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Part 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans - “DASHBOARD Western Balkans”

Data collection 2020

Report prepared by the CEPEJ for the attention of the European Commission

Part 1 – Comparative tables and graphs for all Western Balkans beneficiaries with summary overview per indicator

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This Action is implemented in the framework of the Horizontal Facility II (2019-2022), a co-operation initiative of the European Union and Council of Europe for the Western Balkans and Turkey. The project is funded by the European Union and the Council of Europe and implemented by the Council of Europe.

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

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Methodological Note

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles, using a questionnaire to be filled by the CEPEJ's dashboard correspondents (main contact point within judicial systems of beneficiaries for this exercise), whose responses are statistically processed analyzed and validated under the supervision of the evaluation working group (CEPEJ -GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

- **Data collection, validation and analysis**

Numbers indicated between brackets following the letter Q (for example Q12) refer to the questions of the CEPEJ Dashboard Western Balkans questionnaire.

From a methodological point of view, and with a commitment to quality, consistency and comparability of the data supplied, data collection is primarily assigned to the CEPEJ's dashboard correspondents. The dashboard correspondents are the unique interlocutors of the Secretariat when collecting new data. Beneficiaries providing such data are liable for the quality of data used in the survey.

According to CEPEJ methodology, an extensive work is carried out by the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain time in order to guarantee the reliability of the quantitative and qualitative data to be finally presented to EU.

The report is based on data from 2020 as well as on some data from the previous cycle. Evolutions and trends are presented when relevant. The report is composed of two parts:

Part 1- Comparative tables and graphs for all Western Balkans beneficiaries with summary overview per indicator (1 file)

Part 2- Beneficiary profiles (12 files). There is one beneficiary profile per beneficiary, each is divided in a Part A and a Part B, and alternatively also presented as one PDF document joining both parts (6 files).

This structure was discussed and agreed upon with the European Commission in a round of discussions from January to April 2021, following EC's request for simplification of data presentation. It was agreed that the Part 1 will be delivered on 15th May while the Part 2 will be delivered on 30th June.

It should be noted that, concerning the Beneficiary profiles, the content was elaborated by the CEPEJ Secretariat and the Greco Secretariat (with the assistance of one expert) each one using its own methodology.

- **The quality of data**

The reader should bear in mind and always interpret statistical figures presented in the light of their attached narrative comments.

The validation has been made according to CEPEJ's methodology. However, the full reliability of data depends mostly on the data providers. It should be kept in mind that the accuracy of some entries was confirmed by Dashboard correspondents without specific explanation on potential discrepancies with data from the previous cycle.

The CEPEJ has chosen to process and present only the data which offered a high level of quality and accountability: it decided to disregard figures which were too different from one beneficiary to another or from one exercise to another, or when they did not present sufficient guarantees of reliability. For some issues covered by this study, no data could be provided. This could mean that none were available, that the data could not be collected as such or that no data meeting these requirements had been provided within the deadline set.

It should also be noted that, in order to constantly improve the data quality, some of the data might change between appearing as "Not Available" ("NA") for this exercise while, in the same situation, quantified figures were given in previous CEPEJ exercises.

- **Definitions and abbreviations**

- **NA:** data not available.
- **NAP:** data non applicable.
- **CR:** Clearance Rate. The Clearance rate is the ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage.
- **DT:** Disposition Time. The Disposition Time is the ratio between pending cases and resolved cases (in days). It shows the theoretical duration for a court to solve all the pending cases.
- **CMS Index:** Case management system Index. The Case management system Index is an index 0 to 4 points calculated based on several questions within Q83 on the features and deployment rate of the of the case management system of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 of the 5 questions apart of the deployment rate question are summarized and the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide adequate evaluation.

Methodological disclaimer

1) The comparisons of data between beneficiaries with various geographical, economic and legal situations is a delicate task and should be approached with great caution. In order to do such comparisons, the specificities of each system, which might explain some differences in data, must be borne in mind (different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.). This is especially true when it comes to comparing a particular region like the Western Balkans with the European Union. It must be kept in mind that the region presents some peculiarities (e.g. per capita GDP, budget distribution, litigiousness rate, number of tasks dealt by the judges, number of judges etc.). Hence, this comparison might be misleading in some cases. As requested by the European Commission, this report presents, where relevant, the EU median 2019. It must be clear to the reader that this median in several cases must not be taken as a benchmark for the Western Balkans, for the reasons given above.

Furthermore, since data for calculating the EU median 2020 have not been collected yet, in this report only EU median 2019 is included while the reference year of the report is 2020. This difference should be considered when the medians are set in relation, especially in view of the possible impacts of Covid-19 on the 2020 data.

2) Some of the data might be updated or changed after each delivery (15th May and 30th June) according to eventual comments made by the beneficiaries. According to CEPEJ methodology, only the final version of the report can be disseminated, after eventual comments from the beneficiaries. Before the final version of the deliverables, all the data collected remains confidential.

3) Amendments provided by beneficiaries after the delivery of this study may appear in future reports, as CEPEJ's database is regularly updated. For this reason, 2019 data presented in this report could be different from data presented in the report for the previous cycle.

4) It should also be noted that the minimum, maximum, average/WB average and median values presented in this report are calculated with quantified data (excluding answers "NA" or "NAP") and only for Member States of the Council of Europe.

5) When using data provided by the CEPEJ in public reports, EC should always mention "Source: CEPEJ data". Furthermore since CEPEJ is only producing comparison data tables and graphs between Council of Europe member States, in case EC would like to compare data between the 6 beneficiaries by creating new charts and tables, it should be made clear that even if the source is CEPEJ, the responsibility for those charts is solely EC's. This should be mentioned under each relevant table and/or graph.

Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

Beneficiaries	Population			GDP per capita			Exchange rate Local currency vs Euro		Average gross annual salary		
	2019	2020	Variation 2019 - 2020 (%)	2019	2020	Variation 2019 - 2020 (%)	2019	2020	2019	2020	Variation 2019 - 2020 (%)
Albania	2 845 955	2 845 955	0,0%	4 780 €	4 460 €	-6,7%	123,43	123,62	5 097 €	5 200 €	2,0%
Bosnia and Herzegovina	3 496 121	3 491 000	-0,1%	5 168 €	5 168 €	0,0%	1,96	1,96	8 724 €	9 056 €	3,8%
Montenegro	620 029	620 029	0,0%	7 959 €	7 959 €	0,0%	1,00	1,00	9 276 €	9 396 €	1,3%
North Macedonia	2 077 132	2 076 255	0,0%	5 463 €	5 187 €	-5,1%	61,50	61,69	7 469 €	8 214 €	10,0%
Serbia	6 963 764	6 951 235	-0,2%	6 593 €	6 092 €	-7,6%	117,59	117,58	7 737 €	8 471 €	9,5%
Kosovo*	1 782 115	1 782 115	0,0%	3 746 €	3 986 €	6,4%	1,00	1,00	6 696 €	7 224 €	7,9%
Average	3 200 600	3 196 895	-0,1%	5 993 €	5 773 €	-3,9%	61,10	61,17	7 661 €	8 067 €	5,3%
Median	2 845 955	2 845 955	0,0%	5 463 €	5 187 €	-5,1%	61,50	61,69	7 737 €	8 471 €	3,8%
Minimum	620 029	620 029	-0,2%	4 780 €	4 460 €	-7,6%	1,00	1,00	5 097 €	5 200 €	1,3%
Maximum	6 963 764	6 951 235	0,0%	7 959 €	7 959 €	0,0%	123,43	123,62	9 276 €	9 396 €	10,0%
Nb of values	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

The provided figure for the population for **Albania**, **Bosnia and Herzegovina**, and **Kosovo*** is for 2019 while for **Montenegro** it is given in accordance with the census from 2011.

The GDP per capita for **Bosnia and Herzegovina** and **Montenegro** is for 2019, as the data for 2020 could not be provided, while the GDP per capita 2020 for **Serbia** does not come from a national official source.

1. Budget

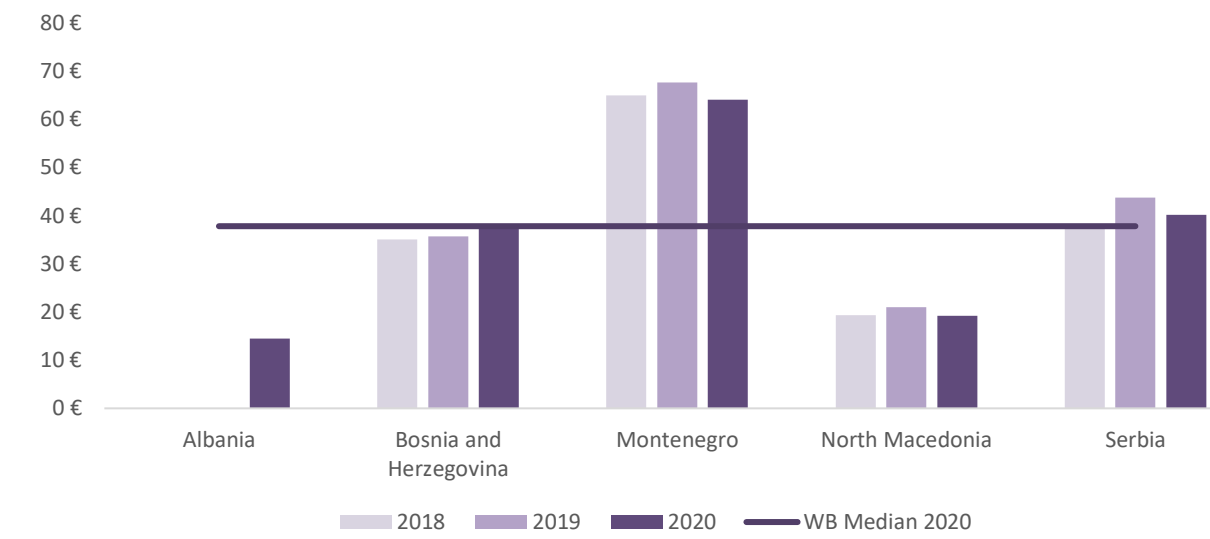
● Implemented budget allocated to the judicial system (courts, prosecution services and legal aid)

Judicial system budget - per capita (Table no. 1.1.6)

	2018	2019	2020	% variation 2018-2020	% variation 2019-2020
Albania	NA	NA	14,5 €	NA	NA
Bosnia and Herzegovina	35,0 €	35,6 €	37,8 €	8,0%	6,1%
Montenegro	65,0 €	67,6 €	64,0 €	4,0%	-5,3%
North Macedonia	19,4 €	21,0 €	19,3 €	8,4%	-8,3%
Serbia	37,2 €	43,7 €	40,2 €	17,5%	-8,1%
Kosovo*	NA	24,6 €	23,6 €	-	-4,3%
WB Median	36,1 €	39,7 €	37,8 €	8,2%	-6,7%

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Judicial system budget - per capita (Table no. 1.1.6)

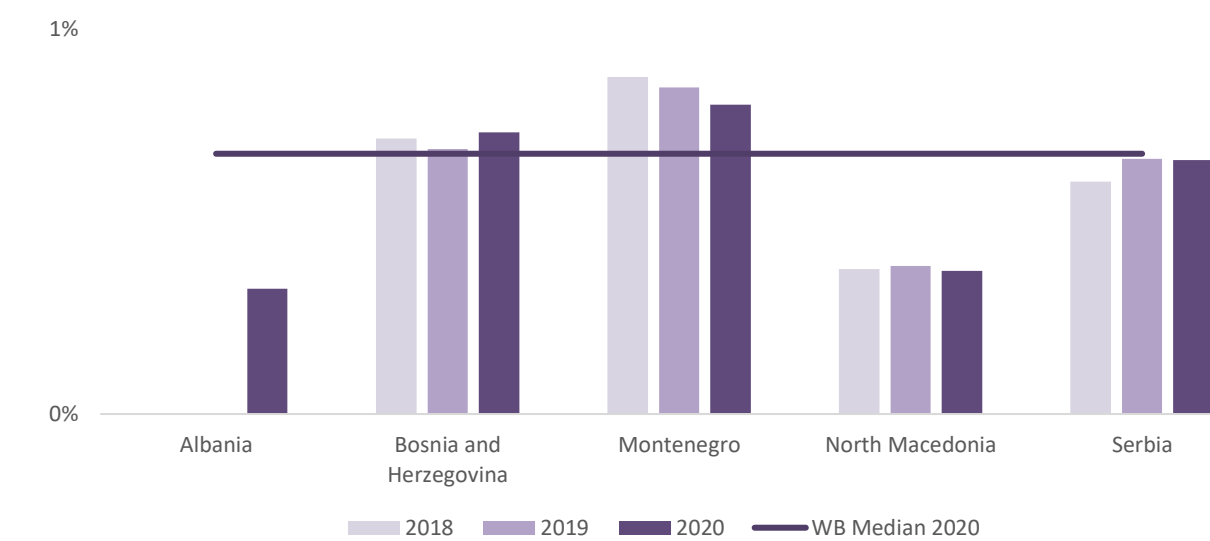


Judicial system budget - as % of GDP (Table no. 1.1.6)

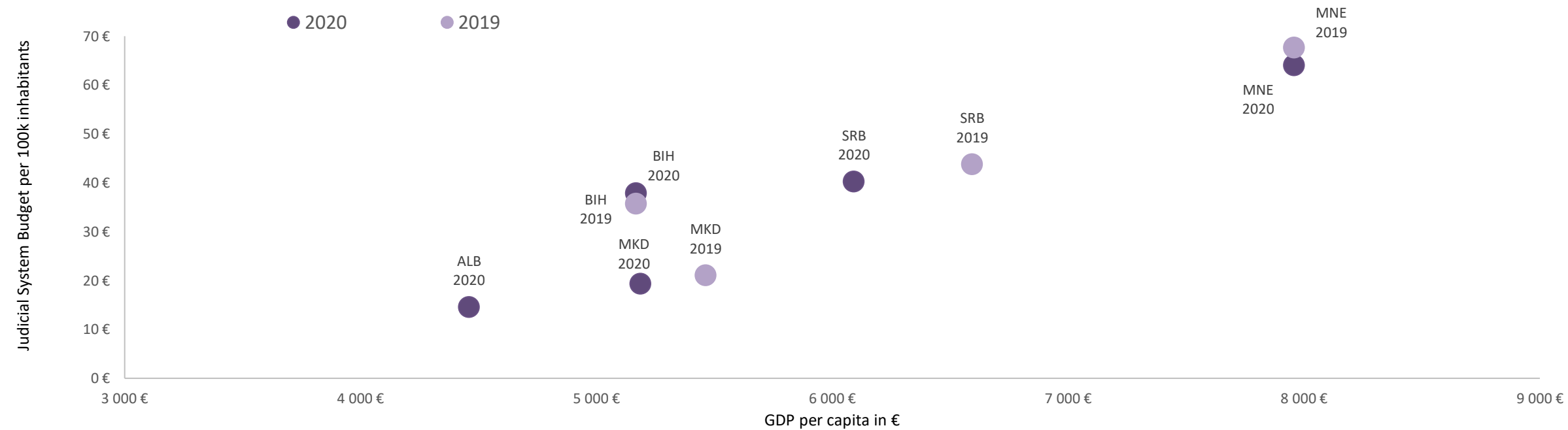
	2018	2019	2020	% variation 2018-2020	% variation 2019-2020
Albania	NA	NA	0,33%	NA	NA
Bosnia and Herzegovina	0,72%	0,69%	0,73%	2,1%	6,1%
Montenegro	0,88%	0,85%	0,80%	-3,0%	-5,3%
North Macedonia	0,38%	0,38%	0,37%	2,2%	-3,4%
Serbia	0,60%	0,66%	0,66%	9,8%	-0,5%
Kosovo*	NA	0,66%	0,59%	-	-10,1%
WB Median	0,66%	0,68%	0,66%	2,2%	-2,0%

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Judicial system budget - as % of GDP (Table no. 1.1.6)



Judicial System Budget per 100 000 inhabitants compared with the GDP per capita in 2019 and 2020

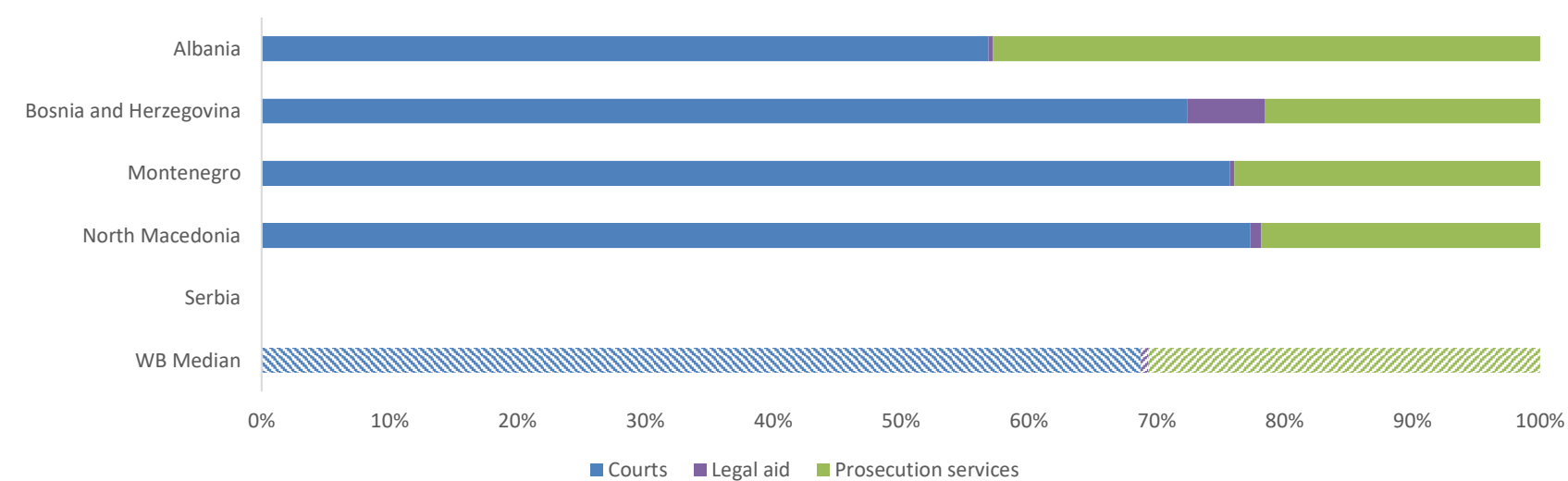


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.
CEPEJ report - Dashboard Western Balkan

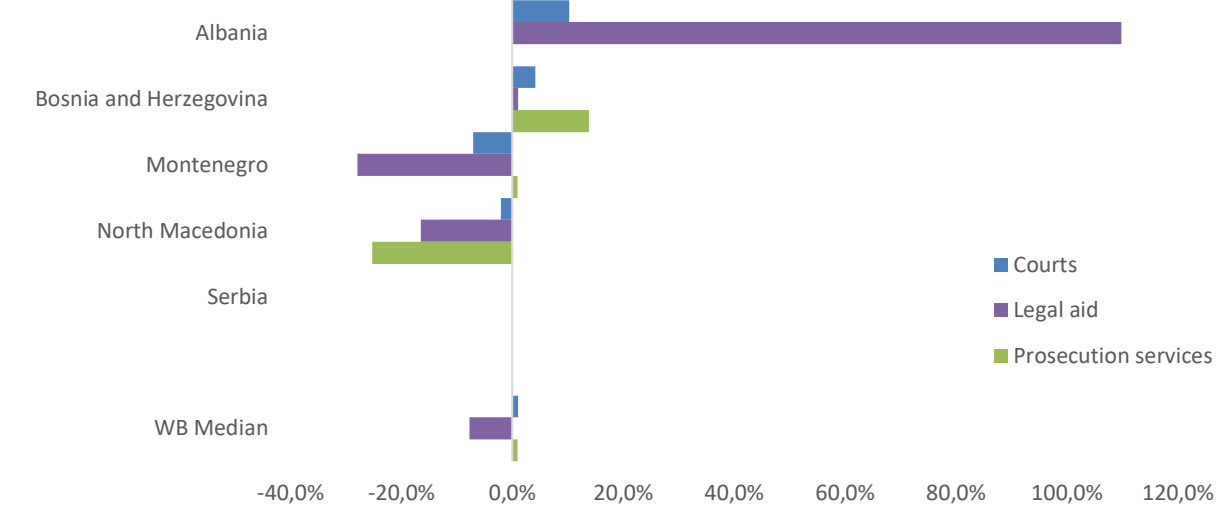
Budget for Courts, Legal Aid and Prosecutions services between 2019 and 2020 (Table no. 1.1.6)

	2019			2020			% Variation 2019-2020		
	Courts	Legal aid	Prosecution services	Courts	Legal aid	Prosecution services	Courts	Legal aid	Prosecution services
Albania	21 333 038 €	66 948 €	NA	23 517 830 €	140 488 €	17 700 730 €	10,2%	109,8%	NA
Bosnia and Herzegovina	91 690 079 €	7 933 307 €	24 970 459 €	95 534 233 €	8 020 365 €	28 427 318 €	4,2%	1,1%	13,8%
Montenegro	32 316 760 €	203 273 €	9 401 362 €	30 058 506 €	146 483 €	9 490 312 €	-7,0%	-27,9%	0,9%
North Macedonia	31 580 455 €	401 263 €	11 665 006 €	30 944 886 €	335 114 €	8 722 093 €	-2,0%	-16,5%	-25,2%
Serbia	NA	NA	53 901 049 €	NA	NA	NA	NA	NA	NA
Kosovo*	28 051 548 €	2 119 624 €	13 715 360 €	27 287 740 €	1 398 442 €	13 298 647 €	-2,7%	-34,0%	-3,0%
WB Median	31 948 608 €	302 268 €	18 317 733 €	30 501 696 €	240 799 €	13 595 521 €	1,1%	-7,7%	0,9%

Judicial system budget - distribution in 2020



Judicial system budget - % variation between 2019 and 2020



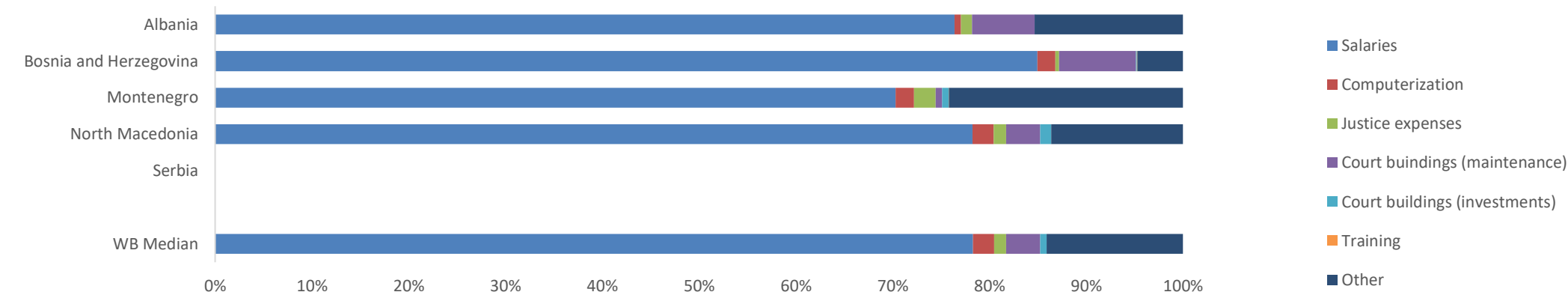
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Kosovo* is not included in the summary statistics.
CEPEJ report - Dashboard Western Balkan

