	NC	45	NA	41
UK-Scotland	1 231	1 329	1 500	1 360	24	26	29	26
Average	9 301	8 901	8 877	8 945	63	66	70	66
Median	3 251	2 739	2 988	3 206	56	57	62	54
Minimum	47	46	38	42	16	17	16	13
Maximum	62 075	99 109	96 128	74 854	161	154	172	170

**Table 36 Number of inhabitants in 2006-2012**

States/entities	Number of inhabitants 2006	Number of inhabitants 2008	Number of inhabitants 2010	Number of inhabitants 2012
Albania	3 152 000	3 170 000	3 195 000	2 815 749
Andorra	81 222	84 484	85 015	76 246



Armenia	3 222 900	3 200 000	3 262 600	3 026 878
Austria	8 281 948	8 336 549	8 387 742	8 451 860
Azerbaijan	8 532 700	8 629 900	8 997 600	9 235 100
Belgium	10 511 382	10 666 866	10 839 905	11 161 642
Bosnia and Herzegovina	3 842 762	3 842 265	3 843 126	3 831 555
Bulgaria	7 679 290	7 640 238	7 364 570	7 284 552
Croatia	4 442 884	4 434 508	4 412 137	4 262 140
Cyprus	778 700	796 900	804 536	865 900
Czech Republic	10 287 189	10 429 692	10 517 247	10 509 286
Denmark	5 427 000	5 475 797	5 560 628	5 602 628
Estonia	1 342 409	1 340 935	1 340 194	1 286 479
Finland	5 255 580	5 300 484	5 375 276	5 426 674
France	63 195 000	63 937 000	65 026 885	65 585 857
Georgia	4 394 700	4 382 103	4 469 200	4 483 800
Germany	82 351 000	NA	81 751 602	80 233 100
Greece	11 125 179	11 213 785	11 309 885	11 062 508
Hungary	10 066 000	10 045 401	9 986 000	9 908 798
Iceland	299 899	319 368	318 452	321 857
Ireland	4 239 848	4 422 100	4 581 269	4 591 087
Italy	58 751 711	59 619 290	60 626 442	59 685 227
Latvia	2 294 590	2 270 894	2 229 600	2 044 813
Lithuania	3 403 284	3 361 500	3 244 600	3 003 641
Luxembourg	472 700	492 000	511 840	525 000
Malta	408 000	413 609	417 617	421 364
Republic of Moldova	3 589 936	3 572 703	3 560 430	3 559 497
Monaco	33 000	31 103	35 881	36 136
Montenegro	620 145	620 145	620 029	620 029
Netherlands	16 357 992	16 485 787	16 655 799	16 779 575
Norway	4 681 100	4 737 171	4 920 305	5 051 000
Poland	38 125 479	38 136 000	38 200 000	38 533 000
Portugal	10 569 592	10 617 575	10 636 979	10 487 289
Romania	21 610 213	21 528 627	21 431 298	21 305 097
Russian Federation	142 000 000	142 008 800	142 914 136	143 347 000
Serbia	7 411 569	7 350 222	7 291 436	7 199 077
Slovakia	5 389 180	5 400 998	5 435 273	5 410 836
Slovenia	2 003 358	2 025 866	2 050 189	2 058 821
Spain	43 758 250	45 283 259	45 989 016	46 006 414
Sweden	9 113 357	9 182 927	9 415 570	9 555 893
Switzerland	7 459 100	7 701 900	7 864 012	8 039 060
The FYROMacedonia	2 038 514	2 045 177	2 057 284	2 062 294
Turkey	73 425 000	71 517 100	72 561 312	75 627 384
Ukraine	46 646 000	46 337 340	45 778 500	45 461 627
UK-England & Wales	53 728 000	54 439 700	55 200 000	56 567 800
UK-Northern Ireland	1 741 619	1 759 148	1 799 392	1 823 634
UK-Scotland	5 116 900	5 168 500	5 222 100	5 313 600
Average	17 218 259	16 511 846	18 107 064	18 170 151
Median	5 389 180	5 438 398	5 560 628	5 602 628
Minimum	33 000	31 103	35 881	36 136

Maximum	142 000 000	142 008 800	142 914 136	143 347 000
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