● Budget of courts

2020 - Courts' implemented budget per category (Table 1.1.1)

	Salaries	Computerization	Justice expenses	Court buildings (maintenance)	Court buildings (investments)	Training	Other
Albania	17 963 902 €	162 704 €	265 954 €	1 515 823 €	966 €	NAP	3 608 481 €
Bosnia and Herzegovina	81 177 143 €	1 762 874 €	362 511 €	7 610 770 €	62 885 €	56 518 €	4 501 532 €
Montenegro	21 135 928 €	563 299 €	682 262 €	193 520 €	210 880 €	2 038 €	7 270 576 €
North Macedonia	24 212 170 €	683 685 €	395 372 €	1 088 183 €	351 758 €	NAP	4 213 718 €
Serbia	159 093 547 €	3 862 302 €	NA	931 461 €	6 968 091 €	NAP	NA
Kosovo*	23 257 862 €	260 677 €	252 458 €	115 475 €	232 368 €	11 835 €	3 157 065 €
WB Median	24 212 170 €	683 685 €	378 942 €	1 088 183 €	210 880 €	NA	4 357 625 €

2020 - Courts' implemented budget per category (Table 1.1.1)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Table 1.1.0 Approved court budget in 2020 in € (Q4)

Beneficiaries	2020 - Annual approved court budget							
	Salaries	Computerization	Justice expenses	Court buindings (maintenance)	Investments in new (court) buildings	Training	Other	Total implemented budget for Courts
Albania	18 168 268 €	273 242 €	290 280 €	1 650 000 €	84 878 €	NAP	4 311 544 €	24 778 212 €
Bosnia and Herzegovina	83 172 265 €	NA	NA	NA	NA	NA	NA	97 986 212 €
Montenegro	21 459 152 €	587 052 €	820 000 €	195 000 €	225 001 €	9 900 €	8 271 561 €	31 567 667 €
North Macedonia	24 212 471 €	729 389 €	395 372 €	1 088 183 €	379 316 €	NAP	4 348 081 €	31 152 812 €
Serbia	165 799 946 €	5 734 733 €	NA	1 185 080 €	7 540 019 €	NAP	NA	NA
Kosovo*	23 549 021 €	310 000 €	253 300 €	190 000 €	1 120 000 €	32 000 €	3 502 069 €	28 956 390 €
Average	62 562 420 €	1 831 104 €	501 884 €	1 029 566 €	2 057 304 €	NA	5 643 729 €	46 371 226 €
Median	24 212 471 €	658 221 €	395 372 €	1 136 632 €	302 159 €	NA	4 348 081 €	31 360 240 €
Minimum	18 168 268 €	273 242 €	290 280 €	195 000 €	84 878 €	NA	4 311 544 €	24 778 212 €
Maximum	165 799 946 €	5 734 733 €	820 000 €	1 650 000 €	7 540 019 €	NA	8 271 561 €	97 986 212 €
Nb of values	5	5	5	5	5	5	5	5
% of NA	0%	20%	40%	20%	20%	20%	40%	20%
% of NAP	0%	0%	0%	0%	0%	60%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 1.1.1 Implemented court budget in 2020 in € (Q4)

Beneficiaries	2020 - Annual implemented court budget							
	Salaries	Computerization	Justice expenses	Court buindings (maintenance)	Investments in new (court) buildings	Training	Other	Total implemented budget for Courts
Albania	17 963 902 €	162 704 €	265 954 €	1 515 823 €	966 €	NAP	3 608 481 €	23 517 830 €
Bosnia and Herzegovina	81 177 143 €	1 762 874 €	362 511 €	7 610 770 €	62 885 €	56 518 €	4 501 532 €	95 534 233 €
Montenegro	21 135 928 €	563 299 €	682 262 €	193 520 €	210 880 €	2 038 €	7 270 576 €	30 058 506 €
North Macedonia	24 212 170 €	683 685 €	395 372 €	1 088 183 €	351 758 €	NAP	4 213 718 €	30 944 886 €
Serbia	159 093 547 €	3 862 302 €	NA	931 461 €	6 968 091 €	NAP	NA	NA
Kosovo*	23 257 862 €	260 677 €	252 458 €	115 475 €	232 368 €	11 835 €	3 157 065 €	27 287 740 €
Average	60 716 538 €	1 406 973 €	426 525 €	2 267 951 €	1 518 916 €	NA	4 898 577 €	45 013 864 €
Median	24 212 170 €	683 685 €	378 942 €	1 088 183 €	210 880 €	NA	4 357 625 €	30 501 696 €
Minimum	17 963 902 €	162 704 €	265 954 €	193 520 €	966 €	NA	3 608 481 €	23 517 830 €
Maximum	159 093 547 €	3 862 302 €	682 262 €	7 610 770 €	6 968 091 €	NA	7 270 576 €	95 534 233 €
Nb of values	5	5	5	5	5	5	5	5
% of NA	0%	0%	20%	0%	0%	0%	20%	20%
% of NAP	0%	0%	0%	0%	0%	60%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Table 1.1.2 Distribution of annual implemented court budget in 2020 (Q4)

Beneficiaries	Distribution of annual implemented court budget						
	Salaries	Computerization	Justice expenses	Court buindings (maintenance)	Investments in new (court) buildings	Training	Other
Albania	76,4%	0,7%	1,1%	6,4%	0,0%	NAP	15,3%
Bosnia and Herzegovina	85,0%	1,8%	0,4%	8,0%	0,1%	0,1%	4,7%
Montenegro	70,3%	1,9%	2,3%	0,6%	0,7%	0,0%	24,2%
North Macedonia	78,2%	2,2%	1,3%	3,5%	1,1%	NAP	13,6%
Serbia	NA	NA	NA	NA	NA	NAP	NA
Kosovo*	85,2%	1,0%	0,9%	0,4%	0,9%	0,0%	11,6%
Average	77,5%	1,7%	1,3%	4,6%	0,5%	NA	14,5%
Median	77,3%	1,9%	1,2%	5,0%	0,4%	NA	14,5%
Minimum	70,3%	0,7%	0,4%	0,6%	0,0%	NA	4,7%
Maximum	85,0%	2,2%	2,3%	8,0%	1,1%	NA	24,2%
Nb of values	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	0%	20%
% of NAP	0%	0%	0%	0%	0%	60%	0%

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Kosovo is not included in the calculation of summary statistics*

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	2020							
	Annual approved budget				Standardised annual approved budget			
	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)	Courts per capita	Courts as % of GDP	Judicial system per capita	Judicial system as % of GDP
Albania	24 778 212 €	372 951 €	18 912 195 €	44 063 358 €	8,7 €	0,20%	15,5 €	0,35%
Bosnia and Herzegovina	97 986 212 €	NA	29 698 213 €	NA	28,1 €	0,54%	NA	NA
Montenegro	31 567 667 €	NA	9 636 314 €	NA	50,9 €	0,64%	NA	NA
North Macedonia	31 152 812 €	442 468 €	9 266 256 €	40 861 536 €	15,0 €	0,29%	19,7 €	0,38%
Serbia	NA	6 000 000 €	NA	299 146 909 €	NA	NA	43,0 €	0,71%
Kosovo*	28 956 390 €	1 749 355 €	13 672 561 €	44 378 306 €	16,2 €	0,41%	24,9 €	0,62%
Average	46 371 226 €	2 271 806 €	16 878 245 €	128 023 934 €	25,7 €	0,42%	26,1 €	0,48%
Median	31 360 240 €	442 468 €	14 274 255 €	44 063 358 €	21,5 €	0,42%	19,7 €	0,42%
Minimum	24 778 212 €	372 951 €	9 266 256 €	40 861 536 €	8,7 €	0,20%	15,5 €	0,42%
Maximum	97 986 212 €	6 000 000 €	29 698 213 €	299 146 909 €	50,9 €	0,64%	43,0 €	0,42%
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	40%	20%	40%	20%	20%	40%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita from 2018 to 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	(1) Courts per capita			(2) Legal aid per capita			(3) Public prosecution system per capita			Judicial system (1) + (2) + (3) per capita		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Albania	6,0 €	7,8 €	8,7 €	NA	0,05 €	0,13 €	4,2 €	NA	6,6 €	NA	NA	15,5 €
Bosnia and Herzegovina	26,5 €	27,8 €	28,1 €	NA	NA	NA	8,1 €	8,6 €	8,5 €	NA	NA	NA
Montenegro	44,2 €	50,6 €	50,9 €	NA	NA	NA	14,4 €	14,8 €	15,5 €	NA	NA	NA
North Macedonia	14,0 €	16,1 €	15,0 €	0,15 €	0,24 €	0,21 €	5,8 €	6,6 €	4,5 €	20,0 €	22,9 €	19,7 €
Serbia	31,7 €	NA	NA	NA	NA	0,86 €	6,5 €	8,0 €	NA	38,2 €	44,9 €	43,0 €
Kosovo*	-	16,3 €	16,2 €	-	1,2 €	1,0 €	-	8,0 €	7,7 €	NA	25,5 €	24,9 €
Average	24,5 €	25,6 €	25,7 €	NA	NA	0,4 €	7,8 €	9,5 €	8,8 €	NA	NA	26,1 €
Median	26,5 €	21,9 €	21,5 €	NA	NA	0,2 €	6,5 €	8,3 €	7,6 €	NA	NA	19,7 €
Minimum	6,0 €	7,8 €	8,7 €	NA	NA	0,1 €	4,2 €	6,6 €	4,5 €	NA	NA	15,5 €
Maximum	44,2 €	50,6 €	50,9 €	NA	NA	0,9 €	14,4 €	14,8 €	15,5 €	NA	NA	43,0 €
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	20%	80%	60%	40%	0%	20%	20%	60%	60%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Table 1.1.5 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	% Variation of the annual approved budget							
	(1) Courts		(2) Legal aid		(3) Public prosecution system		Judicial system (1) + (2) + (3)	
	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020
Albania	44,5%	11,6%	NA	144,9%	55,5%	NA	NA	NA
Bosnia and Herzegovina	5,6%	0,7%	NA	NA	4,3%	-1,0%	NA	NA
Montenegro	15,1%	0,6%	NA	NA	7,7%	5,1%	NA	NA
North Macedonia	7,1%	-6,6%	40,1%	-10,5%	-23,1%	-32,7%	-1,4%	-14,2%
Serbia	NA	NA	NA	NA	NA	NA	12,5%	-4,4%
Kosovo*	NA	-0,1%	NA	-20,4%	NA	-3,5%	NA	-2,2%
Average	18,1%	1,6%	NA	NA	11,1%	-9,5%	NA	NA
Median	11,1%	0,7%	NA	NA	6,0%	-1,0%	NA	NA
Minimum	5,6%	-6,6%	NA	NA	-23,1%	-32,7%	NA	NA
Maximum	44,5%	11,6%	NA	NA	55,5%	5,1%	NA	NA
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	20%	80%	60%	20%	40%	60%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q6 and Q13)

Beneficiaries	2020							
	Annual implemented budget				Standardised annual implemented budget			
	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system (1) + (2) + (3)	Courts per capita	Courts as % of GDP	Judicial system per capita	Judicial system as % of GDP
Albania	23 517 830 €	140 488 €	17 700 730 €	41 359 048 €	8,3 €	0,19%	14,5 €	0,33%
Bosnia and Herzegovina	95 534 233 €	8 020 365 €	28 427 318 €	131 981 916 €	27,4 €	0,53%	37,8 €	0,73%
Montenegro	30 058 506 €	146 483 €	9 490 312 €	39 695 301 €	48,5 €	0,61%	64,0 €	0,80%
North Macedonia	30 944 886 €	335 114 €	8 722 093 €	40 002 093 €	14,9 €	0,29%	19,3 €	0,37%
Serbia	NA	NA	NA	279 484 639 €	NA	NA	40,2 €	0,66%
Kosovo*	27 287 740 €	1 398 442 €	13 298 647 €	41 984 829 €	15,3 €	0,38%	23,6 €	0,59%
Average	45 013 864 €	2 160 613 €	16 085 113 €	106 504 599 €	24,8 €	0,40%	35,2 €	0,58%
Median	30 501 696 €	240 799 €	13 595 521 €	41 359 048 €	21,1 €	0,41%	37,8 €	0,66%
Minimum	23 517 830 €	140 488 €	8 722 093 €	39 695 301 €	8,3 €	0,19%	14,5 €	0,33%
Maximum	95 534 233 €	8 020 365 €	28 427 318 €	279 484 639 €	48,5 €	0,61%	64,0 €	0,80%
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	0%	20%	20%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita between 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	(1) Courts per capita			(2) Legal aid per capita			(3) Public prosecution system per capita			Judicial system (1) + (2) + (3) per capita		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Albania	5,9 €	7,5 €	8,3 €	NA	0,02 €	0,05 €	4,2 €	NA	6,2 €	NA	NA	14,5 €
Bosnia and Herzegovina	25,3 €	26,2 €	27,4 €	2,08 €	2,27 €	2,30 €	7,6 €	7,1 €	8,1 €	35,0 €	35,6 €	37,8 €
Montenegro	50,3 €	52,1 €	48,5 €	0,26 €	0,33 €	0,24 €	14,5 €	15,2 €	15,3 €	65,0 €	67,6 €	64,0 €
North Macedonia	13,8 €	15,2 €	14,9 €	0,14 €	0,19 €	0,16 €	5,5 €	5,6 €	4,2 €	19,4 €	21,0 €	19,3 €
Serbia	31,0 €	NA	NA	NA	NA	NA	6,2 €	7,7 €	NA	37,2 €	43,7 €	40,2 €
Kosovo*	-	15,7 €	15,3 €	-	1,2 €	0,8 €	-	7,7 €	7,5 €	NA	24,6 €	-
Average	25,3 €	25,3 €	24,8 €	0,83 €	0,70 €	0,69 €	7,6 €	8,9 €	8,5 €	39,1 €	42,0 €	35,2 €
Median	25,3 €	20,7 €	21,1 €	0,26 €	0,26 €	0,20 €	6,2 €	7,4 €	7,2 €	36,1 €	39,7 €	37,8 €
Minimum	5,9 €	7,5 €	8,3 €	0,14 €	0,02 €	0,05 €	4,2 €	5,6 €	4,2 €	19,4 €	21,0 €	14,5 €
Maximum	50,3 €	52,1 €	48,5 €	2,08 €	2,27 €	2,30 €	14,5 €	15,2 €	15,3 €	65,0 €	67,6 €	64,0 €
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	20%	40%	20%	20%	0%	20%	20%	20%	20%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Table 1.1.8 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)

Beneficiaries	% Variation of the annual implemented budget							
	(1) Courts		(2) Legal aid		(3) Public prosecution system		Judicial system (1) + (2) + (3)	
	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020	2018 - 2020	2019 - 2020
Albania	39,4%	10,2%	NA	109,8%	46,5%	NA	NA	NA
Bosnia and Herzegovina	7,9%	4,2%	10,1%	1,1%	7,2%	13,8%	7,9%	5,9%
Montenegro	-3,6%	-7,0%	-10,7%	-27,9%	5,9%	0,9%	-1,5%	-5,3%
North Macedonia	8,3%	-2,0%	19,5%	-16,5%	-23,4%	-25,2%	-0,6%	-8,4%
Serbia	NA	NA	NA	NA	NA	NA	7,8%	-8,2%
Kosovo*	-	-2,7%	-	-34,0%	-	-3,0%	-	-4,3%
Average	13,0%	1,4%	6,3%	16,6%	9,0%	-3,5%	3,4%	-4,0%
Median	8,1%	1,1%	10,1%	-7,7%	6,5%	0,9%	3,6%	-6,8%
Minimum	-3,6%	-7,0%	-10,7%	-27,9%	-23,4%	-25,2%	-1,5%	-8,4%
Maximum	39,4%	10,2%	19,5%	109,8%	46,5%	13,8%	7,9%	5,9%
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	20%	40%	20%	20%	40%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: implemented judicial system budget for 2019 and 2020, and approved judicial system budget for 2019 are estimates

Table 1.1.9 Estimated percentage from the total implemented budget in 2019 and 2020 (Q11)

Beneficiaries	Estimated percentage from the total implemented budget (%)							
	2019				2020			
	Courts	Legal aid	Public prosecution system	Whole Justice system	Courts	Legal aid	Public prosecution system	Whole Justice system
Albania	NA	NA	NA	NA	NA	NA	NA	9,0%
Bosnia and Herzegovina	NA	NA	NA	NA	2,0%	9,0%	6,0%	NA
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NAP	NAP	NAP	NAP	5,0%	75,0%	9,0%	7,0%
Serbia	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NAP	NAP	NAP	NAP	0,22%	3,25%	0,44%	12,19%
Average	NA	NA	NA	NA	NA	NA	NA	NA
Median	NA	NA	NA	NA	NA	NA	NA	NA
Minimum	NA	NA	NA	NA	NA	NA	NA	NA
Maximum	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5
% of NA	80%	80%	80%	80%	60%	60%	60%	60%
% of NAP	20%	20%	20%	20%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*


Kosovo*: figures provided are conservative estimates


Table 1.1.10 Whole justice system budget and its elements in 2020 (Q7, Q8 and Q9)

Beneficiaries	Whole justice system budget		Elements of the judicial system budget			Other elements of the whole justice system																
	Approved	Implemented	Number of elements	Courts	Legal aid	Public prosecution services	Prison system	Probation services	High Judicial Council	Constitutional court	Judicial management body	State advocacy	Enforcement services	Notariat	Forensic services	Judicial protection of juveniles	Functioning of the Ministry of Justice	Refugees and asylum seekers services	Immigration Service	Some police services	Other	
Albania	122 399 288 €	115 677 074 €	12																			
Bosnia and Herzegovina	220 116 324 €	NA	10																			
Montenegro	54 906 637 €	NA	9																			
North Macedonia	67 179 354 €	63 781 607 €	11																			
Serbia	NA	NA	11																			
Kosovo*	72 643 303 €	62 367 619 €	9																			
Average	116 150 401 €	89 729 341 €																				
Median	94 789 321 €	89 729 341 €																				
Minimum	54 906 637 €	63 781 607 €																				
Maximum	220 116 324 €	115 677 074 €																				
Nb of values				5	5	5	5	4	5	5	2	3	0	0	1	2	5	0	0	3	3	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes 

Element not included in the whole justice system (No or NAP) 


Data is not available (NA) 

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2020 (Q1 and Q7)

Beneficiaries	Approved whole justice system budget per capita			Implemented whole justice system budget per capita		
	2018	2019	2020	2018	2019	2020
Albania	NA	49,7 €	43,0 €	NA	53,6 €	40,6 €
Bosnia and Herzegovina	62,7 €	66,8 €	63,1 €	NA	NA	NA
Montenegro	85,6 €	87,6 €	88,6 €	NA	NA	NA
North Macedonia	32,0 €	37,0 €	32,4 €	30,7 €	32,7 €	30,7 €
Serbia	58,8 €	NA	NA	54,8 €	NA	NA
Kosovo*	-	37,9 €	40,8 €	-	35,9 €	35,0 €
Average	59,8 €	60,3 €	56,7 €	NA	NA	NA
Median	60,7 €	58,3 €	53,0 €	NA	NA	NA
Minimum	32,0 €	37,0 €	32,4 €	NA	NA	NA
Maximum	85,6 €	87,6 €	88,6 €	NA	NA	NA
Nb of values	5	5	5	5	5	5
% of NA	20%	20%	20%	60%	60%	60%
% of NAP	0%	0%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Indicator 1 - Budget

by country

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill in only the appropriate Question 6. Annual (approved and implemented) public budget allocated to the public prosecution services, in Question 7. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 8 and other elements of the justice system - see Question 8. Elements of the judicial system budget (Q4, Q5, Q 6, Q12, Q13) Question 9. Other budgetary elements Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot Question 11. If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget: Question 12. Annual approved public budget allocated to legal aid, in €. Question 13. Annual implemented public budget allocated to legal aid in €.

Albania

Q004 (2020): Figures given above are related to courts' budget only.

Q007 (2020): budget planned based on the needs of the system

Q007 (2019): Please note that SPAK was established mid-2019 and its budget was approved through a midyear revision law. Hence, implemented budget is higher than approved budget.

Q009 (2020): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission,

Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and

Q009 (2019): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organised Crime. Please note that SPAK was

Q010 (2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of

Q011 (2020): 9 percent

Q013 (2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021.

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerable number of

Bosnia and Herzegovina

Q004 (General Comment): Data on the approved budget are classified according to the economic classification adopted by the ministries of finance. The data regarding the approved budget is classified in a way that allows obtaining data only on the following elements that relate to question 4:

-TOTAL - Annual budget allocated to the functioning of all courts, and -1. Annual public budget allocated to (gross) salaries. The classification used for budget approval does not allow to obtain data on other elements referred to in question 4.

Q004 (2020): The annual public budget allocated to the functioning of courts is different from actually implemented budget mainly because the courts could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. In addition, one of the highest courts could not implement the allocated budget for setting up the new department for organized crime and corruption cases, because the new department has not been established. Furthermore, the implemented annual public budget for training and investments in new court buildings declined considerably in 2020 compared to 2019, because the courts could not use all of the funds allocated for these purposes due to the reduction of the

Q004 (2019): Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest instance courts has not been implemented. There is no continuity of planning budget funds for the construction of new court buildings. For this reason, the amount of funds spent for this purpose can vary significantly. That is the explanation for the variation in the implemented budget for investments in new (court) buildings. Other costs are the expenditures for travel

Q006 (2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The

Q006 (2019): The annual public budget allocated to the functioning of all prosecutors' offices from actually implemented budget is different mainly due to the following reasons: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant.

Q007 (2020): The annual approved public budget allocated to the whole justice system was reduced in 2020 compared to 2019, due to the following circumstances:

- Prison system: A smaller amount of funds was planned for the construction of new prison buildings in 2020 following the completion of the new maximum-security prison in 2019; - COVID-19 measures: In addition,

Q007 (2019): Donor funds are not included in this figure.

Q008 (General Comment): There are no specialized institutions delivering probation services. The courts decide on some issues related to the probation matters, the relevant functionaries determine the matters related to the pardon of convicted defendants. Judicial management body is not included in the budgetary elements since the High Judicial Council of Bosnia and Herzegovina, which is included in the budgetary elements has the regulatory functions within the judicial system of Bosnia and Herzegovina. Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services; related costs are included in the public budget of the court, public prosecution system and the whole justice system, however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services.

Q009 (2019): Judicial management body is not applicable to the judicial system of Bosnia and Herzegovina, the High Judicial Council of Bosnia and Herzegovina is empowered to perform the managerial authorities. Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public

prosecution services. Related costs are included in the public budget of the court, public prosecution system and the whole justice system; however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services.

Refugees and asylum seekers services and immigration services are the responsibility of various institutions

Q010 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina during 2019 implemented donor funded project activities aimed at reforming the courts and the public prosecution service in the amount of 2820650 EUR. Source of information is the HJPC annual report for 2019.

Overall amount of funds used to finance donor activities which are implemented by the international organisations (e.g. United States Agency for International Development, World Bank, etc) is not available

Q011 (2020): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and

Q012 (2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

Q012 (2019): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

Q013 (2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

Q013 (2019): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

Montenegro

Q004 (2020): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being paid by enforced collection.

“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay...

(Source: Judicial council)

Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.

Discrepancy clarifications:

-Annual public budget allocated to court buildings (maintenance, operating costs) - There was an increase in the monetary amount due to the adaptation of official premises in several Montenegrin courts.

-Annual public budget allocated to investments in new (court) buildings - There was an increase in the monetary amount due to the fact that construction works were carried out on the building of the

Q004 (2019): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being paid by enforced collection.

“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay...

(Source: Judicial council)

Q005 (2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – Lawyer, notary and legal services.

Q005 (2019): In 2019, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – services of lawyers. In 2019, amount of 203.273,62€ was implemented

Q006 (2020): The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro

Q006 (2019): Difference between the approved and implemented budget is related to the payment of the obligations from the previous period – court enforcements in the amount of 290.245,42€, which enforcement is being implemented through the Ministry of Finance.

Judiciary: 29.920.426,33 € (including Judicial Council: 1.654.281,32 €)

State Prosecution Office: 9.636.314,04 € (including Prosecutorial Council: 669.704,92 €) Centre for Training in Judiciary and State Prosecution Office: 615.593,44 €

Ministry of Justice: 2.584.149,05 € Institute for Enforcement of Criminal Sanctions: 10.404.468,57 €

45/2019)

Judiciary: 29.982.031,69 € (including Judicial Council: 1.367.441,97 €)

State Prosecution Office: 9.165.607,89 € (including Prosecutorial Council: 560.659,95 €)

Centre for Training in Judiciary and State Prosecution Office: 619.414,12 €

Ministry of Justice: 3.302.001,48 € Institute for Enforcement of Criminal Sanctions: 10.125.654,78 €

Constitutional court of Montenegro: 1.129.415,52 €

Q009 (2020): Centre for Training in Judiciary and State Prosecution Office

Q009 (2019): “Other”: Centre for Training in Judiciary and State Prosecution Office

1. IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

Budget: 2,8 mil € 2. “Analysis of access to justice for citizens and companies in Montenegro aimed at results”

Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).

Duration: 10 months

Budget: 300.000 €

Multi-beneficiary IPA projects

1. WB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

2. EU/CoE “Horizontal facility for Western Balkans and Turkey” – Phase II

2.1. “Accountability and professionalism of the judicial system“

2.2. „Action against economic crime“

2.3. „Improved procedural safeguards in judicial proceedings“

2.4. „Further enhancing human rights protection for detained and sentenced persons“

2.5. “Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”

2.6. „Dashboard Western Balkans“

1. IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

Budget: 2,8 mil € 2. Analysis of access to justice for citizens and companies in Montenegro aimed at results” Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).

Duration: 10 months

Budget: 300.000 €

Multi-beneficiary IPA projects

1. MVB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

2. EU/CoE “Horizontal facility for Western Balkans and Turkey” – Phase II

2.1. Accountability and professionalism of the judicial system“

2.2. Action against economic crime“

2.3. Improved procedural safeguards in judicial proceedings“

2.4. Further enhancing human rights protection for detained and sentenced persons“

2.5. Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”

2.6. Dashboard Western Balkans“

Q012 (2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information

Q013 (2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.

North Macedonia

Q004 (2020): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.

The decreasing of the court budget in 2020 in total is due to the fact that with the rebalance of the budget in 2019, about 2 million euros were provided for non paid allowances on the judges from the previous years.

This allowances were paid in 2019.

Regarding the line 3 which refers to the justice expenses, the significant reduction of the total amount is due to the fact that according to the Law on Criminal Procedure, costs for court expertise are no longer paid by the court budget. Now they are paying by the PPO Budget. From the court budget now are only paying court expertise for old cases which are long time in the system, before the new Law on criminal procedure start with implementation. In 2020, the number of this type of old cases for which the expertise was paid by the courts was significantly lower compared to previous years.

Q004 (2019): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.

The difference between approved and implemented budget in line 5 (new court buildings) is because in the budget for 2019 were planned money for reconstruction on the new building on Administrative court, which was not realized in 2019.

Line for training is not included here, but in the questions about the Academy for judges and public prosecutors.

There has been an increase since 2018 of the budget in (4.2) computerization due to the fact that in 2019 there wasn't a supply of IT equipment for the courts from international projects. There has also been an increase of the budget for (4.3) Justice expenses due to higher amounts for the lay judges, higher costs for

Q006 (2020): Presented budget is lower in comparison with last year, because approximately 4 million euros were distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the

Q006 (2019): Presented budget is for all public prosecution offices in the State including The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly on the 15th of September 2015.

Budget of the Public Prosecution Office of the Republic of North Macedonia for 2019 is 10.060.753 Euro (approved) and 9.227.569 Euro (implemented) and Budget of Special Public prosecution office is: approved

Q007 (2020): In this budget are included court budget, budgets on Judicial Council, budget on Academy for judges and public prosecutors, Public Prosecution office, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution office.

Total approved budget is lower because there is no presented budget for the Special Public Prosecutor office

Q007 (2019): In this budget are included court budget, budgets on Judicial Council, budget on Academy for judges and public prosecutors, Public Prosecution office, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution office.

The portion of implemented budges are less in the Academy for judges and public prosecutors and Prisons.

Q009 (2020): Ombudsman budget.

Q009 (2019): Ombudsman budget.

Q010 (2020): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2020, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union's IPA programme in particular. Most of the projects started with implementation in 2019. For example, if the project last 24 months and started in June 2019 till June 2021, then according to the formula from the explanation note the higher amount from the project budget was spent in 2020. This is the reason, why in 2020 the budget is higher in comparison with 2019. Also, new projects started with implementation in 2020.

All relevant projects are counted in this question. Regional projects are not included in the total amount.

Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional

Q010 (2019): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2019, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the

Q011 (2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented

Q012 (2020): Provided data from courts and Ministry of Justice.

Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total

Q012 (2019): Provided data from courts and Ministry of Justice.

The budget for free legal aid in other than criminal cases for 2019 is increased in comparison with the budget from 2018. The budget on the Ministry of justice in 2018 was 3.000.000, 00 denars (48.780 euros) and for 2019 budget was 5.000.000,00 denars (81.301 euros). Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total

Q013 (2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.

A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that

Q013 (2019): The amount of implemented budget for other than criminal cases is lower than approved budget because conditions were very strict for getting on free legal aid according to the provisions of the previous Law on free legal aid and the new Law start with implementation on 01.10.2019. Three months of

Serbia

Q004 (2020): Discrepancies from the previous cycle in implemented budget for computerization, approved and implemented budget in new court buildings and approved budget for buildings' maintenance are not

Total Approved budget: 257,227,518.72eur Total Implemented budget: 250,696,887.46 eur

4.1.1 Judges' salaries (High Judicial Council and other direct budgetary users): Approved budget: 57,100,974.72 eur

Implemented budget: 55,810,889.47 eur

4.1.2.Salaries of court employees (civil servants and administrative, technical and other non-judicial engaged individuals (High Judicial Council and other direct budgetary users): Approved budget: 83,117,765.21 eur

Implemented budget: 82,885,723.90 eur

Data for 4.2 covers: The funds spent for administrative equipment, furniture and computerization of courts (MoJ data), as well as the data of the judicial institutions on the state level (SCC, Misdemeanour Appellate Court, Commercial Appellate Court). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the needs of the courts and ppo's. The major increase in this category with respect to the 2018 data is due to the IT equipping and furnishing completely the Palace of Justice in Belgrade, which started work in 2019. For 2019, the approved budget for 4.3 justice expenses is 23 789 735 and implemented budget is 22 746 416; the approved budget for the category 4.7 "other" is 70 485 421 and implemented budget is 68 774 633. However those data were collected with a new methodology of the High Judicial Council which is not conform with CEPEJ methodology. Data for 4.3 (implemented) is given for expenses of judicial experts and court interpreters in court proceedings (data provided by High Judicial Council - HJC). The HJC from the corrected 2018 data onward shows in this category 65% of the economic classification no. 423, while the rest (lawyers, lay judges, etc.) is included under 4.7. Data for 4.4. Annual public budget allocated to court buildings (maintenance, operating costs) – This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.5. Annual public budget allocated to investment in new and reconstruction buildings - (ex. reconstruction of Palace of Justice, construction of a new palace of justice in Kragujevac). This court budget data is from the 2018-2020

Q005 (2019): Data supplied by Ministry of Justice Sector for Material and Financial Affairs

Q006 (2020): the approved budget is different from the received budget due to the allocated resources through the rebalance of the budget. .

Q006 (2019): Supplied data is the sum of the budgets provided by the public prosecutor offices which are direct budget users (Republic Public Prosecutor's Office, War Crimes Prosecutor's Office and Organised Crime Prosecutor's Office), the MoJ and the State Prosecutorial Council (SPC). From 2018 the data is supplied as a new methodology is adopted: the budget categories which could not previously be differentiated from

Q007 (2020): All data was collected except information from the State Council of Prosecutors, we did not

Q007 (2019): The Administration for the Enforcement of Criminal Sanctions has an approved budget of EUR 115,906,417.50 and implemented of EUR 104,867,913.29 High Court Council approved budget: EUR 1,357,583.12 and implemented budget: EUR 1,167,027.23 . State Prosecutorial Council approved budget: EUR 1,041,806.98 and implemented budget EUR 992,286.33

Ministry of Justice approved budget: EUR 13,579,998.10 and implemented budget: EUR 12,979,860.75

Constitutional Court: EUR 3,173,935.82 and implemented: EUR 2,900,116.52 The budget for State Attorney's Office: approved budget: EUR 8,447,421.95 and implemented EUR: 6,723,198.11 The indicated total amount

Q008 (2019): The indicated total amount DOES NOT INCLUDE the total budget for legal aid as it is N/A.

However, some available economic classifications are included - of the HJC and the relevant prosecution offices. From 2020 the full budget should be available as the Law on Free Legal Aid (2018) will be applicable

Q009 (2019): Other is not included. Throughout the cycles, we have indicated that "enforcement services" are not included (Chamber of Enforcement Agents and the work of the enforcement agents who are

Q010 (2020): EU projects can only present data from financial reports adopted by the Audit / Control, and the reporting period does not coincide necessarily with the calendar year. Namely, as the reports are submitted every 6 months, in this review it is possible to present data in relation to the following two periods (according to the approved financial reports): November 1, 2018-31. October 2019 = 565,656 (for the period of 12 months)

November 1, 2019-31. October 2020 = 863,544 (for the period of 12 months).

Data for the period running from 1 November 2020 will be known at the end of that period (March 2021), upon adoption by the Audit.

Within the Component 3 of IPA 2013 project, which dealt with corruption repression, joint trainings for prosecution, courts, MoI and other state authorities were organized. It is not possible to divide costs per each institution. USDOJ / OPDAT was organized joint trainings for prosecution, courts and MoI, and it is not possible to divide cost for each institution. Also, certification courses for fraud and money laundering (82 454 EUR) was organised for representatives of different state authorities (MoI, prosecution, etc.), whose costs is not possible to devide. Within the item „donation of equipment and vehicles (total amount of eur 250.393), there is donation to the Main Group for fighting human trafficking that consist of MoI, Prosecution for organized crime, where is not possible to divide costs (eur 41 458), as well as donation of equipment and vehicles for Specialized departments for suppression of corruption, which is only dedicated to the prosecution (eur 208 935).

USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part

Q010 (2019): Projects are mostly implemented under the direct management modality (IPA), i.e. the donors themselves manage their funds - they are not paid into the budget and the MoJ/State does not have insight into the funds spent, nor has the budgetary data ever been collected as requested in the Questionnaire. The

Q011 (2019): Projects are mostly implemented under the direct management modality (IPA), i.e. the donors themselves manage their funds - they are not paid into the budget and the MoJ/State does not have insight into the funds spent, nor has the budgetary data ever been collected as requested in the Questionnaire. The

Q012 (2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)

2. for cases not brought to court (legal advice, ADR and other legal services)

Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government

Q012 (2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for

Q013 (2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

Data shall be available for the next report.

Q013 (2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for

Kosovo*

Q004 (2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judicial Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning

Q004 (2019): With regard to the budget allocated to training, there is a contract for training of IT staff and the payment has not been processed in 2019 but it will be processed in the first months of 2020 (it has not been processed yet). The implemented budget on new buildings differs significantly from the approved budget because there have planned four buildings to be built and only one of them has been built during

Q005 (2020): /

Q005 (2019): /

Q006 (2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the

Q006 (2019): It is impossible at this stage to get an answer from KJC on why there is a difference between approved and implemented budget because of the COVID situation.

Q007 (2020): The discrepancy between the approved and the implemented budget, as we explained in previous section, is because of budgetary cuts and reallocation of funds in dealing with Covid 19.

Q010 (2020): In the category 'Budget allocated of the Whole Justice System' we have used data from the Aid Management Platform, where we generated this sum from the sub-category 'Legal and Judicial Development'. The last year we did not provide data in this question because there are no official numbers regarding the total contribution of external donors. So, please note that this is only an approximation and does not reflect the total amount of external donor funds with certainty. The real numbers can be different from what we offered here, but until we are able to find a way to get those data, we propose to use these data from the Aid Management Platform, as a general idea regarding external donor funds in Justice Sector. This estimate is by defect because there might be other projects which are not included: have refused to be

Q010 (2019): With regard to courts, the sum is a donation from two international agencies: UNDP (148,619.54€) and GIZ (11,058.95 €)

With regard to Public Prosecution, the sum is the total of four donations: Donations from EULEX 12,013.00€, Training from EU 20,864.00€, UNDP 35,573.00€, Dutch Embassy 40,506.00€. There is also a donation from

Q011 (2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0 22 is 0,22%, 0 44 is 0,44%, 3 25 is 3,25% and 12 19 is 12,19%.

Q012 (2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is

Q012 (2019): For your information, in Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases).

Q013 (2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020(mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Codiv-19

Q013 (2019): For your information, in Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases).

Indicator 1 - Budget

by question No.

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill in only the appropriate Question 6. Annual (approved and implemented) public budget allocated to the public prosecution services, in Question 7. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 8 and other elements of the justice system - see Question 8. Elements of the judicial system budget (Q4, Q5, Q 6, Q12, Q13) Question 9. Other budgetary elements Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot Question 11. If you cannot provide the amount of external donor's contribution (specified in question 10), please provide an estimation of the ratio of this amount within the total implemented budget: Question 12. Annual approved public budget allocated to legal aid, in €. Question 13. Annual implemented public budget allocated to legal aid in €.

Question 004

Albania

(2020): Figures given above are related to courts' budget only.

Bosnia and Herzegovina

(General Comment): Data on the approved budget are classified according to the economic classification adopted by the ministries of finance. The data regarding the approved budget is classified in a way that allows obtaining data only on the following elements that relate to question 4:

-TOTAL - Annual budget allocated to the functioning of all courts, and -1. Annual public budget allocated to (gross) salaries. The classification used for budget approval does not allow to obtain data on other elements referred to in question 4.

(2020): The annual public budget allocated to the functioning of courts is different from actually implemented budget mainly because the courts could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. In addition, one of the highest courts could not implement the allocated budget for setting up the new department for organized crime and corruption cases, because the new department has not been established. Furthermore, the implemented annual public budget for training and investments in new court buildings declined considerably in 2020 compared to 2019, because the courts could not use all of the funds allocated for these purposes due to the reduction of the

(2019): Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant. The allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest instance courts has not been implemented. There is no continuity of planning budget funds for the construction of new court buildings. For this reason, the amount of funds spent for this purpose can vary significantly. That is the explanation for the variation in the implemented budget for investments in new (court) buildings. Other costs are the expenditures for travel

Montenegro

(2020): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.

“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay...

(Source: Judicial council)

Since 2018 there has been an increase in the budget allocated to courts buildings (maintenance, operating costs) which is due to the fact that the requests of courts for more funds for this purpose were approved during the preparation of the courts budget.

Discrepancy clarifications:

-Annual public budget allocated to court buildings (maintenance, operating costs) - There was an increase in the monetary amount due to the adaptation of official premises in several Montenegrin courts.

-Annual public budget allocated to investments in new (court) buildings - There was an increase in the monetary amount due to the fact that construction works were carried out on the building of the

(2019): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.

“7. Other” includes: other personal income, jubilee awards, severance pay, assistance, separate life, administrative/office supplies, fuel, communication services, lawyer services, consulting services, banking services, licenses, insurance, employment contracts, utilities, technological redundancy-severance pay...

(Source: Judicial council)

North Macedonia

(2020): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.

The decreasing of the court budget in 2020 in total is due to the fact that with the rebalance of the budget in 2019, about 2 million euros were provided for non paid allowances on the judges from the previous years. This allowances were paid in 2019.

Regarding the line 3 which refers to the justice expenses, the significant reduction of the total amount is due to the fact that according to the Law on Criminal Procedure, costs for court expertise are no longer paid by the court budget. Now they are paying by the PPO Budget. From the court budget now are only paying court expertise for old cases which are long time in the system, before the new Law on criminal procedure start with implementation. In 2020, the number of this type of old cases for which the expertise was paid by the courts was significantly lower compared to previous years.

(2019): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc. The court budget includes only the budgets of all courts.

The difference between approved and implemented budget in line 5 (new court buildings) is because in the budget for 2019 were planned money for reconstruction on the new building on Administrative court, which was not realized in 2019.

Line for training is not included here, but in the questions about the Academy for judges and public prosecutors.

There has been an increase since 2018 of the budget in (4.2) computerization due to the fact that in 2019 there wasn't a supply of IT equipment for the courts from international projects. There has also been an increase of the budget for (4.3) Justice expenses due to higher amounts for the lay judges, higher costs for

Serbia

(2020): Discrepancies from the previous cycle in implemented budget for computerization, approved and implemented budget in new court buildings and approved budget for buildings' maintenance are not

Total Approved budget: 257,227,518.72eur Total Implemented budget: 250,696,887.46 eur

4.1.1 Judges' salaries (High Judicial Council and other direct budgetary users): Approved budget: 57,100,974.72 eur

Implemented budget: 55,810,889.47 eur

4.1.2. Salaries of court employees (civil servants and administrative, technical and other non-judicial engaged individuals (High Judicial Council and other direct budgetary users): Approved budget: 83,117,765.21 eur
Implemented budget: 82,885,723.90 eur

Data for 4.2 covers: The funds spent for administrative equipment, furniture and computerization of courts (MoJ data), as well as the data of the judicial institutions on the state level (SCC, Misdemeanour Appellate Court, Commercial Appellate Court). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the needs of the courts and ppo's. The major increase in this category with respect to the 2018 data is due to the IT equipping and furnishing completely the Palace of Justice in Belgrade, which started work in 2019. For 2019, the approved budget for 4.3 justice expenses is 23 789 735 and implemented budget is 22 746 416; the approved budget for the category 4.7 "other" is 70 485 421 and implemented budget is 68 774 633. However those data were collected with a new methodology of the High Judicial Council which is not conform with CEPEJ methodology. Data for 4.3 (implemented) is given for expenses of judicial experts and court interpreters in court proceedings (data provided by High Judicial Council - HJC). The HJC from the corrected 2018 data onward shows in this category 65% of the economic classification no. 423, while the rest (lawyers, lay judges, etc.) is included under 4.7. Data for 4.4. Annual public budget allocated to court buildings (maintenance, operating costs) – This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.5. Annual public budget allocated to investment in new and reconstruction buildings - (ex. reconstruction of Palace of Justice, construction of a new palace of justice in Kragujevac). This court budget data is from the 2018-2020

Kosovo*

(2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judicial Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning

(2019): With regard to the budget allocated to training, there is a contract for training of IT staff and the payment has not been processed in 2019 but it will be processed in the first months of 2020 (it has not been processed yet). The implemented budget on new buildings differs significantly from the approved budget because there have planned four buildings to be built and only one of them has been built during 2019.

Question 005

Montenegro

(2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – Lawyer, notary and legal services.

(2019): In 2019, courts did not have individually allocated amount for providing free legal aid, namely this is included in the account 4146 – services of lawyers. In 2019, amount of 203.273,62€ was implemented for

Serbia

(2019): Data supplied by Ministry of Justice Sector for Material and Financial Affairs

Kosovo*

(2020): /

(2019): /

Question 006

Bosnia and Herzegovina

(2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The

(2019): The annual public budget allocated to the functioning of all prosecutors' offices from actually implemented budget is different mainly due to the following reasons: Some of the allocated budget funds have not been implemented because certain number of judicial and non-judicial position remained vacant.

Montenegro

(2020): The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24

(2019): Difference between the approved and implemented budget is related to the payment of the obligations from the previous period – court enforcements in the amount of 290.245,42€, which enforcement is being implemented through the Ministry of Finance.

North Macedonia

(2020): Presented budget is lower in comparison with last year, because approximately 4 million euros were distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the

(2019): Presented budget is for all public prosecution offices in the State including The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly on the 15th of September 2015.

Budget of the Public Prosecution Office of the Republic of North Macedonia for 2019 is 10.060.753 Euro (approved) and 9.227.569 Euro (implemented) and Budget of Special Public prosecution office is: approved

Serbia

(2020): the approved budget is different from the received budget due to the allocated resources through the rebalance of the budget. .

(2019): Supplied data is the sum of the budgets provided by the public prosecutor offices which are direct budget users (Republic Public Prosecutor's Office, War Crimes Prosecutor's Office and Organised Crime Prosecutor's Office), the MoJ and the State Prosecutorial Council (SPC). From 2018 the data is supplied as a new methodology is adopted: the budget categories which could not previously be differentiated from the

Kosovo*

(2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with

(2019): It is impossible at this stage to get an answer from KJC on why there is a difference between

Question 007

Albania

(2020): budget planned based on the needs of the system

(2019): Please note that SPAK was established mid-2019 and its budget was approved through e midyear revision law. Hence, implemented budget is higher than approved budgeted.

Bosnia and Herzegovina

(2020): The annual approved public budget allocated to the whole justice system was reduced in 2020 compared to 2019, due to the following circumstances:

- Prison system: A smaller amount of funds was planned for the construction of new prison buildings in 2020 following the completion of the new maximum-security prison in 2019; - COVID-19 measures: In addition,

(2019): Donor funds are not included in this figure.

Montenegro

Judiciary: 29.920.426,33 € (including Judicial Council: 1.654.281,32 €)

State Prosecution Office: 9.636.314,04 € (including Prosecutorial Council: 669.704,92 €) Centre for Training in Judiciary and State Prosecution Office: 615.593,44 €

Ministry of Justice: 2.584.149,05 € Institute for Enforcement of Criminal Sanctions: 10.404.468,57 €

(2019): Source: Law on Budget of Montenegro for 2019. ("Official gazette of MNE", no. 87/2018, 45/2019)

Judiciary: 29.982.031,69 € (including Judicial Council: 1.367.441,97 €)

State Prosecution Office: 9.165.607,89 € (including Prosecutorial Council: 560.659,95 €)

Centre for Training in Judiciary and State Prosecution Office: 619.414,12 €

Ministry of Justice: 3.302.001,48 € Institute for Enforcement of Criminal Sanctions: 10.125.654,78 €

Constitutional court of Montenegro: 1.129.415,52 €

North Macedonia

(2020): In this budget are included court budget, budgets on Judicial Council, budget on Academy for judges and public prosecutors, Public Prosecution office, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution office.

Total approved budget is lower because there is no presented budget for the Special Public Prosecutor office

(2019): In this budget are included court budget, budgets on Judicial Council, budget on Academy for judges and public prosecutors, Public Prosecution office, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution office.

The portion of implemented budgets are less in the Academy for judges and public prosecutors and Prisons.

Serbia

(2020): All data was collected except information from the State Council of Prosecutors, we did not obtain

(2019): The Administration for the Enforcement of Criminal Sanctions has an approved budget of EUR 115,906,417.50 and implemented of EUR 104,867,913.29 High Court Council approved budget: EUR 1,357,583.12 and implemented budget: EUR 1,167,027.23 . State Prosecutorial Council approved budget: EUR 1,041,806.98 and implemented budget EUR 992,286.33

Ministry of Justice approved budget: EUR 13,579,998.10 and implemented budget: EUR 12,979,860.75

Constitutional Court: EUR 3,173,935.82 and implemented: EUR 2,900,116.52 The budget for State Attorney's Office: approved budget: EUR 8,447,421.95 and implemented EUR: 6,723,198.11 The indicated total amount

Kosovo*

(2020): The discrepancy between the approved and the implemented budget, as we explained in previous section, is because of budgetary cuts and reallocation of funds in dealing with Covid 19.

Question 008

Bosnia and Herzegovina

(General Comment): There are no specialized institutions delivering probation services. The courts decide on some issues related to the probation matters, the relevant functionaries determine the matters related to the pardon of convicted defendants. Judicial management body is not included in the budgetary elements since the High Judicial Council of Bosnia and Herzegovina, which is included in the budgetary elements has the regulatory functions within the judicial system of Bosnia and Herzegovina.

Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services; related costs are included in the public budget of the court, public prosecution system and the whole justice system, however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services.

Serbia

(2019): The indicated total amount DOES NOT INCLUDE the total budget for legal aid as it is N/A. However, some available economic classifications are included - of the HJC and the relevant prosecution offices. From 2020 the full budget should be available as the Law on Free Legal Aid (2018) will be applicable during the

Question 009

Albania

(2020): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and

(2019): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organised Crime. Please note that SPAK was

Bosnia and Herzegovina

(2019): Judicial management body is not applicable to the judicial system of Bosnia and Herzegovina, the High Judicial Council of Bosnia and Herzegovina is empowered to perform the managerial authorities. Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services. Related costs are included in the public budget of the court, public prosecution system and the whole justice system; however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services. Refugees and asylum seekers services and immigration services are the responsibility of various institutions

Montenegro

(2020): Centre for Training in Judiciary and State Prosecution Office

(2019): "Other": Centre for Training in Judiciary and State Prosecution Office

North Macedonia

(2020): Ombudsman budget.

(2019): Ombudsman budget.

Serbia

(2019): Other is not included. Throughout the cycles, we have indicated that "enforcement services" are not included (Chamber of Enforcement Agents and the work of the enforcement agents who are entrepreneurs).

Question 010

Albania

(2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe

Bosnia and Herzegovina

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina during 2019 implemented donor funded project activities aimed at reforming the courts and the public prosecution service in the amount of 2820650 EUR. Source of information is the HJPC annual report for 2019.

Overall amount of funds used to finance donor activities which are implemented by the international organisations (e.g. United States Agency for International Development, World Bank, etc) is not available

Montenegro

1. IPA 2014 "EU Support to the Rule of Law II" – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

Budget: 2,8 mil € 2. "Analysis of access to justice for citizens and companies in Montenegro aimed at results" Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).

Duration: 10 months

Budget: 300.000 €

Multi-beneficiary IPA projects

1. WB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

2. EU/CoE "Horizontal facility for Western Balkans and Turkey" – Phase II

2.1. "Accountability and professionalism of the judicial system"

2.2. „Action against economic crime“

2.3. „Improved procedural safeguards in judicial proceedings“

2.4. „Further enhancing human rights protection for detained and sentenced persons“

2.5. "Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans"

2.6. „Dashboard Western Balkans“

1. IPA 2014 “EU Support to the Rule of Law II” – EU RoL II presents continuation of the EU RoL I Project. Overall objective: further strengthening of judiciary and law enforcement institutions in order to meet the criteria for accession of Montenegro to the EU. Purpose of the Project is increasing efficiency of judiciary, further strengthening institutional capacities and effective implementation of the law in fight against organized crime and corruption as well as strengthening capacities for programming and monitoring EU support to the Rule of Law Sector.

Duration: 36 months (Implementation of the Project officially began in April 2017).

Budget: 2,8 mil € 2. Analysis of access to justice for citizens and companies in Montenegro aimed at results”

Overall objective: strengthening of the judiciary system in line with EU standards and providing analytical and advisory inputs to enable adjustment of the strategy framework for improving the performance of the justice system. Focus on updating of the Action Plan for Chapter 23 and the Action plan for the implementation of the national Justice Reform Strategy (2014-2018).

Duration: 10 months

Budget: 300.000 €

Multi-beneficiary IPA projects

1. MB20-MNE-SOC-01 „Construction of prison in Mojkovac: Review of the Feasibility Study, preparation of Preliminary design, EIA Study, Main Design and Tender Dossiers“ Overall objective: preparation of the technical documentation for the construction of one of the priority infrastructure projects in Justice Sector – prison in Mojkovac.

Budget: 1.2 mil €

2. EU/CoE “Horizontal facility for Western Balkans and Turkey” – Phase II

2.1. Accountability and professionalism of the judicial system“

2.2. Action against economic crime“

2.3. Improved procedural safeguards in judicial proceedings“

2.4. Further enhancing human rights protection for detained and sentenced persons“

2.5. Enhancing penitentiaries capacities in addressing radicalization in prisons in Western Balkans”

2.6. Dashboard Western Balkans“

North Macedonia

(2020): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2020, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the European Union’s IPA programme in particular. Most of the projects started with implementation in 2019. For example, if the project last 24 months and started in June 2019 till June 2021, then according to the formula from the explanation note the higher amount from the project budget was spent in 2020. This is the reason, why in 2020 the budget is higher in comparison with 2019. Also, new projects started with implementation in 2020.

All relevant projects are counted in this question. Regional projects are not included in the total amount.

Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional

(2019): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2019, calculated according to the formula given in the Explanation note. In order to ensure a full integration and synergy between national policies and the use of foreign assistance by donors and creditors in North Macedonia was established Sector Working Group for Justice with a mandate for coordination and monitoring of the use of donor assistance in general and the

Serbia

(2020): EU projects can only present data from financial reports adopted by the Audit / Control, and the reporting period does not coincide necessarily with the calendar year. Namely, as the reports are submitted every 6 months, in this review it is possible to present data in relation to the following two periods (according to the approved financial reports): November 1, 2018-31. October 2019 = 565,656 (for the period of 12 months)

November 1, 2019-31. October 2020 = 863,544 (for the period of 12 months).

Data for the period running from 1 November 2020 will be known at the end of that period (March 2021), upon adoption by the Audit.

Within the Component 3 of IPA 2013 project, which dealt with corruption repression, joint trainings for prosecution, courts, MoI and other state authorities were organized. It is not possible to divide costs per each institution. USDOJ / OPDAT was organized joint trainings for prosecution, courts and MoI, and it is not possible to divide cost for each institution. Also, certification courses for fraud and money laundering (82 454 EUR) was organised for representatives of different state authorities (MoI, prosecution, etc.), whose costs is not possible to devide. Within the item „donation of equipment and vehicles (total amount of eur 250.393), there is donation to the Main Group for fighting human trafficking that consist of MoI, Prosecution for organized crime, where is not possible to divide costs (eur 41 458), as well as donation of equipment and vehicles for Specialized departments for suppression of corruption, which is only dedicated to the prosecution (eur 208 935).

USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part

(2019): Projects are mostly implemented under the direct management modality (IPA), i.e. the donors themselves manage their funds - they are not paid into the budget and the MoJ/State does not have insight into the funds spent, nor has the budgetary data ever been collected as requested in the Questionnaire. The

Kosovo*

(2020): In the category 'Budget allocated of the Whole Justice System' we have used data from the Aid Management Platform, where we generated this sum from the sub-category 'Legal and Judicial Development'. The last year we did not provide data in this question because there are no official numbers regarding the total contribution of external donors. So, please note that this is only an approximation and does not reflect the total amount of external donor funds with certainty. The real numbers can be different from what we offered here, but until we are able to find a way to get those data, we propose to use these data from the Aid Management Platform, as a general idea regarding external donor funds in Justice Sector. This estimate is by defect because there might be other projects which are not included: have refused to be

(2019): With regard to courts, the sum is a donation from two international agencies: UNDP (148,619.54€) and GIZ (11,058.95 €)

With regard to Public Prosecution, the sum is the total of four donations: Donations from EULEX 12,013.00€, Training from EU 20,864.00€, UNDP 35,573.00€, Dutch Embassy 40,506.00€. There is also a donation from

Question 011

Albania

(2020): 9 percent

Bosnia and Herzegovina

(2020): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and

North Macedonia

(2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented

Serbia

(2019): Projects are mostly implemented under the direct management modality (IPA), i.e. the donors themselves manage their funds - they are not paid into the budget and the MoJ/State does not have insight into the funds spent, nor has the budgetary data ever been collected as requested in the Questionnaire. The

Kosovo*

(2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0

Question 012

Bosnia and Herzegovina

(2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

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Montenegro

(2020): Free legal aid is always approved under account 4146 of the Budget of Montenegro (Law on Budget), which refers to all attorney's fees, so it is not possible to provide the requested information separately.

North Macedonia

(2020): Provided data from courts and Ministry of Justice.

Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total

(2019): Provided data from courts and Ministry of Justice.

The budget for free legal aid in other than criminal cases for 2019 is increased in comparison with the budget from 2018. The budget on the Ministry of justice in 2018 was 3.000.000, 00 denars (48.780 euros) and for 2019 budget was 5.000.000,00 denars (81.301 euros). Budget is increased for implementation on the new Law on free legal aid and facilitation of the conditions for getting on free legal aid.

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total

Serbia

(2020): TOTAL - Annual approved public budget allocated to legal aid (1 + 2) Total budget approved for 2020 was 6 million EUR. Nevertheless, due to COVID 19 and the fact that the budget was not spent during that budgetary year, there have been some adjustments to the total amount. 1. for cases brought to court (court fees and/or legal representation)

2. for cases not brought to court (legal advice, ADR and other legal services)

Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government

(2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers

Kosovo*

(2020): In this year, we have been able to obtain the data for categories 'cases brought to court and cases not brought to court' for criminal cases too. The budget concerning cases not brought to court is managed by Kosovo Prosecutorial Council(KPC), while the Budget concerning cases brought to court is managed by the

(2019): For your information, in Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases).

Question 013

Albania

(2020): The above data is referred to the implemented/ allocated budget of Free Legal Aid Directorate for 2020. The difference between allocated budget and implemented budget has come as a result of delays in the recruitment of FLAD staff but also employees of primary legal aid service centers in the districts of the Republic of Albania. Also, another factor is related to the financing procedures of 12 authorized non-profit organizations which provide primary legal aid, a procedure which is expected to start in March 2021. Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerable number of

Bosnia and Herzegovina

(2020): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

(2019): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court

Montenegro

(2020): A smaller number of requests for free legal aid were adopted, thus less money was spent.

North Macedonia

(2020): The budget for the legal aid in criminal cases is composed by: the budget for ex-officio lawyers according to the Law on Criminal procedure and the poor law budget. There are no other criminal cases, except criminal cases brought to court.

A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that

(2019): The amount of implemented budget for other than criminal cases is lower than approved budget because conditions were very strict for getting on free legal aid according to the provisions of the previous Law on free legal aid and the new Law start with implementation on 01.10.2019. Three months of

Serbia

(2020): TOTAL - Annual implemented public budget allocated to legal aid (1 + 2)

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

Data shall be available for the next report.

(2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers

Kosovo*

(2020): There is a difference between the approved and the implemented budget for Legal Aid, mainly because of the pandemic Covid 19. However, in the category "cases not brought to court" in criminal cases, the discrepancy between the approved and implemented budget is because the approved budget includes legal aid and expertise. At this moment, we are not been able to localize only the budget dedicated to legal aid. The courts have been dealing only with emergency cases for two and a half months in 2020 (mid-March to June). However, even after the June, courts have not worked in their full capacities, because the Covid-19

(2019): For your information, in Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases).

Indicator 1 List

List of the tables presented in this indicator

Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

1. Budget

Table 1.1.0 Approved court budget in 2020 in € (Q4)

Table 1.1.1 Implemented court budget in 2020 in € (Q4)

Table 1.1.2 Distribution of annual implemented court budget in 2020 (Q4)

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita from 2018 to 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.5 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q6 and Q13)

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita between 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.8 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)

Table 1.1.9 Estimated percentage from the total implemented budget in 2019 and 2020 (Q11)

Table 1.1.10 Whole justice system budget and its elements in 2020 (Q7, Q8 and Q9)

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2020 (Q1 and Q7)

Indicator 1 - Budget

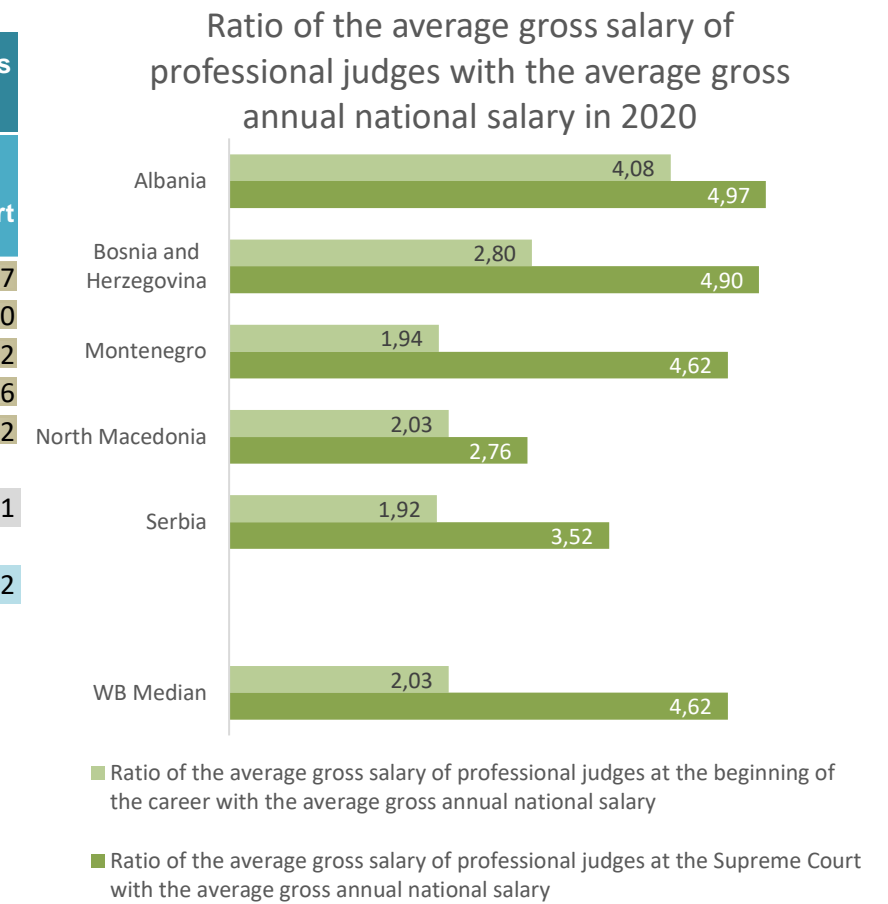
Indicator 1 - Budget

2. Profile of judiciary

2.1 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges (Tables no. 2.1.1)

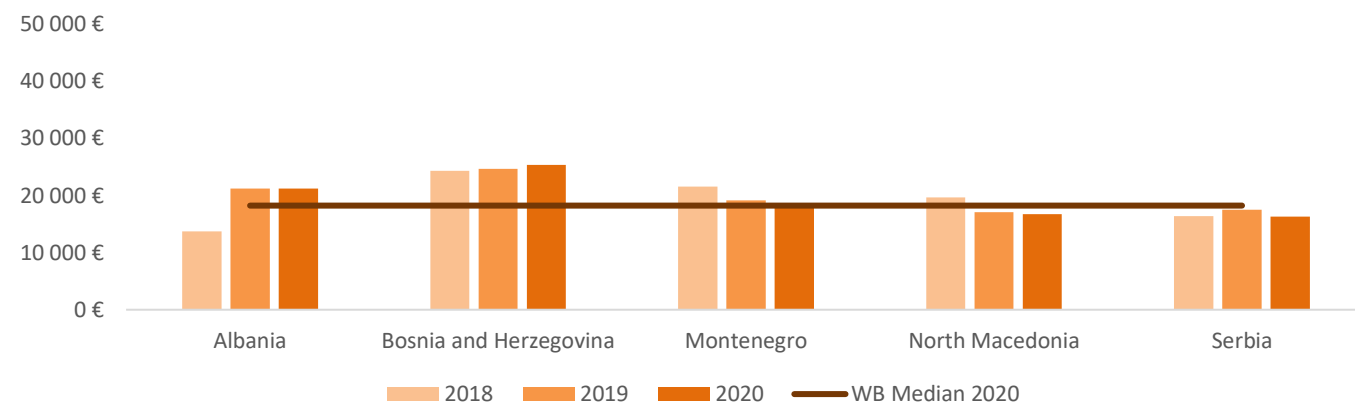
Beneficiaries	At the beginning of the career			At the Supreme Court			2020- Ratio with average gross annual national salary	
	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	At the beginning of the career	At the Supreme Court
Albania	21 240 €	55,3%	0,0%	25 836 €	31,3%	0,0%	4,08	4,97
Bosnia and Herzegovina	25 383 €	4,4%	2,9%	44 404 €	4,8%	2,8%	2,80	4,90
Montenegro	18 233 €	-15,3%	-5,0%	43 364 €	-10,8%	-3,7%	1,94	4,62
North Macedonia	16 700 €	-15,3%	-2,0%	22 687 €	-4,7%	-0,8%	2,03	2,76
Serbia	16 277 €	-0,6%	-7,0%	29 788 €	-22,5%	-27,1%	1,92	3,52
Kosovo*	22 932 €	-	-1,0%	31 860 €	-	-8,9%	3,17	4,41
WB Median	18 233 €	-0,6%	-2,0%	29 788 €	-4,7%	-0,8%	2,03	4,62



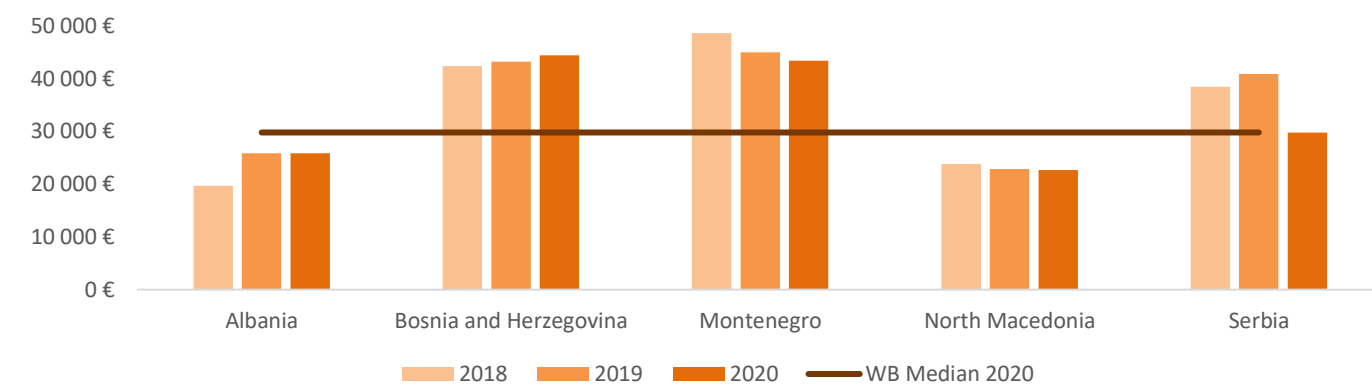
For reference only: the 2019 EU median for the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 2,02.

For reference only, the 2019 EU median for the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,05.

Average gross salary of professional judges at the beginning of the career between 2018 and 2020



Average gross salary of professional judges at the Supreme Court between 2018 and 2020

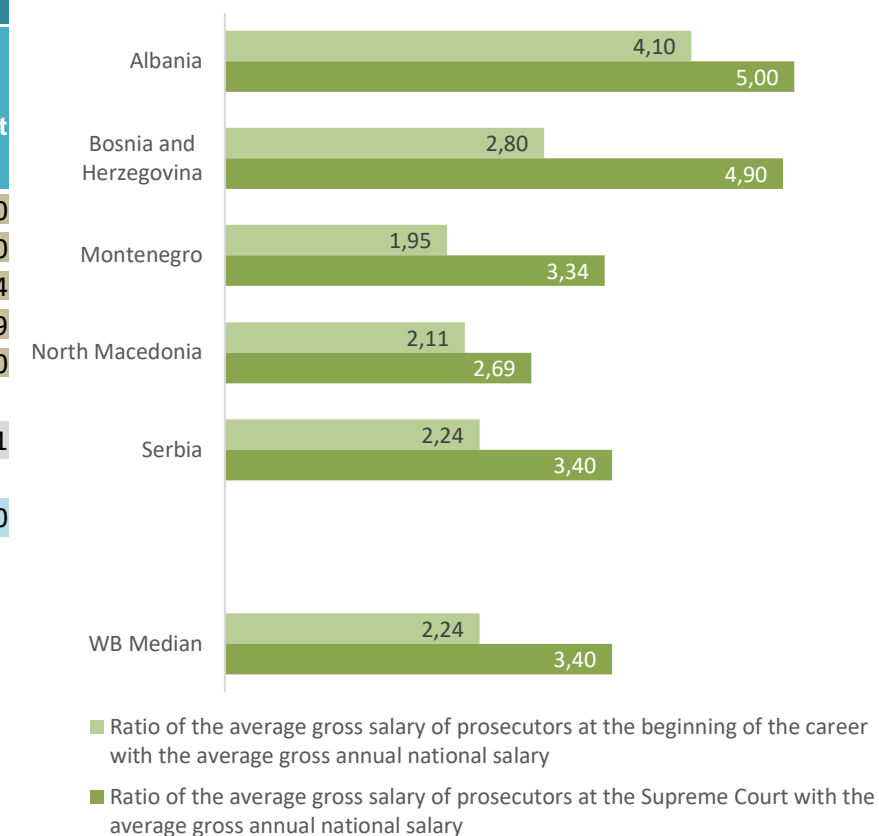


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.

Average gross salary of prosecutors (Table no. 2.1.3)

Beneficiaries	At the beginning of the career			At the Supreme Court			2020- Ratio with average gross annual national salary	
	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	At the beginning of the career	At the Supreme Court
Albania	21 312 €	86,4%	0,0%	26 004 €	63,7%	0,0%	4,10	5,00
Bosnia and Herzegovina	25 383 €	4,4%	2,9%	44 404 €	4,8%	2,8%	2,80	4,90
Montenegro	18 360 €	-1,6%	-1,6%	31 356 €	-3,7%	-3,7%	1,95	3,34
North Macedonia	17 319 €	22,0%	3,8%	22 120 €	2,8%	10,5%	2,11	2,69
Serbia	18 961 €	2,6%	-0,1%	28 801 €	-18,3%	-17,9%	2,24	3,40
Kosovo*	22 939 €	-	0,0%	31 860 €	-	0,0%	3,18	4,41
WB Median	18 961 €	4,4%	0,0%	28 801 €	2,8%	0,0%	2,24	3,40

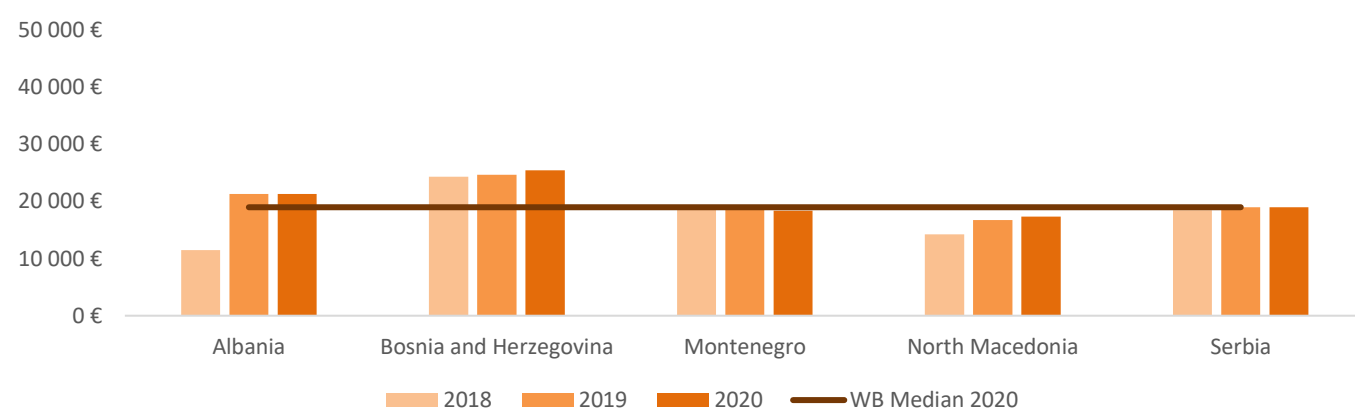
Ratio of the average gross salary of prosecutors with the average gross annual national salary in 2020



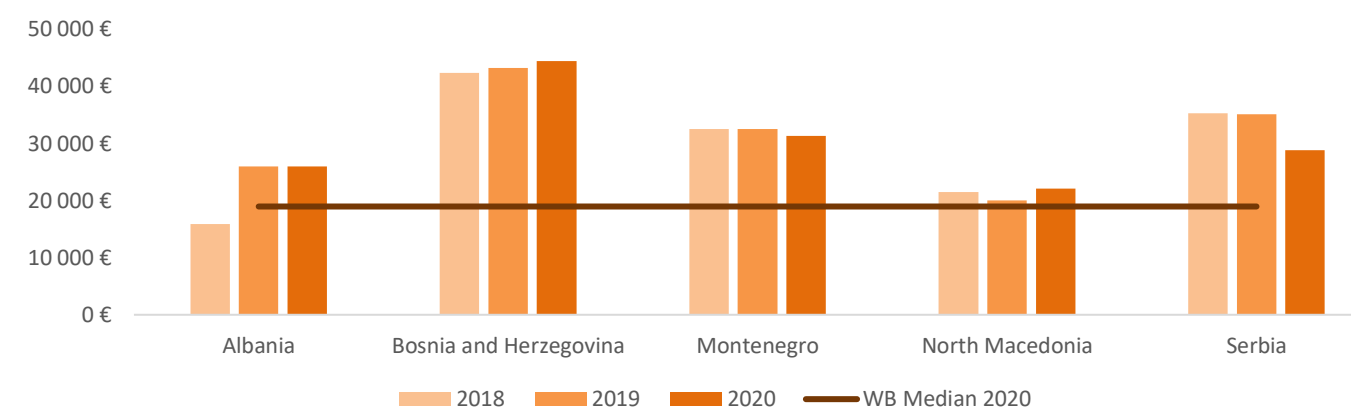
For reference only: the 2019 EU median for the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,77.

For reference only: the 2019 EU median for the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,57.

Average gross salary of prosecutors at the beginning of the career between 2018 and 2020



Average gross salary of prosecutors at the Supreme Court between 2018 and 2020



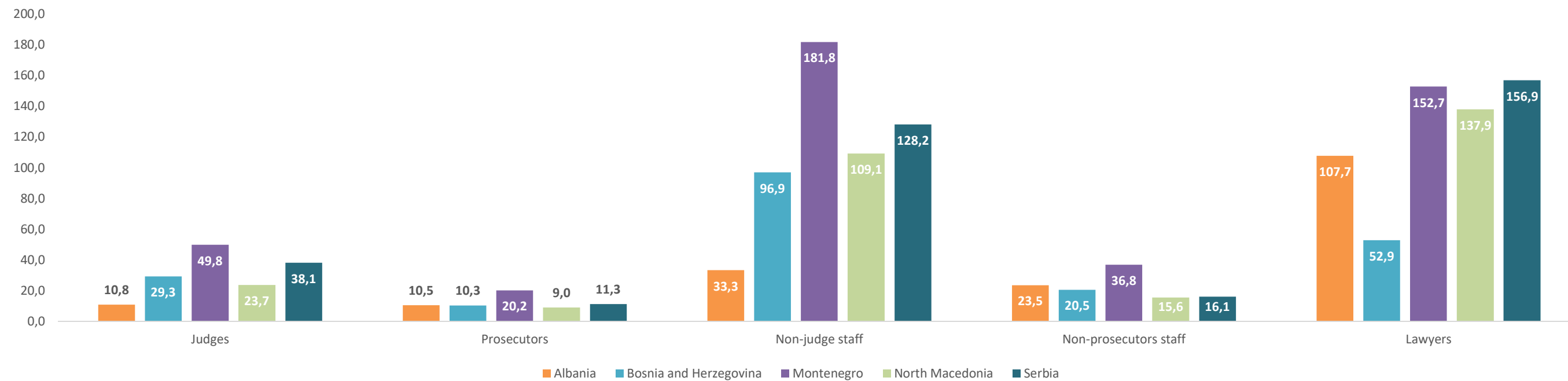
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.

2.2 Number of justice professionals

Justice professionals per 100 000 inhabitants in 2019 and 2020 (Tables no. 2.2.3, 2.2.6, 2.2.9, 2.2.11 and 2.2.13)

Beneficiaries	Judges		Prosecutors		Non-judge staff		Non-prosecutor staff		Lawyers	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Albania	11,6	10,8	10,5	10,5	30,9	33,3	20,8	23,5	84,2	107,7
Bosnia and Herzegovina	28,9	29,3	10,6	10,3	96,3	96,9	20,8	20,5	50,9	52,9
Montenegro	50,0	49,8	19,8	20,2	176,4	181,8	36,4	36,8	150,8	152,7
North Macedonia	23,9	23,7	9,1	9,0	107,8	109,1	20,8	15,6	135,8	137,9
Serbia	38,8	38,1	11,3	11,3	125,2	128,2	16,0	16,1	151,0	156,9
Kosovo*	23,3	21,9	10,2	9,8	85,3	86,0	34,3	34,4	56,3	62,3
WB Median	28,9	29,3	10,6	10,5	107,8	109,1	20,8	20,5	135,8	137,9

Justice professionals per 100 000 inhabitants in 2020



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.

Number of professional Judges (Tables no. 2.2.1 and 2.2.3)

Beneficiaries	2020		% Variation 2018 - 2020	% Variation 2019 - 2020
	Absolute number	per 100 000 inh.		
Albania	307	10,8	-11,3%	-6,7%
Bosnia and Herzegovina	1024	29,3	1,1%	1,3%
Montenegro	309	49,8	-0,3%	-0,3%
North Macedonia	493	23,7	-3,5%	-0,6%
Serbia	2649	38,1	2,4%	-2,0%
Kosovo*	391	21,9	-	-6,0%
WB Median	493	29,3	-0,3%	-0,6%

For reference only: the 2019 EU median is 24,5 judges per 100 000 inhabitants.

Number of non-judge staff (Tables no. 2.2.8 and 2.2.9)

Beneficiaries	2020		% Variation 2018 - 2020	% Variation 2019 - 2020
	Absolute number	per 100 000 inh.		
Albania	947	33,3	7,7%	7,6%
Bosnia and Herzegovina	3 384	96,9	1,0%	0,7%
Montenegro	1 127	181,8	15,2%	3,0%
North Macedonia	2 266	109,1	1,0%	1,2%
Serbia	8 909	128,2	1,1%	2,4%
Kosovo*	1 532	86,0	-	0,8%
WB Median	2 266	109,1	1,1%	2,4%

For reference only: the 2019 EU median is 57,5 non-judge staff per 100 000 inhabitants.

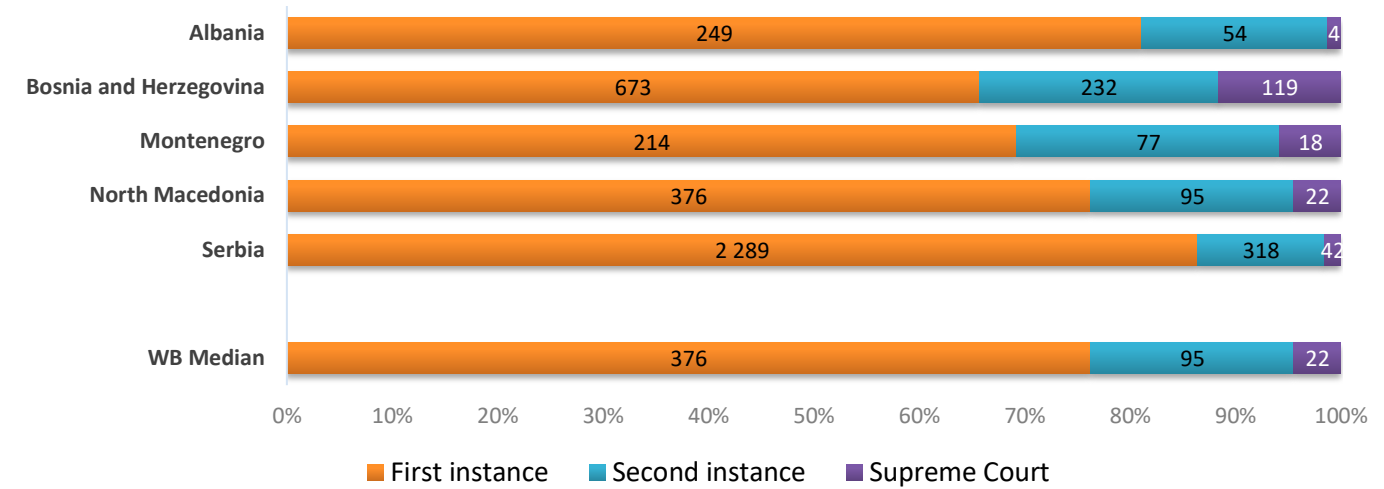
Ratio non-judge staff and professional judges (Table no. 2.2.10)

Beneficiaries	2020	% Variation 2018 - 2020	% Variation 2019 - 2020
Albania	3,1	20,3%	15,3%
Bosnia and Herzegovina	3,3	-0,2%	-0,8%
Montenegro	3,6	15,6%	3,3%
North Macedonia	4,6	4,7%	1,8%
Serbia	3,4	-1,5%	4,2%
Kosovo*	3,9	-	7,2%
WB Median	3,4	4,7%	3,3%

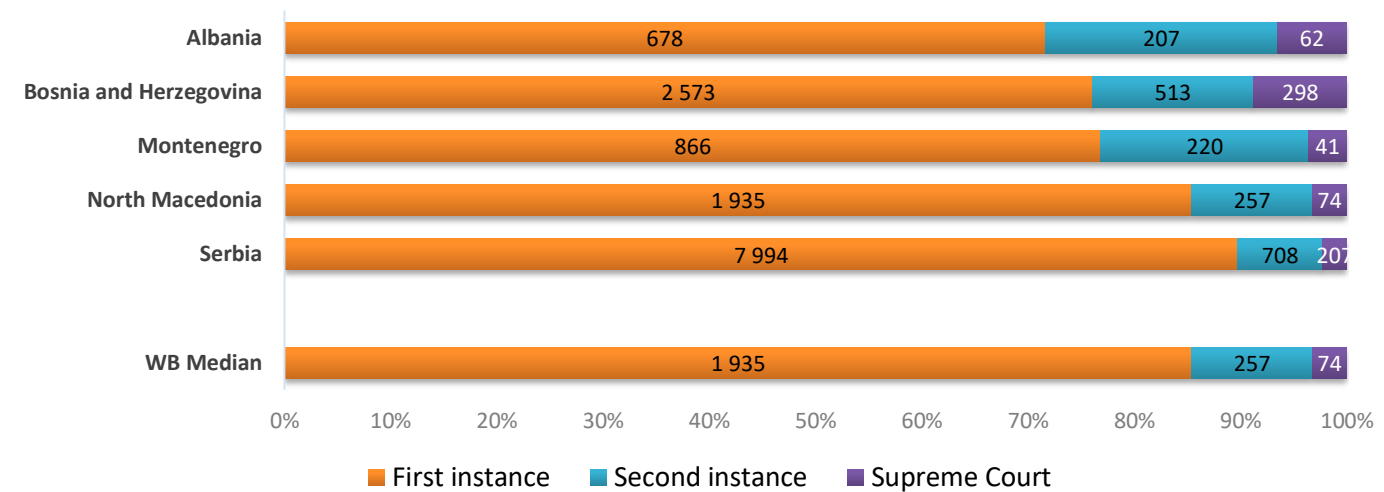
For reference only: the 2019 EU median ratio of non-judge staff per judge is 3,3.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.

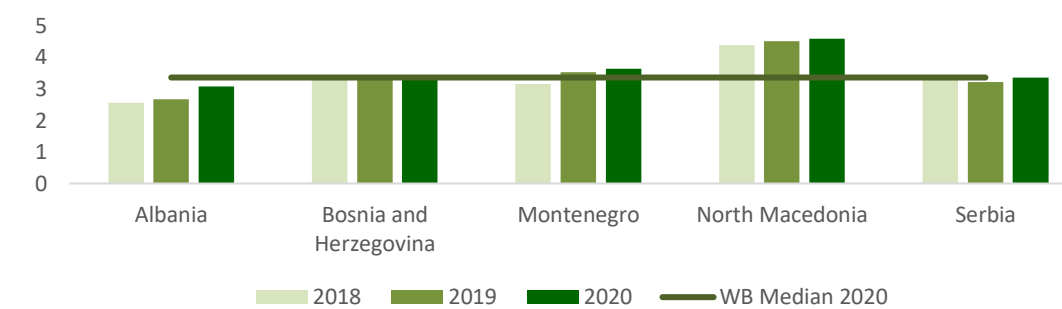
Distribution of professional judges by instance in 2020



Distribution of non-judge staff by instance in 2020



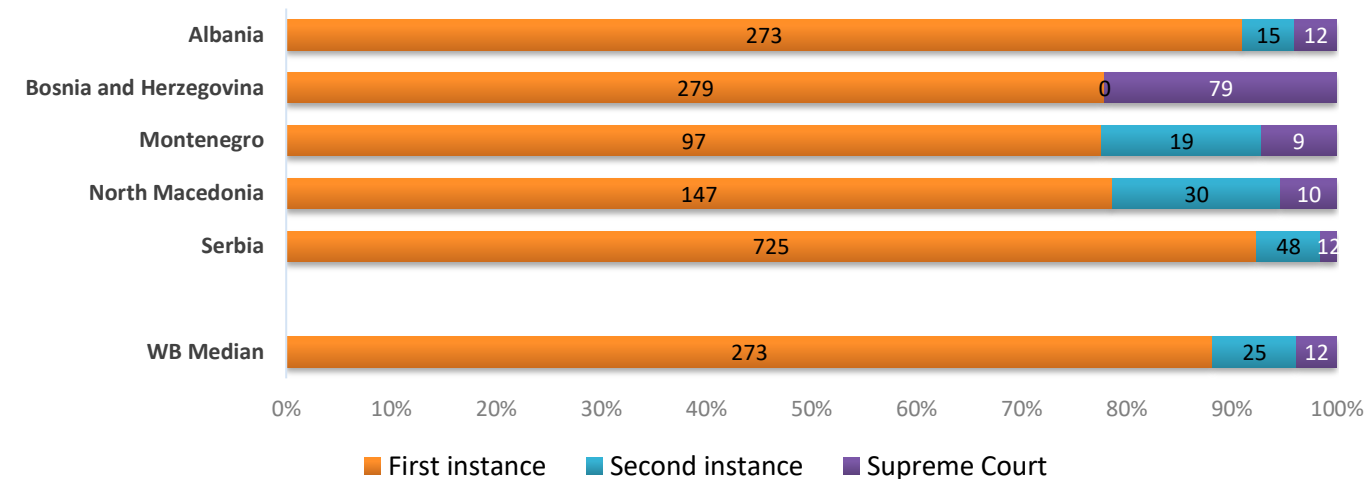
Ratio non-judge staff and professional judges between 2018 and 2020



Number of prosecutors (Tables no. 2.2.5 and 2.2.6)

Beneficiaries	2020		% Variation 2018 - 2020	% Variation 2019 - 2020
	Absolute number	per 100 000 inh.		
Albania	300	10,5	NA	0,3%
Bosnia and Herzegovina	358	10,3	-4,8%	-3,8%
Montenegro	125	20,2	5,0%	1,6%
North Macedonia	187	9,0	1,1%	-1,6%
Serbia	785	11,3	0,5%	0,1%
Kosovo*	175	9,8	-	-3,3%
WB Median	300	10,5	0,8%	0,1%

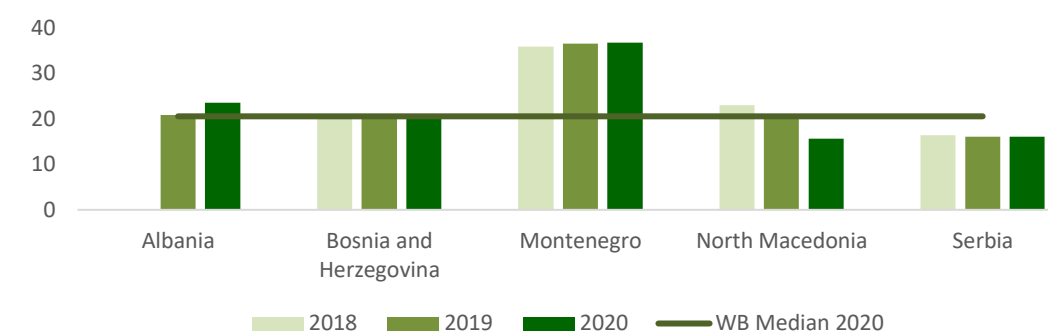
Distribution of prosecutors by instance in 2020



Number of non-prosecutors staff (Table no. 2.2.11)

Beneficiaries	2020		% Variation 2018 - 2020	% Variation 2019 - 2020
	Absolute number	per 100 000 inh.		
Albania	670	23,5	NA	13,2%
Bosnia and Herzegovina	717	20,5	-2,2%	-1,1%
Montenegro	228	36,8	2,7%	0,9%
North Macedonia	324	15,6	-32,1%	-25,0%
Serbia	1 117	16,1	-2,2%	0,2%
Kosovo*	613	34,4	-	0,3%
WB Median	670	20,5	-2,2%	0,2%

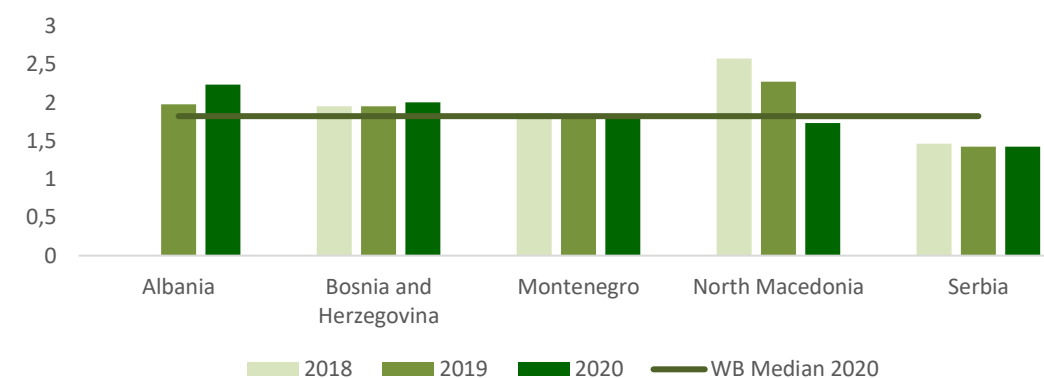
Non-prosecutor staff per 100 000 inhabitants between 2018 and 2020



Ratio non-prosecutor staff and prosecutors (Table no. 2.2.12)

Beneficiaries	2020	% Variation 2018 - 2020	% Variation 2019 - 2020
Albania	2,2	NA	12,8%
Bosnia and Herzegovina	2,0	2,6%	2,6%
Montenegro	1,8	-2,2%	-0,7%
North Macedonia	1,7	-32,8%	-23,8%
Serbia	1,4	-2,9%	-0,1%
Kosovo*	3,5	-	3,8%
WB Median	1,8	-2,5%	-0,1%

Ratio non-prosecutor staff prosecutors between 2018 and 2020



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence. Kosovo* is not included in the summary statistics.

Number of lawyers (Table no. 2.2.13)

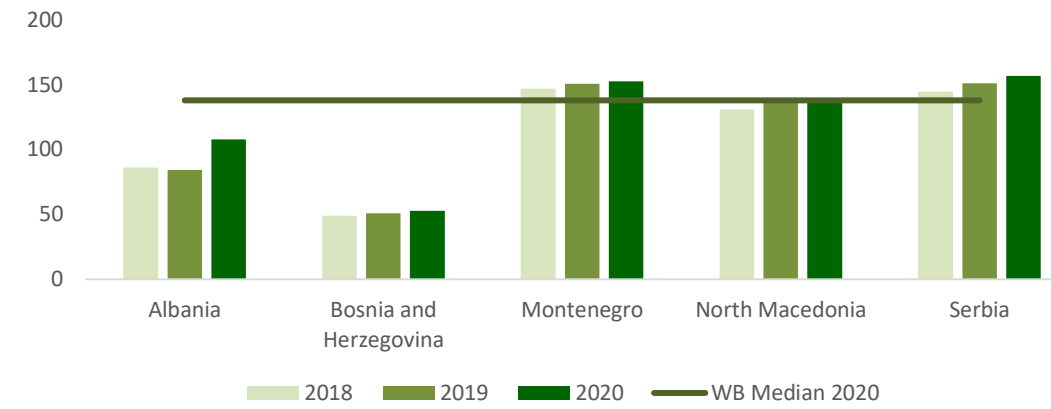
Beneficiaries	2020		% Variation 2018 - 2020	% Variation 2019 - 2020
	Absolute number	per 100 000 inh.		
Albania	3 064	107,7	24,9%	27,9%
Bosnia and Herzegovina	1 846	52,9	7,6%	3,9%
Montenegro	947	152,7	4,0%	1,3%
North Macedonia	2 864	137,9	5,2%	1,6%
Serbia	10 905	156,9	8,5%	3,9%
Kosovo*	1 111	62,3 -		10,7%
WB Median	2 864	137,9	7,6%	3,9%

For reference only: the 2019 EU median is 121,3 lawyers per 100 000 inhabitants.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Lawyers per 100 000 inhabitants between 2018 and 2020



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.
Kosovo* is not included in the summary statistics.

Table 2.1.1 Gross annual salaries of judges (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Beneficiaries	Gross annual salary of judges, in €											
	At the beginning of the career					At the Supreme Court					2020- Ratio with average gross annual national salary	
	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	At the beginning of the career	At the Supreme Court
Albania	13 677 €	21 240 €	21 240 €	55,3%	0,0%	19 673 €	25 836 €	25 836 €	31,3%	0,0%	4,08	4,97
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	4,4%	2,9%	42 363 €	43 179 €	44 404 €	4,8%	2,8%	2,80	4,90
Montenegro	21 536 €	19 188 €	18 233 €	-15,3%	-5,0%	48 605 €	45 018 €	43 364 €	-10,8%	-3,7%	1,94	4,62
North Macedonia	19 707 €	17 038 €	16 700 €	-15,3%	-2,0%	23 805 €	22 863 €	22 687 €	-4,7%	-0,8%	2,03	2,76
Serbia	16 369 €	17 493 €	16 277 €	-0,6%	-7,0%	38 444 €	40 874 €	29 788 €	-22,5%	-27,1%	1,92	3,52
Kosovo*	-	23 172 €	22 932 €	-	-1,0%	-	34 968 €	31 860 €	-	-8,9%	3,17	4,41
Average	19 119 €	19 925 €	19 567 €	5,7%	-2,2%	34 578 €	35 554 €	33 216 €	-0,4%	-5,7%	2,56	4,15
Median	19 707 €	19 188 €	18 233 €	-0,6%	-2,0%	38 444 €	40 874 €	29 788 €	-4,7%	-0,8%	2,03	4,62
Minimum	13 677 €	17 038 €	16 277 €	-15,3%	-7,0%	19 673 €	22 863 €	22 687 €	-22,5%	-27,1%	1,92	2,76
Maximum	24 308 €	24 668 €	25 383 €	55,3%	2,9%	48 605 €	45 018 €	44 404 €	31,3%	2,8%	4,08	4,97
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 2.1.2 Net annual salaries of judges (in €) between in 2018 and 2020 (Q15)

Beneficiaries	Net annual salary of judges, in €									
	At the beginning of the career					At the Supreme Court				
	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020
Albania	11 943 €	16 776 €	16 776 €	40,5%	0,0%	17 842 €	20 232 €	20 232 €	13,4%	0,0%
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	4,4%	3,0%	26 488 €	26 857 €	27 669 €	4,5%	3,0%
Montenegro	12 852 €	12 656 €	12 216 €	-4,9%	-3,5%	28 757 €	29 445 €	29 054 €	1,0%	-1,3%
North Macedonia	14 390 €	11 274 €	10 981 €	-23,7%	-2,6%	17 380 €	15 044 €	14 861 €	-14,5%	-1,2%
Serbia	9 733 €	10 467 €	11 410 €	17,2%	9,0%	22 858 €	24 458 €	20 882 €	-8,6%	-14,6%
Kosovo*	-	20 064 €	19 876 €	-	-0,9%	-	31 860 €	27 504 €	-	-13,7%
Average	12 900 €	13 395 €	13 530 €	6,7%	1,2%	22 665 €	23 207 €	22 540 €	-0,9%	-2,8%
Median	12 852 €	12 656 €	12 216 €	4,4%	0,0%	22 858 €	24 458 €	20 882 €	1,0%	-1,2%
Minimum	9 733 €	10 467 €	10 981 €	-23,7%	-3,5%	17 380 €	15 044 €	14 861 €	-14,5%	-14,6%
Maximum	15 580 €	16 776 €	16 776 €	40,5%	9,0%	28 757 €	29 445 €	29 054 €	13,4%	3,0%
Nb of values	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.3 Gross annual salaries of prosecutors (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Beneficiaries	Gross annual salary of prosecutors, in €											
	At the beginning of the career					At the Supreme Court					2020- Ratio with average gross annual national salary	
	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	At the beginning of the career	At the Supreme Court
Albania	11 436 €	21 312 €	21 312 €	86,4%	0,0%	15 888 €	26 004 €	26 004 €	63,7%	0,0%	4,10	5,00
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	4,4%	2,9%	42 363 €	43 179 €	44 404 €	4,8%	2,8%	2,80	4,90
Montenegro	18 653 €	18 653 €	18 360 €	-1,6%	-1,6%	32 556 €	32 556 €	31 356 €	-3,7%	-3,7%	1,95	3,34
North Macedonia	14 196 €	16 679 €	17 319 €	22,0%	3,8%	21 516 €	20 015 €	22 120 €	2,8%	10,5%	2,11	2,69
Serbia	18 478 €	18 981 €	18 961 €	2,6%	-0,1%	35 268 €	35 082 €	28 801 €	-18,3%	-17,9%	2,24	3,40
Kosovo*	-	22 939 €	22 939 €	-	0,0%	-	31 860 €	31 860 €	-	0,0%	3,18	4,41
Average	17 414 €	20 059 €	20 267 €	22,8%	1,0%	29 518 €	31 367 €	30 537 €	9,9%	-1,6%	2,64	3,87
Median	18 478 €	18 981 €	18 961 €	4,4%	0,0%	32 556 €	32 556 €	28 801 €	2,8%	0,0%	2,24	3,40
Minimum	11 436 €	16 679 €	17 319 €	-1,6%	-1,6%	15 888 €	20 015 €	22 120 €	-18,3%	-17,9%	1,95	2,69
Maximum	24 308 €	24 668 €	25 383 €	86,4%	3,8%	42 363 €	43 179 €	44 404 €	63,7%	10,5%	4,10	5,00
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.4 Net annual salaries of prosecutors (in €) between in 2018 and 2020 (Q15)

Beneficiaries	Net annual salary of prosecutors, in €									
	At the beginning of the career					At the Supreme Court				
	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020	2018	2019	2020	% Variation 2018 - 2020	% Variation 2019 - 2020
Albania	8 856 €	15 360 €	15 360 €	73,4%	0,0%	11 952 €	19 260 €	19 260 €	61,1%	0,0%
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	4,4%	3,0%	26 488 €	26 857 €	27 669 €	4,5%	3,0%
Montenegro	12 305 €	12 305 €	12 300 €	0,0%	0,0%	21 336 €	21 336 €	21 008 €	-1,5%	-1,5%
North Macedonia	12 924 €	11 039 €	11 383 €	-11,9%	3,1%	14 292 €	13 216 €	14 494 €	1,4%	9,7%
Serbia	12 953 €	13 266 €	14 094 €	8,8%	6,2%	23 509 €	24 849 €	20 190 €	-14,1%	-18,7%
Kosovo*	-	19 879 €	19 879 €	-	0,0%	-	27 506 €	27 506 €	-	0,0%
Average	12 524 €	13 554 €	13 881 €	14,9%	2,5%	19 515 €	21 104 €	20 524 €	10,3%	-1,5%
Median	12 924 €	13 266 €	14 094 €	4,4%	3,0%	21 336 €	21 336 €	20 190 €	1,4%	0,0%
Minimum	8 856 €	11 039 €	11 383 €	-11,9%	0,0%	11 952 €	13 216 €	14 494 €	-14,1%	-18,7%
Maximum	15 580 €	15 801 €	16 268 €	73,4%	6,2%	26 488 €	26 857 €	27 669 €	61,1%	9,7%
Nb of values	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.1.5 Salaries of judges and prosecutors in € in 2020 (Q15)

Beneficiaries	Gross annual salary, in €				Net annual salary, in €			
	Judges		Prosecutors		Judges		Prosecutors	
	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Albania	21 240 €	25 836 €	21 312 €	26 004 €	16 776 €	20 232 €	15 360 €	19 260 €
Bosnia and Herzegovina	25 383 €	44 404 €	25 383 €	44 404 €	16 268 €	27 669 €	16 268 €	27 669 €
Montenegro	18 233 €	43 364 €	18 360 €	31 356 €	12 216 €	29 054 €	12 300 €	21 008 €
North Macedonia	16 700 €	22 687 €	17 319 €	22 120 €	10 981 €	14 861 €	11 383 €	14 494 €
Serbia	16 277 €	29 788 €	18 961 €	28 801 €	11 410 €	20 882 €	14 094 €	20 190 €
Kosovo*	22 932 €	31 860 €	22 939 €	31 860 €	19 876 €	27 504 €	19 879 €	27 506 €
Average	19 567 €	33 216 €	20 267 €	30 537 €	13 530 €	22 540 €	13 881 €	20 524 €
Median	18 233 €	29 788 €	18 961 €	28 801 €	12 216 €	20 882 €	14 094 €	20 190 €
Minimum	16 277 €	22 687 €	17 319 €	22 120 €	10 981 €	14 861 €	11 383 €	14 494 €
Maximum	25 383 €	44 404 €	25 383 €	44 404 €	16 776 €	29 054 €	16 268 €	27 669 €
Nb of values	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo* is not included in the calculation of summary statistics

Table 2.1.5LC Salaries of judges and prosecutors in local currency in 2020 (Q15)

Beneficiaries	Currency	Gross annual salary, in local currency				Net annual salary, in local currency			
		Judges		Prosecutors		Judges		Prosecutors	
		At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court	At the beginning of the career	At the Supreme Court
Albania	ALL (Lek)	2 612 160	3 177 360	2 834 400	3 457 968	2 063 040	2 488 560	2 042 880	2 561 604
Bosnia and Herzegovina	BAM (Mark)	49 645	86847	49645	86 847	31 817	54 116	31 817	54 116
Montenegro	Euro	18 233	43364	18360	31 356	12 216	29 054	12 300	21 008
North Macedonia	MKD (Denar)	1 030 225	1399572	1065156	1 360 392	677 466	916 792	700 104	891 408
Serbia	RSD (Dinar)	1 913 916	3502591	2229473	3 386 505	1 341 655	2 455 316	1 657 212	2 373 940
Kosovo*	Euro	22 932	31 860	22 939	31 860	19 876	27 504	19 879	27 506
Nb of values		5	5	5	5	5	5	5	5
% of NA		0%	0%	0%	0%	0%	0%	0%	0%
% of NAP		0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration

Kosovo is not included in the calculation of summary statistics*

Table 2.1.6 Additional benefits and productivity bonuses for judges and prosecutors in 2020 (Q16 and Q18)

Beneficiaries	Judges						Prosecutors				
	Reduced taxation	Special pension	Housing	Other financial benefit	Productivity bonuses	Total number of benefits	Reduced taxation	Special pension	Housing	Other financial benefit	Total number of benefits
Albania		Yes	Yes	Yes	Yes	4		Yes	Yes	Yes	3
Bosnia and Herzegovina						0					0
Montenegro				Yes		1				Yes	1
North Macedonia			Yes	Yes		2			Yes	Yes	2
Serbia			Yes			1			Yes		1
Kosovo*						0					0
Nb of Yes	0	1	3	3	1		0	1	3	3	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes
No/NAP

Table 2.2.1 Number of professional judges by instance between 2018 and 2020 (Q19)

Beneficiaries	2018				2019				2020				% Variation of total number of professional judges	
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020	2019-2020
Albania	346	249	89	8	329	249	79	1	307	249	54	4	-11,3%	-6,7%
Bosnia and Herzegovina	1013	674	221	118	1011	664	226	121	1024	673	232	119	1,1%	1,3%
Montenegro	310	215	76	19	310	215	76	19	309	214	77	18	-0,3%	-0,3%
North Macedonia	511	385	101	19	496	381	96	19	493	376	95	22	-3,5%	-0,6%
Serbia	2586	2225	320	41	2702	2313	341	48	2649	2289	318	42	2,4%	-2,0%
Kosovo*	-	-	-	-	416	348	52	16	391	332	45	14	-	-6,0%
Average	953	750	161	41	970	764	164	42	956	760	155	41	-2,3%	-1,7%
Median	511	385	101	19	496	381	96	19	493	376	95	22	-0,3%	-0,6%
Minimum	310	215	76	8	310	215	76	1	307	214	54	4	-11,3%	-6,7%
Maximum	2586	2225	320	118	2702	2313	341	121	2649	2289	318	119	2,4%	1,3%
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 2.2.2 Distribution of professional judges by instance in 2019 and 2020 (Q19)

Beneficiaries	Distribution of professional judges					
	2019			2020		
	First instance	Second instance	Supreme court	First instance	Second instance	Supreme court
Albania	75,7%	24,0%	0,3%	81,1%	17,6%	1,3%
Bosnia and Herzegovina	65,7%	22,4%	12,0%	65,7%	22,7%	11,6%
Montenegro	69,4%	24,5%	6,1%	69,3%	24,9%	5,8%
North Macedonia	76,8%	19,4%	3,8%	76,3%	19,3%	4,5%
Serbia	85,6%	12,6%	1,8%	86,4%	12,0%	1,6%
Kosovo*	83,7%	12,5%	3,8%	84,9%	11,5%	3,6%
Average	74,6%	20,6%	4,8%	75,8%	19,3%	5,0%
Median	75,7%	22,4%	3,8%	76,3%	19,3%	4,5%
Minimum	65,7%	12,6%	0,3%	65,7%	12,0%	1,3%
Maximum	85,6%	24,5%	12,0%	86,4%	24,9%	11,6%
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the Kosovo* is not included in the calculation of summary statistics

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2020 (Q19)

Beneficiaries	2018				2019				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Albania	12,1	8,7	3,1	0,3	11,6	8,7	2,8	0,0	10,8	8,7	1,9	0,1
Bosnia and Herzegovina	29,0	19,3	6,3	3,4	28,9	19,0	6,5	3,5	29,3	19,3	6,6	3,4
Montenegro	50,0	34,7	12,3	3,1	50,0	34,7	12,3	3,1	49,8	34,5	12,4	2,9
North Macedonia	24,6	18,6	4,9	0,9	23,9	18,3	4,6	0,9	23,7	18,1	4,6	1,1
Serbia	37,1	32,0	4,6	0,6	38,8	33,2	4,9	0,7	38,1	32,9	4,6	0,6
Kosovo*	-	-	-	-	23,34	19,53	2,92	0,90	21,94	18,63	2,53	0,79
Average	30,56	22,63	6,23	1,64	30,63	22,79	6,20	1,63	30,36	22,72	6,02	1,62
Median	28,97	19,28	4,87	0,92	28,92	18,99	4,90	0,91	29,33	19,28	4,58	1,06
Minimum	12,05	8,67	3,10	0,28	11,56	8,75	2,78	0,04	10,79	8,75	1,90	0,14
Maximum	50,00	34,68	12,26	3,38	50,00	34,68	12,26	3,46	49,84	34,51	12,42	3,41
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2020 (Q20, Q21, Q22, Q23, Q24)

Beneficiaries	Professional judges on occasional basis			Non-professional judges		Type of cases where non-professional judges are involved								Trial by jury with the participation of citizens	
	Head count	Full-time equivalents	Do they deal with a significant part of cases?	Gross figure	Full-time equivalents	Criminal cases (severe)	Criminal cases (misdemeanour and/or minor)	Family law cases	Labour law cases	Social law cases	Commercial law cases	Insolvency cases	Other civil cases	Included in the system	For which type of cases
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP
Bosnia and Herzegovina	76	NAP	No	182	NAP	Echevinage	Echevinage	No	No	No	No	No	No	No	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP
North Macedonia	NAP	NAP	NAP	499	339	Echevinage	No	Echevinage	Echevinage	Echevinage	Echevinage	No	No	No	NAP
Serbia	NAP	NAP	NAP	2130	NA	Yes	Yes	Yes	Yes	No	Yes	No	No	No	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP
Average	NA	NA	NA	937	NA										
Median	NA	NA	NA	499	NA										
Minimum	NA	NA	NA	182	NA										
Maximum	NA	NA	NA	2130	NA										
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	80%	100%	80%	40%	60%	40%	40%	40%	40%	40%	40%	40%	40%	0%	100%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.5 Number of prosecutors by instance between 2018 and 2020, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	2018				2019				2020				% Variation of total number of prosecutors		Persons with similar duties as prosecutors		
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2020	2019-2020	Persons with similar duties as prosecutors	If yes, how many (in FTE)	Is this number included in the count?
Albania	NA	NA	NA	NA	299	258	22	11	300	273	15	12	NA	0,3%			
Bosnia and Herzegovina	376	300	NAP	76	372	294	NAP	78	358	279	NAP	79	-4,8%	-3,8%			
Montenegro	119	89	21	9	123	95	18	10	125	97	19	9	5,0%	1,6%			
North Macedonia	185	148	28	9	190	148	31	11	187	147	30	10	1,1%	-1,6%			
Serbia	781	716	53	12	784	721	51	12	785	725	48	12	0,5%	0,1%			
Kosovo*	-	-	-	-	181	170	4	7	175	165	3	7	-	-3,3%			
Average	365	313	34	27	354	303	31	24	351	304	28	24	0,5%	-0,7%			
Median	281	224	28	11	299	258	27	11	300	273	25	12	0,8%	0,1%			
Minimum	119	89	21	9	123	95	18	10	125	97	15	9	-4,8%	-3,8%			
Maximum	781	716	53	76	784	721	51	78	785	725	48	79	5,0%	1,6%			
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	20%	0%
% of NAP	0%	0%	20%	0%	0%	0%	20%	0%	0%	0%	20%	0%	0%	0%	0%	80%	80%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


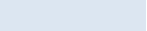

Yes 
 No/NAP 
 NA 

Table 2.2.6 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2020 (Q28)

Beneficiaries	2018				2019				2020			
	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court	Total	First instance	Second instance	Supreme Court
Albania	NA	NA	NA	NA	10,51	9,07	0,77	0,39	10,54	9,59	0,53	0,42
Bosnia and Herzegovina	10,75	8,58	NA	2,17	10,64	8,41	NA	2,23	10,25	7,99	NA	2,26
Montenegro	19,19	14,35	3,39	1,45	19,84	15,32	2,90	1,61	20,16	15,64	3,06	1,45
North Macedonia	8,91	7,13	1,35	0,43	9,15	7,13	1,49	0,53	9,01	7,08	1,44	0,48
Serbia	11,22	10,28	0,76	0,17	11,26	10,35	0,73	0,17	11,29	10,43	0,69	0,17
Kosovo*	-	-	-	-	10,16	9,54	0,22	0,39	9,82	9,26	0,17	0,39
Average	12,52	10,09	1,83	1,06	12,28	10,06	1,48	0,99	12,25	10,15	1,43	0,96
Median	10,98	9,43	1,35	0,94	10,64	9,07	1,13	0,53	10,54	9,59	1,07	0,48
Minimum	8,91	7,13	0,76	0,17	9,15	7,13	0,73	0,17	9,01	7,08	0,53	0,17
Maximum	19,19	14,35	3,39	2,17	19,84	15,32	2,90	2,23	20,16	15,64	3,06	2,26
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	40%	20%	0%	0%	20%	0%	0%	0%	20%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.7 Number of non-judge staff by type between 2018 and 2020 (Q26)

Beneficiaries	2018						2019						2020					
	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff	Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1. Rechtspfleger	2. Non-judge staff whose task is to assist the judges	3. Staff in charge of different administrative tasks and of the management of the courts	4. Technical staff	5. Other non-judge staff
Albania	887	NA	466	203	218	NAP	880	NAP	478	174	228	NAP	947	NAP	585	184	178	NAP
Bosnia and Herzegovina	3 355	92	1 303	1 605	355	NAP	3 367	93	1 314	1 613	347	NAP	3 384	90	1 299	1 643	352	NAP
Montenegro	978	NAP	698	107	NAP	173	1 094	NAP	701	115	105	173	1 127	NAP	711	127	146	143
North Macedonia	2 243	NAP	595	1 317	137	194	2 240	NAP	517	1 394	143	186	2 266	NAP	559	1 367	153	187
Serbia	8 827	NAP	3 700	3 179	1 948	NAP	8 718	NAP	3 670	3 340	1 708	NAP	8 909	NAP	3 790	3 435	1 684	NAP
Kosovo*	-	-	-	-	-	-	1 529	NAP	656	399	465	NAP	1 532	NAP	668	399	465	NAP
Average	3 258	NA	1 352	1 282	665	NA	3 260	NA	1 336	1 327	506	NA	3 327	NA	1 389	1 351	503	NA
Median	2 243	NA	698	1 317	287	NA	2 240	NA	701	1 394	228	NA	2 266	NA	711	1 367	178	NA
Minimum	887	NA	466	107	137	NA	880	NA	478	115	105	NA	947	NA	559	127	146	NA
Maximum	8 827	NA	3 700	3 179	1 948	NA	8 718	NA	3 670	3 340	1 708	NA	8 909	NA	3 790	3 435	1 684	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	60%	0%	0%	20%	60%	0%	80%	0%	0%	0%	60%	0%	80%	0%	0%	0%	60%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 2.2.8 Number and distribution of non-judge staff by instance between 2018 and 2020 (Q27)

Beneficiaries	2018				2019				2020			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	887	636	182	69	880	636	186	58	947	678	207	62
Bosnia and Herzegovina	3 355	2 593	476	286	3 367	2 562	511	294	3 384	2 573	513	298
Montenegro	978	761	185	32	1 094	860	198	36	1 127	866	220	41
North Macedonia	2 243	1 937	233	68	2 240	1 922	253	65	2 266	1 935	257	74
Serbia	8 827	7 923	708	196	8 718	7 822	702	194	8 909	7 994	708	207
Kosovo*	-	-	-	-	1 520	1 375	82	63	1 532	1 378	90	64
Average	3 258	2 770	357	130	3 260	2 760	370	129	3 327	2 809	381	136
Median	2 243	1 937	233	69	2 240	1 922	253	65	2 266	1 935	257	74
Minimum	887	636	182	32	880	636	186	36	947	678	207	41
Maximum	8 827	7 923	708	286	8 718	7 822	702	294	8 909	7 994	708	298
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q27)

Beneficiaries	2018		2019		2020		% Variation of number of non-judge staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2020	2019-2020
Albania	887	30,9	880	30,9	947	33,3	7,7%	7,6%
Bosnia and Herzegovina	3 355	96,0	3 367	96,3	3 384	96,9	1,0%	0,7%
Montenegro	978	157,7	1 094	176,4	1 127	181,8	15,2%	3,0%
North Macedonia	2 243	108,1	2 240	107,8	2 266	109,1	1,0%	1,2%
Serbia	8 827	126,8	8 718	125,2	8 909	128,2	1,1%	2,4%
Kosovo*	-	-	1 520	85,3	1 532	86,0	-	0,8%
Average	3 258	104	3 260	107,3	3 327	109,9	5,2%	3,0%
Median	2 243	108	2 240	107,8	2 266	109,1	1,1%	2,4%
Minimum	887	31	880	30,9	947	33,3	1,0%	0,7%
Maximum	8 827	158	8 718	176,4	8 909	181,8	15,2%	7,6%
Nb of values	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.10 Ratio of non-judge staff and professional judges between 2018 and 2020 (Q19 and Q27)

Beneficiaries	2018	2019	2020	% Variation of the ratio	
				2018-2020	2019-2020
Albania	2,6	2,7	3,1	20,3%	15,3%
Bosnia and Herzegovina	3,3	3,3	3,3	-0,2%	-0,8%
Montenegro	3,2	3,5	3,6	15,6%	3,3%
North Macedonia	4,4	4,5	4,6	4,7%	1,8%
Serbia	3,4	3,2	3,4	-1,5%	4,2%
Kosovo*	-	3,7	3,9	-	7,2%
Average	3,4	3,5	3,6	7,8%	4,8%
Median	3,3	3,3	3,4	4,7%	3,3%
Minimum	2,6	2,7	3,1	-1,5%	-0,8%
Maximum	4,4	4,5	4,6	20,3%	15,3%
Nb of values	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with

Kosovo is not included in the calculation of summary statistics*

Table 2.2.11 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q32)

Beneficiaries	2018		2019		2020		% Variation of number of non-prosecutor staff	
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2020	2019-2020
Albania	NA	NA	592	20,8	670	23,5	NA	13,2%
Bosnia and Herzegovina	734	21,0	726	20,8	717	20,5	-2,2%	-1,1%
Montenegro	222	35,8	226	36,4	228	36,8	2,7%	0,9%
North Macedonia	477	23,0	432	20,8	324	15,6	-32,1%	-25,0%
Serbia	1 144	16,4	1 117	16,0	1 117	16,1	-2,2%	0,2%
Kosovo*	-	-	611	34,3	613	34,4	-	0,3%
Average	644	24,1	619	23,0	611	22,5	-8,4%	-2,4%
Median	606	22,0	592	20,8	670	20,5	-2,2%	0,2%
Minimum	222	16,4	226	16,0	228	15,6	-32,1%	-25,0%
Maximum	1 144	35,8	1 117	36,4	1 117	36,8	2,7%	13,2%
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	20%	0%	0%	0%	0%	20%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 2.2.12 Ratio of non-prosecutor staff and prosecutors between 2018 and 2020 (Q28 and Q32)

Beneficiaries	2018	2019	2020	% Variation of the ratio	
				2018-2020	2019-2020
Albania	NA	2,0	2,2	NA	12,8%
Bosnia and Herzegovina	2,0	2,0	2,0	2,6%	2,6%
Montenegro	1,9	1,8	1,8	-2,2%	-0,7%
North Macedonia	2,6	2,3	1,7	-32,8%	-23,8%
Serbia	1,5	1,4	1,4	-2,9%	-0,1%
Kosovo*	-	3,4	3,5	-	3,8%
Average	2,0	1,9	1,8	-8,8%	-1,8%
Median	1,9	2,0	1,8	-2,5%	-0,1%
Minimum	1,5	1,4	1,4	-32,8%	-23,8%
Maximum	2,6	2,3	2,2	2,6%	12,8%
Nb of values	5	5	5	5	5
% of NA	20%	0%	0%	20%	0%
% of NAP	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with

Kosovo is not included in the calculation of summary statistics*

Table 2.2.13 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q33 and Q34)

Beneficiaries	2018		2019		2020		% Variation of number of lawyers		Does these figures include legal advisors?
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2020	2019-2020	
Albania	2 475	86,2	2 396	84,2	3 064	107,7	24,9%	27,9%	
Bosnia and Herzegovina	1 718	49,1	1 779	50,9	1 846	52,9	7,6%	3,9%	
Montenegro	911	146,9	935	150,8	947	152,7	4,0%	1,3%	
North Macedonia	2 722	131,2	2 821	135,8	2 864	137,9	5,2%	1,6%	
Serbia	10 068	144,6	10 513	151,0	10 905	156,9	8,5%	3,9%	
Kosovo*	-	-	1 004	56,3	1 111	62,3	-	10,7%	
Average	3 579	111,6	3 689	114,5	3 925	121,6	10,0%	7,7%	
Median	2 475	131,2	2 396	135,8	2 864	137,9	7,6%	3,9%	
Minimum	911	49,1	935	50,9	947	52,9	4,0%	1,3%	
Maximum	10 068	146,9	10 513	151,0	10 905	156,9	24,9%	27,9%	
Nb of values	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


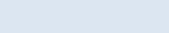

Yes	
No/NAP	
NA	

Table 2.2.14 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2020 (Q19 and Q33)

Beneficiaries	2018		2019		2020	
	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Albania	12,1	86,2	11,6	84,2	10,8	107,7
Bosnia and Herzegovina	29,0	49,1	28,9	50,9	29,3	52,9
Montenegro	50,0	146,9	50,0	150,8	49,8	152,7
North Macedonia	24,6	131,2	23,9	135,8	23,7	137,9
Serbia	37,1	144,6	38,8	151,0	38,1	156,9
Kosovo*	-	-	23,34	56,3	21,94	62,3
Average	30,6	111,6	30,6	114,5	30,4	121,6
Median	29,0	131,2	28,9	135,8	29,3	137,9
Minimum	12,1	49,1	11,6	50,9	10,8	52,9
Maximum	50,0	146,9	50,0	151,0	49,8	156,9
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Indicator 2 - Profile of the judiciary

by country

Question 14. Average gross annual salary (in €) for the reference year

Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If “other financial benefit”

Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of

Question 19. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types

Question 20. Number of professional judges sitting in courts on an occasional basis and who are paid as such

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part

Question 22. Number of non-professional judges who are not remunerated but who can possibly receive a

simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges

Question 23. If such non-professional judges exist at first instance in your country, please specify for which

Question 24. Does your judicial system include trial by jury with the participation of citizens?

Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this

data should not include the staff working for public prosecutors; see question 60 (CEPEJ questionnaire))

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – general

Question 29. Do other persons have similar duties to those of public prosecutors?

Question 30. If yes please provide the number (full-time equivalent)

Question 31. If yes, is their number included in the number of public prosecutors that you have indicated

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31

December of the reference year) (without the number of non-judge staff, see question 26) (in full-time

Question 33. Total number of lawyers practicing in your country:

Question 34. Does this figure include “legal advisors” who cannot represent their clients in court (for

Albania

Q014 (2019): Data are available only for the third trimester of 2019. However, variances between trimesters are less than 5% (for the third trimester increase of the average salaries as compared with the second trimester was 3.7%; whereas the increase of the average salaries for the second trimester as compared with

While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part

of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.

A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:

a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements:

a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial

force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.

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a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

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b) Supplements to group salary, which is the amount resulting from the multiplication of the

Q016 (2020): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to

Q016 (2019): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the

Q018 (2020): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.

In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other

Q018 (2019): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation.

The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending

Q019 (2020): Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting

Q019 (2019): The numbers provided above count the judges in the payroll list: 294 (141 m+153 f) judges effectively working on 31 December, 32 judges (24m + 8f) suspended from the IQC (due to the vetting process) and 3 judges (3m) on the process of appeal. Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting

Q026 (2020): 2. non-judge staff assisting judges: new people were hired

4. technical staff: relocated

Q026 (2019): please note that there was a major change in the organisation of the justice system from 2016 to 2019, due to the justice reform, and therefore, discrepancies can occur due to these reasons. In any case, data for 2019 reflects the current status of non judge staff on the reporting period. There is no special

Q027 (2020): 2. males non-judge staff working in courts at second instance: staff increased

Q028 (2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors

Q028 (2019): Additionally, there are 8 prosecutors appointed to the Special Prosecution Against Corruption and Organised Crime (SPAK). SPAK prosecutors carry out investigations and represent the prosecution office in all three levels of the judiciary. Hence, their number has not been calculated in the numbers above.

Furthermore, it should be noted that the overall number of prosecutors should be 336 (277, first level, 27 appellate level, 17 General Prosecution Office and 15 SPAK Prosecution). Moreover, currently there are 20 prosecutors that have been suspended due to the vetting process. (1 in the General Prosecution Office, 6 in the Appellate Level and 13 in the first instance level).

Lastly, it should be noted that out of 258 prosecutors in the first instance level, 6 prosecutors have been seconded in the High Prosecutorial Council as legal advisors. "Secondment" means the move of a magistrate

Q032 (2020): 184 are judicial police officers (47 females and 137 males) and 486 other staff (273 females and

Q032 (2019): Out of these, 191 are judicial police officers and 401 are supporting staff.

Q033 (2019): As provided by the Bar Association around 40 - 42% are women. However, this figure is not official because the Bar Association does not keep any statistics/division based on gender.

Q034 (2020): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who

draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and

Q034 (2019): there is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the

Bosnia and Herzegovina

Q014 (2020): http://www.bhas.ba/data/Publikacije/Saopštenja/2021/LAB_05_2020_H2_0_BS.pdf

Q014 (2019): http://bhas.gov.ba/data/Publikacije/Saopštenja/2020/LAB_05_2019_H2_0_BS.pdf

Q015 (2020): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in

Q015 (2019): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in

Q016 (2019): Judges and prosecutors are entitled to certain benefits as all other public sector employees. The public sector employees are entitled to receive benefits in addition to wages such as health and retirement contributions, overtime pay, meal expense allowance, transport expense allowance, retirement

Q019 (General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of

Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and

Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the

Q019 (2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46

Q019 (2019): The numbers provided do not include information on the number of court presidents and

Q020 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints reserve judges, following the request of the court president, for period of up to two years to assist courts in reducing case backlog. It is an established practice that the High Judicial and Prosecutorial Council grants the court president's request to appoint reserve judges for multiple two-year judgeships if the backlog continues to be a significant problem for the court. The Council can occasionally appoint reserve judges to replace

Q021 (2020): In 2020, reserve judges disposed around 4% of the overall number of cases disposed by the

Q021 (2019): In 2019, reserve judges disposed around 4% of the overall number of cases disposed by the

Q022 (General Comment): Lay judges are citizens who hear and decide criminal cases together with professional judges. Lay judges are appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and they play a role in the Bosnia and Herzegovina judicial system, due to application of previously valid criminal procedural laws that required their participation.

The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal

Q026 (2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).

Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial

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Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial

Q028 (General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of

Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and

Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the

Q028 (2020): The numbers provided in the table above do not include information on the number of chief prosecutors.

18 chief prosecutors were appointed on 31st December 2020.

The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and

Q028 (2019): The numbers provided in the table above do not include information on the number of chief prosecutors.

The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). There were 19 chief prosecutors on 31st December 2019.

Q032 (2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Q032 (2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Montenegro

Q014 (2019): Source: Statistical Office of Montenegro, Average earnings (wages) – Releases 2019

Q015 (2020): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2020 had the highest number of years of

Q019 (2020): Even though the percentage discrepancy in the reported values seems drastic, those values may be misleading. The number of total judges has not changed drastically. Last year:
Number of Supreme Court professional judges total - 19 judges

Males:- 5

Females- 14

This year: total - 18

males - 3

females - 15

Q026 (2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of

Q027 (2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of

Q028 (2020): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices the number of special state prosecutors is included.

Q028 (2019): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices, the number of special state prosecutors is

North Macedonia

Q015 (2020): The annual salaries of judges are lower in 2020 in comparison to 2019, because in 2019 a higher amount of allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020.

Q015 (2019): Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the

Q016 (General Comment): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under

Q016 (2019): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under

Q019 (2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts

Q019 (2019): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

Q022 (2020): Gross figure - Number is higher because of more elected lay judges in 2020.

Q026 (2020): In this category are included the number of the employees in the judicial police.

Other non-judge staff - female: There are no a big difference in absolute numbers.

Q026 (2019): In this category are included the number of the employees in the judicial police.

Q027 (2020): Total non-judge staff working in courts at Supreme Court level - Female: Increasing is due to

Q028 (2020): Number of prosecutors at Supreme Court level – Female: Lower number is because one of the

Q032 (2020): Higher number of employees last year was because of the employees in the Special Public Prosecution office. This category of employees is not working anymore in the public prosecution system.

Q032 (2019): In presented data is included the staff of the new Special Public Prosecution Office (90 employees). It should be noted that in this number is not included investigators that work for public

Serbia

Q014 (2020): <https://www.stat.gov.rs/sr-Latn/oblasti/trziste-rada/zarade>

Q014 (2019): The average gross monthly salary calculated for 2019 amounted to 75 814 RSD. An increase of gross salaries and wages in the period January – December 2019, relative to the same period last year, amounted to 10.5% in nominal terms, i.e. 8.4% in real terms. Simultaneously, net salaries and wages increased by 10.6% in nominal terms and by 8.5% in real terms. The provided data does not include data for

Q015 (2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%.

Q015 (2019): The data provided relates to:

1. "bruto 2" is given for bruto - the full bruto amount, pertaining to the taxes and contributions falling on both the employee and the employer. 2. For judges, instead of giving only the basic salary, the actual salary received by judge in the first instance basic court (calculating that the judge has 5 years' experience) is given and in the Supreme Court of Cassation - calculating the average 25 year's work experience as well as increase of the basic salary by 30%, based on a decision of the High Judicial Council, pursuant to Article 42 of the Law on Judges.

2. The average salary for a basic public prosecutor is given. The average salary for the deputy State

Q016 (2020): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will

Q016 (2019): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will

Q019 (2020): INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanor courts, commercial courts, Administrative Court);

16.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanor Court of Appeal;

16.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation).

Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.

Q019 (2019): 46.1. INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanour courts, commercial courts, Administrative Court) 46.2. INCLUDES: judges of

Commercial Court of Appeal, appellate courts, Misdemeanour Court of Appeal 46.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation) Judges of the Administrative

Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic

Q022 (2020): The High Court Council enacted a decision on 23 December 2019 on the appointment of lay judges (judges jurors) for a mandate period of the following 5 years. The number of lay judges appointed by the decision

was 2000. On 8 September 2020 The High Court Council enacted a decision on the appointment of 130 lay

Q022 (2019): Data of HCC. The High Judicial Council enacted a decision on 23 December 2014 on the

appointment of lay judges (sudije porotnici) for a mandate period of the following 5 years,

<https://vss.sud.rs/sr-lat/saop%C5%A1tenja/odluka-o-imenovanju-sudija-porotnika>. The number of lay judges

Q023 (General Comment): In first instance, in certain criminal and civil proceedings trial is carried by panel consisting of a professional judge and lay judges, i.e. 2-3 citizens who are not professionals.

Q023 (2020): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.

Q026 (2019): Statistics on the day of 15 October 2019. The MoJ compiles statistics twice a year. October deadline is envisioned in order to have latest statistics for budgetary purpose planning. The data from December shouldn't be much different from the October statistics. The following compilation will be done at

Q027 (2019): Statistics on the day of 15 October 2019. The MoJ compiles statistics twice a year. October deadline is envisioned in order to have latest statistics for budgetary purpose planning. The data from December shouldn't be much different from the October statistics. The following compilation will be done at

Q028 (General Comment): The data represents the total number of deputy public prosecutors working in the

Q028 (2020): Number of prosecutors at first instance level:

1. Basic public prosecutor's offices: total 476; males: 186; females: 290
2. Senior public prosecutor's offices: total 226; males 102; female's 124
3. Prosecution for organized crime: total 13; males 10; female's 3
4. Prosecution for war crimes: total 10; males 6; female's 4

Q028 (2019): 1. Number of deputy public prosecutors at first instance level consists of: 465 Basic PPO Deputies + 233 Higher PPO Deputies + (13 +10) Deputy PPOs of special jurisdiction.

2. Number of deputy prosecutors at second instance (court of appeal) level consists of: Appellate Deputy PP's 3. Number of deputy prosecutors at supreme court level: number of deputy Republic Public Prosecutors.

Discrepancy explanation: (State Prosecutorial Council): The reason why the number of deputy public prosecutors has increased significantly, compared to 2016, is that the State Prosecutors Council has in the last two years made decisions on increasing the number of first and second instance deputy pp's and based on those decisions, announced calls for the election of deputy public prosecutors. This is part of the capacity

Q029 (2019): Prosecutorial assistants, employed for an indefinite period. Prosecutorial assistants have similar duties to public prosecutors. A prosecutorial assistant assists the public prosecutor and deputy public prosecutor, drafts acts, takes on record complaints, submissions, and statements of citizens, and,

Q033 (2019): The total number of lawyers in the Republic of Serbia on 31 December 2019 pursuant to Registry of Lawyers of the Bar Association of Serbia (Serbian lawyers are members of their local/regional bar

Q034 (2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association

Kosovo*

Q014 (2020): The average gross annual salary is for 2019. The data for 2020 with regard to salaries will not be published until late May. Also, please be noted that recently have been raised some concerns with regard to the methodology used for generating average gross salary by Kosovo Agency for Statistics. Therefore, if the methodology changes, we will have different numbers from what we have reported. However, we will

Q014 (2019): The average gross annual salary is for 2018. The data for 2019 with regard to salaries will not

Q015 (2020): There are some minor differences with the data from the previous year, mainly because the Law on Kosovo Judicial Council and the Law on Court have started to implement, and they have leveled salaries between all departments of the same instance(horizontal). There has been no decrease in the salaries of the Judges of Supreme Court. However, our colleagues from the Kosovo Judicial Council, when annual salary of prosecutors in the General department of Basic Prosecution offices, where prosecutors start their work during their initial mandate.

In the section "Public prosecutor of the Supreme Court or the Highest Appellate Instance" we have provided the annual salary of the prosecutors who work in the Office of the Chief State Prosecutor.

Q016 (2020): There is no other financial or any other benefits for judges or prosecutors.

Q016 (2019): There is no other financial or any other benefits for judges or prosecutors.

Q019 (2020): The discrepancy concerning the number of Judges in all instances is because of retirement and/or promotion. The recruiting process of new judges is finalized and in early January the list of the new

Q019 (2019): The number of judges have been increased compared to the previous year: 18 new judges of the first instance have been recruited. There was a mistake on the previous data. I corrected. With regard to

Q020 (2020): This is not applicable in our system

Q020 (2019): This is not applicable in our system

Q021 (2020): This is not applicable in our system

Q021 (2019): This is not applicable in our system

Q022 (2020): This is not applicable in our system

Q022 (2019): This is not applicable in our system

Q028 (2020): 028.2 The discrepancy is because of the promotion

Q028 (2019): This number does not include prosecutors who for the moment do not deal with cases due to their functions in the prosecutorial system. As such, the prosecutors who are not included in this number are: Chairman of Kosovo Prosecutorial Council, Chief State Prosecutor, deputy Chairman of Kosovo Prosecutorial Council, Chairman of Committee for Normative Acts, Chairman of Committee for the Administration of Prosecution Offices, Chairman of Committee for the Evaluation of Performance of Prosecutors, chief prosecutor of Appellate Prosecution Office, chief prosecutors of basic prosecution offices in Peja, Prizren, Mitrovica, Gjilan, Ferizaj and Gjakova and acting chiefs of SPRK and basic prosecution office in Prishtina. In addition, 1 prosecutor is currently enrolled in a master's program in the USA through a

Q033 (2020): Female: new lawyers have been licensed during 2020.

Q034 (2020): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.

Q034 (2019): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.

Indicator 2 - Profile of the judiciary

by question No.

Question 14. Average gross annual salary (in €) for the reference year

Question 15. Salaries of judges and public prosecutors on 31 December of the reference year:

Question 16. Do judges and public prosecutors have additional benefits?

Question 17. If "other financial benefit"

Question 18. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of

Question 19. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types

Question 20. Number of professional judges sitting in courts on an occasional basis and who are paid as such

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part

Question 22. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or "judges

Question 23. If such non-professional judges exist at first instance in your country, please specify for which

Question 24. Does your judicial system include trial by jury with the participation of citizens?

Question 26. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 32 (please

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60 (CEPEJ questionnaire))

Question 28. Number of public prosecutors (on 31 December of the reference year): (Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – general

Question 29. Do other persons have similar duties to those of public prosecutors?

Question 30. If yes please provide the number (full-time equivalent)

Question 31. If yes, is their number included in the number of public prosecutors that you have indicated

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 26) (in full-time

Question 33. Total number of lawyers practicing in your country:

Question 34. Does this figure include "legal advisors" who cannot represent their clients in court (for

Question 014

Albania

(2019): Data are available only for the third trimester of 2019. However, variances between trimesters are less than 5% (for the third trimester increase of the average salaries as compared with the second trimester was 3.7%; whereas the increase of the average salaries for the second trimester as compared with the first

Bosnia and Herzegovina

(2020): http://www.bhas.ba/data/Publikacije/Saopštenja/2021/LAB_05_2020_H2_0_BS.pdf

(2019): http://bhas.gov.ba/data/Publikacije/Saopštenja/2020/LAB_05_2019_H2_0_BS.pdf

Montenegro

(2019): Source: Statistical Office of Montenegro, Average earnings (wages) – Releases 2019

Serbia

(2020): <https://www.stat.gov.rs/sr-Latn/oblasti/trziste-rada/zarade>

(2019): The average gross monthly salary calculated for 2019 amounted to 75 814 RSD. An increase of gross salaries and wages in the period January – December 2019, relative to the same period last year, amounted to 10.5% in nominal terms, i.e. 8.4% in real terms. Simultaneously, net salaries and wages increased by 10.6% in nominal terms and by 8.5% in real terms. The provided data does not include data for Autonomous

Kosovo*

(2020): The average gross annual salary is for 2019. The data for 2020 with regard to salaries will not be published until late May. Also, please be noted that recently have been raised some concerns with regard to the methodology used for generating average gross salary by Kosovo Agency for Statistics. Therefore, if the methodology changes, we will have different numbers from what we have reported. However, we will keep

(2019): The average gross annual salary is for 2018. The data for 2019 with regard to salaries will not be

Question 015

Albania

the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

On the first January of 2019 the new salary scheme for judges and prosecutors entered into force. The new salary scheme, part of the justice reform law nearly doubled the salaries of judges and prosecutors, especially at first instance level.

A magistrate's salary is determined by the magistrate's affiliation to a salary group and the salary scale.

2. A magistrate's salary is categorised into salary groups (G), based on the following indicators:

- a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1);
- b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);
- c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

5. The monthly gross salary of a magistrate consists of the following elements:

- a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial

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a) Magistrates assuming their functions in first instance courts of general and administrative jurisdiction or prosecution offices attached to first instance courts (G1):

b) Magistrates assuming their functions in appeal courts of general and administrative jurisdiction, prosecution offices attached to courts of appeal, magistrates assuming their function at the Anti-corruption and Organised Crime Specialised Court of first instance (G2);

c) Magistrates assuming their functions at the High Court and General Prosecution Office, as well as magistrates assuming their functions at the Anti-Corruption and Organized Crime Court of Appeal and at the Special Prosecution Office (G3).

3. The seniority bonus in exercising the function shall be calculated at the extent of 2% of the reference basic salary for each year of service in the function, but not more than 25 years of service.

4. In the case of High Court judges, appointed from among jurists who do not come from a judicial career, for the purpose of determining the seniority of service in exercising the function, the seniority bonus is calculated as equivalent to that of 15 years' of judicial career.

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a) The basic reference salary for judicial and prosecutorial functions, which is equivalent to the 'function-related salary' of civil servants of first category, the third scale in the position of Director of the General Directorate at Prime Minister's Office or any other equivalent position, as set out by the Council of Ministers decision. The reference of the monthly basic salary for judicial and prosecutorial positions to the "function-related salary" according to the above provisions, does not aim at defining the relative value of judicial and prosecutorial positions as against the civil service positions or to enable its classification into the respective category or class.

b) Supplements to group salary, which is the amount resulting from the multiplication of the

Bosnia and Herzegovina

(2020): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the

(2019): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the

Montenegro

(2020): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 2020 had the highest number of years of

North Macedonia

(2020): The annual salaries of judges are lower in 2020 in comparison to 2019, because in 2019 a higher amount of allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020.

(2019): Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law

Serbia

(2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This

(2019): The data provided relates to:

1. "bruto 2" is given for bruto - the full bruto amount, pertaining to the taxes and contributions falling on both the employee and the employer. 2. For judges, instead of giving only the basic salary, the actual salary received by judge in the first instance basic court (calculating that the judge has 5 years' experience) is given and in the Supreme Court of Cassation - calculating the average 25 year's work experience as well as increase of the basic salary by 30%, based on a decision of the High Judicial Council, pursuant to Article 42 of the Law on Judges.

2. The average salary for a basic public prosecutor is given. The average salary for the deputy State

Kosovo*

(2020): There are some minor differences with the data from the previous year, mainly because the Law on Kosovo Judicial Council and the Law on Court have started to implement, and they have leveled salaries between all departments of the same instance(horizontal). There has been no decrease in the salaries of the Judges of Supreme Court. However, our colleagues from the Kosovo Judicial Council, when reported last

salary of prosecutors in the General department of Basic Prosecution offices, where prosecutors start their work during their initial mandate.

In the section "Public prosecutor of the Supreme Court or the Highest Appellate Instance" we have provided the annual salary of the prosecutors who work in the Office of the Chief State Prosecutor.

Question 016

Albania

(2020): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the apartment surface shall be increased per 10m² per person. In case two persons in a household are entitled to

(2019): In terms of housing, the law on status of judges and prosecutors (article 17) provides that "A magistrate shall, during the exercise of function and after having exercised the function at least three years, be once entitled to benefit a state funded home loan, at the amount of an average value of an apartment of 50 m² in a central area of the town, where the magistrate exercises the function. Per family member in the sense of paragraph 5 of this Article living in the household with the magistrate, the reference size of the

Bosnia and Herzegovina

(2019): Judges and prosecutors are entitled to certain benefits as all other public sector employees. The public sector employees are entitled to receive benefits in addition to wages such as health and retirement contributions, overtime pay, meal expense allowance, transport expense allowance, retirement pay, funeral

North Macedonia

(General Comment): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under

(2019): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under

Serbia

(2020): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will

(2019): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will

Kosovo*

(2020): There is no other financial or any other benefits for judges or prosecutors.

(2019): There is no other financial or any other benefits for judges or prosecutors.

Question 018

Albania

(2020): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation. The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending without delay the necessary acts of notification.

In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other

(2019): The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary. The Councils can adopt more detailed rules on the remuneration by: a) Restricting the entitlement to 5 % of magistrates annually, being evaluated during the previous calendar year;

b) Setting out the criteria and procedure on the selection of the magistrates benefiting this entitlement. Part of the ethical and professional evaluation are also the organisational skills, as provided in article 74 of the law on status of judges and prosecutors. By the criterion of organisational skills the magistrates' ability to handle the workload and to handle judicial or investigatory procedures and skills to administer the judicial files are evaluated by avoiding that circumstances which do not depend on the magistrate and have negative effect on the results of the evaluation.

The skills to handle the workload are measured based on the indicators to meet legal deadlines, to meet the minimum time standards, the average time spent on each case, the clearance rate of judicial cases and the average time to make a final judicial decision or a final prosecutorial decision in a case.

In the case of a judge, the skill of a judge to handle judicial procedures is measured by the indicators of the average number of hearings per case, conducting the necessary procedural actions for the organization of the judicial process, avoidance of unproductive court hearings, as well as including the monitoring of sending

Question 019

Albania

(2020): Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 2 judges remained at the High Court. The rest of them either resigned or were dismissed by the vetting process.

(2019): The numbers provided above count the judges in the payroll list: 294 (141 m+153 f) judges effectively working on 31 December, 32 judges (24m + 8f) suspended from the IQC (due to the vetting process) and 3 judges (3m) on the process of appeal. Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting

Bosnia and Herzegovina

(General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of

Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and

Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the

(2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the

(2019): The numbers provided do not include information on the number of court presidents and reserve

Montenegro

(2020): Even though the percentage discrepancy in the reported values seems drastic, those values may be misleading. The number of total judges has not changed drastically. Last year:

Number of Supreme Court professional judges total - 19 judges

Males:- 5

Females- 14

This year: total - 18

males - 3

females - 15

North Macedonia

(2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts

(2019): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

Serbia

(2020): INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanor courts, commercial courts, Administrative Court);

16.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanor Court of Appeal;

16.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation).

Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.

(2019): 46.1. INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanour courts, commercial courts, Administrative Court) 46.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanour Court of Appeal 46.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation) Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of

Kosovo*

(2020): The discrepancy concerning the number of Judges in all instances is because of retirement and/or promotion. The recruiting process of new judges is finalized and in early January the list of the new judges

(2019): The number of judges have been increased compared to the previous year: 18 new judges of the first instance have been recruited. There was a mistake on the previous data. I corrected. With regard to

Question 020

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints reserve judges, following the request of the court president, for period of up to two years to assist courts in reducing case backlog. It is an established practice that the High Judicial and Prosecutorial Council grants the court president's request to appoint reserve judges for multiple two-year judgeships if the backlog continues to be a significant problem for the court. The Council can occasionally appoint reserve judges to replace

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 021

Bosnia and Herzegovina

(2020): In 2020, reserve judges disposed around 4% of the overall number of cases disposed by the courts in

(2019): In 2019, reserve judges disposed around 4% of the overall number of cases disposed by the courts in

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 022

Bosnia and Herzegovina

(General Comment): Lay judges are citizens who hear and decide criminal cases together with professional judges. Lay judges are appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and they play a role in the Bosnia and Herzegovina judicial system, due to application of previously valid criminal procedural laws that required their participation.

The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal

North Macedonia

(2020): Gross figure - Number is higher because of more elected lay judges in 2020.

Serbia

(2020): The High Court Council enacted a decision on 23 December 2019 on the appointment of lay judges (judges jurors) for a mandate period of the following 5 years. The number of lay judges appointed by the decision

was 2000. On 8 September 2020 The High Court Council enacted a decision on the appointment of 130 lay

(2019): Data of HCC. The High Judicial Council enacted a decision on 23 December 2014 on the appointment of lay judges (sudije porotnici) for a mandate period of the following 5 years, <https://vss.sud.rs/sr-lat/saop%C5%A1tenja/odluka-o-imenovanju-sudija-porotnika>. The number of lay judges appointed by the

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 023

Serbia

(General Comment): In first instance, in certain criminal and civil proceedings trial is carried by panel consisting of a professional judge and lay judges, i.e. 2-3 citizens who are not professionals.

(2020): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3

proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.

Question 026

Albania

(2020): 2. non-judge staff assisting judges: new people were hired
4. technical staff: relocated

(2019): please note that there was a major change in the organisation of the justice system from 2016 to 2019, due to the justice reform, and therefore, discrepancies can occur due to these reasons. In any case,

Bosnia and Herzegovina

(2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).

Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial

(2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

Category 1. Rechtspfleger (or similar bodies): The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints in a public competition procedure judicial associates in municipal courts (i.e. first instance courts) in one part of the country, the Federation of Bosnia and Herzegovina, for an undetermined period. A judicial associate may proceed and decide non contentious matters, enforcement matters, including payment orders, and small claims cases in accordance with the law and as assigned by the court president. Appeals against their decisions are decided by the second instance courts. As for the requirements in terms of qualifications which are set by the legislation, judicial associates must possess a law degree and have to pass the bar examination. The provisions of the Law on the High and Judicial and Prosecutorial Council of Bosnia and Herzegovina that refer to judges are applied accordingly also for judicial associates (i.e. disciplinary procedure, rules on productivity etc.).

Category 2. Non-judge staff includes positions such as: law clerk, court typist/administrative judicial

Montenegro

(2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by

North Macedonia

(2020): In this category are included the number of the employees in the judicial police. Other non-judge staff - female: There are no a big difference in absolute numbers.

(2019): In this category are included the number of the employees in the judicial police.

Serbia

(2019): Statistics on the day of 15 October 2019. The MoJ compiles statistics twice a year. October deadline is envisioned in order to have latest statistics for budgetary purpose planning. The data from December

Question 027

Albania

(2020): 2. males non-judge staff working in courts at second instance: staff increased

Montenegro

(2020): The presidents of the courts submitted official data related to the number of full-time employees on December 31, 2020. We do not have a specific answer to the question why the structure of employees by

North Macedonia

(2020): Total non-judge staff working in courts at Supreme Court level - Female: Increasing is due to the new

Serbia

(2019): Statistics on the day of 15 October 2019. The MoJ compiles statistics twice a year. October deadline is envisioned in order to have latest statistics for budgetary purpose planning. The data from December

Question 028

Albania

(2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting

(2019): Additionally, there are 8 prosecutors appointed to the Special Prosecution Against Corruption and Organised Crime (SPAK). SPAK prosecutors carry out investigations and represent the prosecution office in all three levels of the judiciary. Hence, their number has not been calculated in the numbers above.

Furthermore, it should be noted that the overall number of prosecutors should be 336 (277, first level, 27 appellate level, 17 General Prosecution Office and 15 SPAK Prosecution). Moreover, currently there are 20 prosecutors that have been suspended due to the vetting process. (1 in the General Prosecution Office, 6 in the Appellate Level and 13 in the first instance level).

Lastly, it should be noted that out of 258 prosecutors in the first instance level, 6 prosecutors have been seconded in the High Prosecutorial Council as legal advisors. "Secondment" means the move of a magistrate

Bosnia and Herzegovina

(General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts.

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of

Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and

Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the

(2020): The numbers provided in the table above do not include information on the number of chief prosecutors.

18 chief prosecutors were appointed on 31st December 2020.

The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and

(2019): The numbers provided in the table above do not include information on the number of chief prosecutors.

The chief prosecutors were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). There were 19 chief prosecutors on 31st December 2019.

Montenegro

(2020): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices the number of special state prosecutors is included.

(2019): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices, the number of special state prosecutors is included, 13 in

North Macedonia

(2020): Number of prosecutors at Supreme Court level – Female: Lower number is because one of the

Serbia

(General Comment): The data represents the total number of deputy public prosecutors working in the

(2020): Number of prosecutors at first instance level:

1. Basic public prosecutor's offices: total 476; males: 186; females: 290
2. Senior public prosecutor's offices: total 226; males 102; female's 124
3. Prosecution for organized crime: total 13; males 10; female's 3
4. Prosecution for war crimes: total 10; males 6; female's 4

(2019): 1. Number of deputy public prosecutors at first instance level consists of: 465 Basic PPO Deputies + 233 Higher PPO Deputies + (13 +10) Deputy PPOs of special jurisdiction.

2. Number of deputy prosecutors at second instance (court of appeal) level consists of: Appellate Deputy PP's 3. Number of deputy prosecutors at supreme court level: number of deputy Republic Public Prosecutors. Discrepancy explanation: (State Prosecutorial Council): The reason why the number of deputy public prosecutors has increased significantly, compared to 2016, is that the State Prosecutors Council has in the last two years made decisions on increasing the number of first and second instance deputy pp's and based on those decisions, announced calls for the election of deputy public prosecutors. This is part of the capacity

Kosovo*

(2020): 028.2 The discrepancy is because of the promotion

(2019): This number does not include prosecutors who for the moment do not deal with cases due to their functions in the prosecutorial system. As such, the prosecutors who are not included in this number are: Chairman of Kosovo Prosecutorial Council, Chief State Prosecutor, deputy Chairman of Kosovo Prosecutorial Council, Chairman of Committee for Normative Acts, Chairman of Committee for the Administration of Prosecution Offices, Chairman of Committee for the Evaluation of Performance of Prosecutors, chief prosecutor of Appellate Prosecution Office, chief prosecutors of basic prosecution offices in Peja, Prizren, Mitrovica, Gjilan, Ferizaj and Gjakova and acting chiefs of SPRK and basic prosecution office in Prishtina. In addition, 1 prosecutor is currently enrolled in a master's program in the USA through a scholarship provided

Question 029

Serbia

(2019): Prosecutorial assistants, employed for an indefinite period. Prosecutorial assistants have similar duties to public prosecutors. A prosecutorial assistant assists the public prosecutor and deputy public prosecutor, drafts acts, takes on record complaints, submissions, and statements of citizens, and,

Question 032

Albania

(2020): 184 are judicial police officers (47 females and 137 males) and 486 other staff (273 females and 213

(2019): Out of these, 191 are judicial police officers and 401 are supporting staff.

Bosnia and Herzegovina

(2020): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

(2019): Only full time employees are taken into account for the calculation presented in the table above. The figures stated in the table above do not include fixed term employees and trainees.

North Macedonia

(2020): Higher number of employees last year was because of the employees in the Special Public Prosecution office. This category of employees is not working anymore in the public prosecution system.

(2019): In presented data is included the staff of the new Special Public Prosecution Office (90 employees). It should be noted that in this number is not included investigators that work for public prosecutors as

Question 033

Albania

(2019): As provided by the Bar Association around 40 - 42% are women. However, this figure is not official because the Bar Association does not keep any statistics/division based on gender.

Serbia

(2019): The total number of lawyers in the Republic of Serbia on 31 December 2019 pursuant to Registry of Lawyers of the Bar Association of Serbia (Serbian lawyers are members of their local/regional bar and the

Kosovo*

(2020): Female: new lawyers have been licensed during 2020.

Question 034

Albania

(2020): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and

(2019): there is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the

Serbia

(2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association of

Kosovo*

(2020): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.

(2019): The legal advisers can offer the same services just as a lawyer does, except for representing a party in a criminal case before the court. Unfortunately, there is not available the number of legal advisers.

Indicator 2 List

List of the tables presented in this indicator

2. Profile of judiciary

Table 2.1.1 Gross annual salaries of judges (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.2 Net annual salaries of judges (in €) between in 2018 and 2020 (Q15)

Table 2.1.3 Gross annual salaries of prosecutors (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.4 Net annual salaries of prosecutors (in €) between in 2018 and 2020 (Q15)

Table 2.1.5 Salaries of judges and prosecutors in € in 2020 (Q15)

Table 2.1.5LC Salaries of judges and prosecutors in local currency in 2020 (Q15)

Table 2.1.6 Additional benefits and productivity bonuses for judges and prosecutors in 2020 (Q16 and Q18)

Table 2.2.1 Number of professional judges by instance between 2018 and 2020 (Q19)

Table 2.2.2 Distribution of professional judges by instance in 2019 and 2020 (Q19)

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2020 (Q19)

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2020 (Q20, Q21, Q22, Q23, Q24)

Table 2.2.5 Number of prosecutors by instance between 2018 and 2020, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.6 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2020 (Q28)

Table 2.2.7 Number of non-judge staff by type between 2018 and 2020 (Q26)

Table 2.2.8 Number and distribution of non-judge staff by instance between 2018 and 2020 (Q27)

Table 2.2.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q27)

Table 2.2.10 Ratio of non-judge staff and professional judges between 2018 and 2020 (Q19 and Q27)

Table 2.2.11 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q32)

Table 2.2.12 Ratio of non-prosecutor staff and prosecutors between 2018 and 2020 (Q28 and Q32)

Table 2.2.13 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q33 and Q34)

Table 2.2.14 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2020 (Q19 and Q33)

Indicator 2 - Profile of the judiciary

Indicator 2 - Profile of the judiciary

3.Efficiency

Performance indicators: Clearance Rate and Disposition Time

Civil (and commercial) litigious cases between 2018 and 2020 (Tables no. 3.1.5 and 3.1.16)

1st instance Clearance Rate	Civil and Commercial litigious		
	2018	2019	2020
Albania	98%	94%	85%
Bosnia and Herzegovina	126%	114%	103%
Montenegro	105%	99%	107%
North Macedonia	101%	99%	90%
Serbia	110%	93%	71%
Kosovo*	-	85%	70%
WB Median	105%	99%	90%

For reference only: the 2019 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 100%.

2nd instance Clearance Rate	Civil and Commercial litigious		
	2018	2019	2020
Albania	NA	NA	58%
Bosnia and Herzegovina	103%	113%	130%
Montenegro	NA	NA	102%
North Macedonia	84%	99%	115%
Serbia	89%	98%	95%
Kosovo*	-	123%	115%
WB Median	89%	99%	102%

For reference only: the 2019 EU median for the Clearance Rate for the second instance Civil (and commercial) litigious cases is 102%.

1st instance Disposition Time	Civil and Commercial litigious		
	2018	2019	2020
Albania	172	183	366
Bosnia and Herzegovina	483	528	639
Montenegro	229	256	280
North Macedonia	179	193	294
Serbia	225	306	472
Kosovo*	-	852	1150
WB Median	225	256	366

For reference only: the 2019 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 213 days.

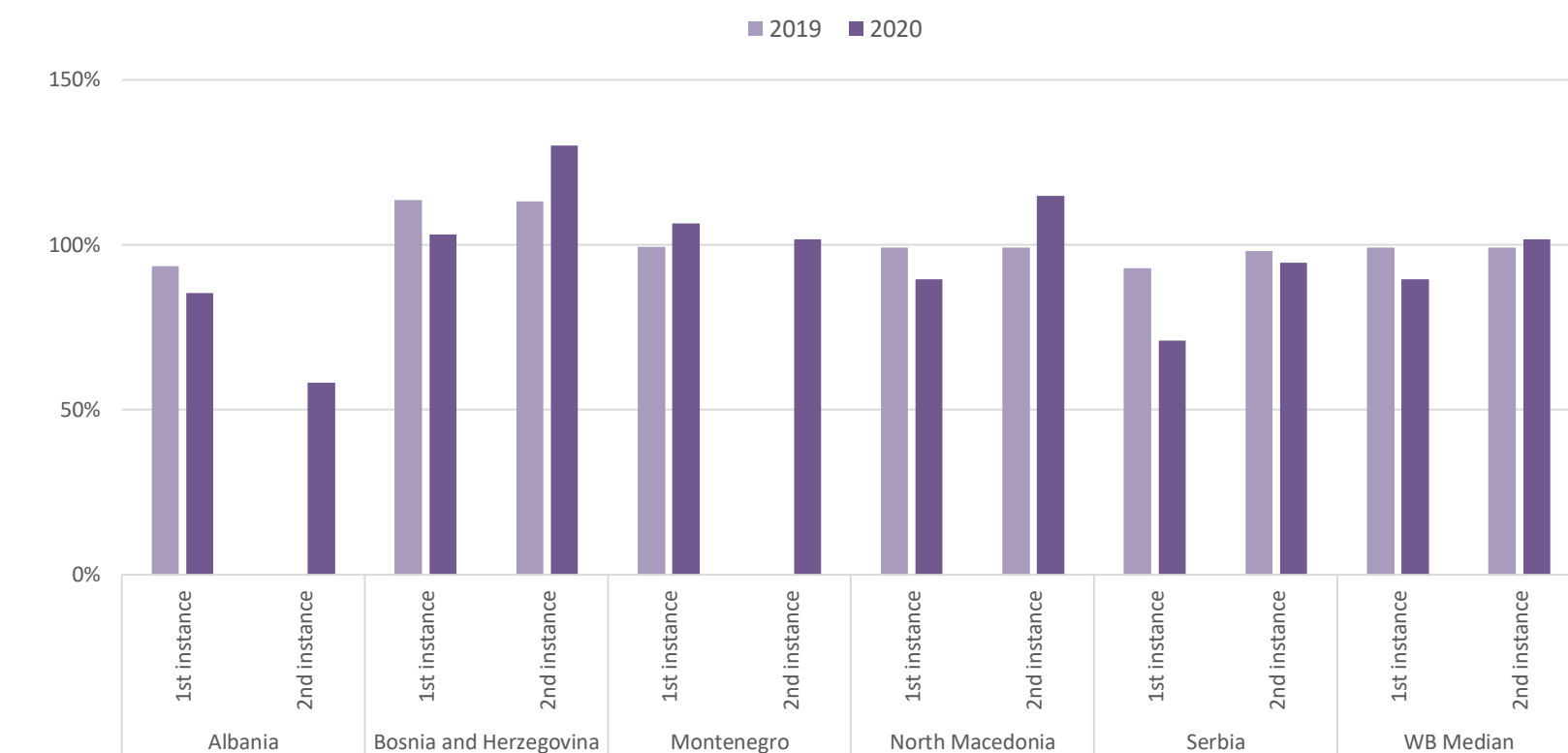
2nd instance Disposition Time	Civil and Commercial litigious		
	2018	2019	2020
Albania	NA	NA	1742
Bosnia and Herzegovina	467	445	412
Montenegro	NA	NA	78
North Macedonia	125	140	126
Serbia	223	204	255
Kosovo*	-	425	428
WB Median	223	204	255

For reference only: the 2019 EU median for the Disposition Time for the second instance Civil (and commercial) litigious cases is 175 days.

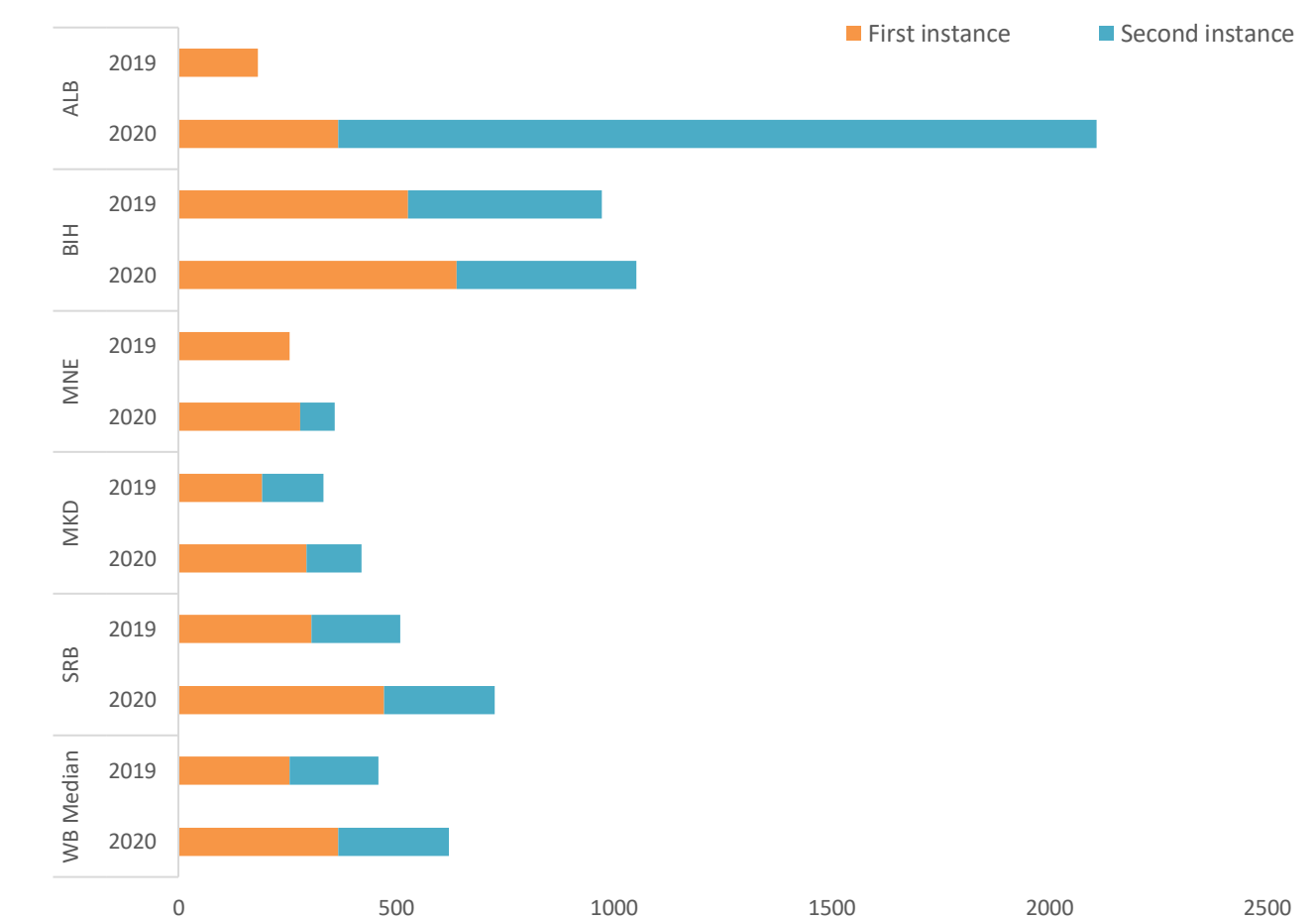
Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Clearance Rate - Civil and Commercial litigious cases in 2019 and 2020



Disposition time - Civil and Commercial litigious cases in 2019 and 2020 (in days)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

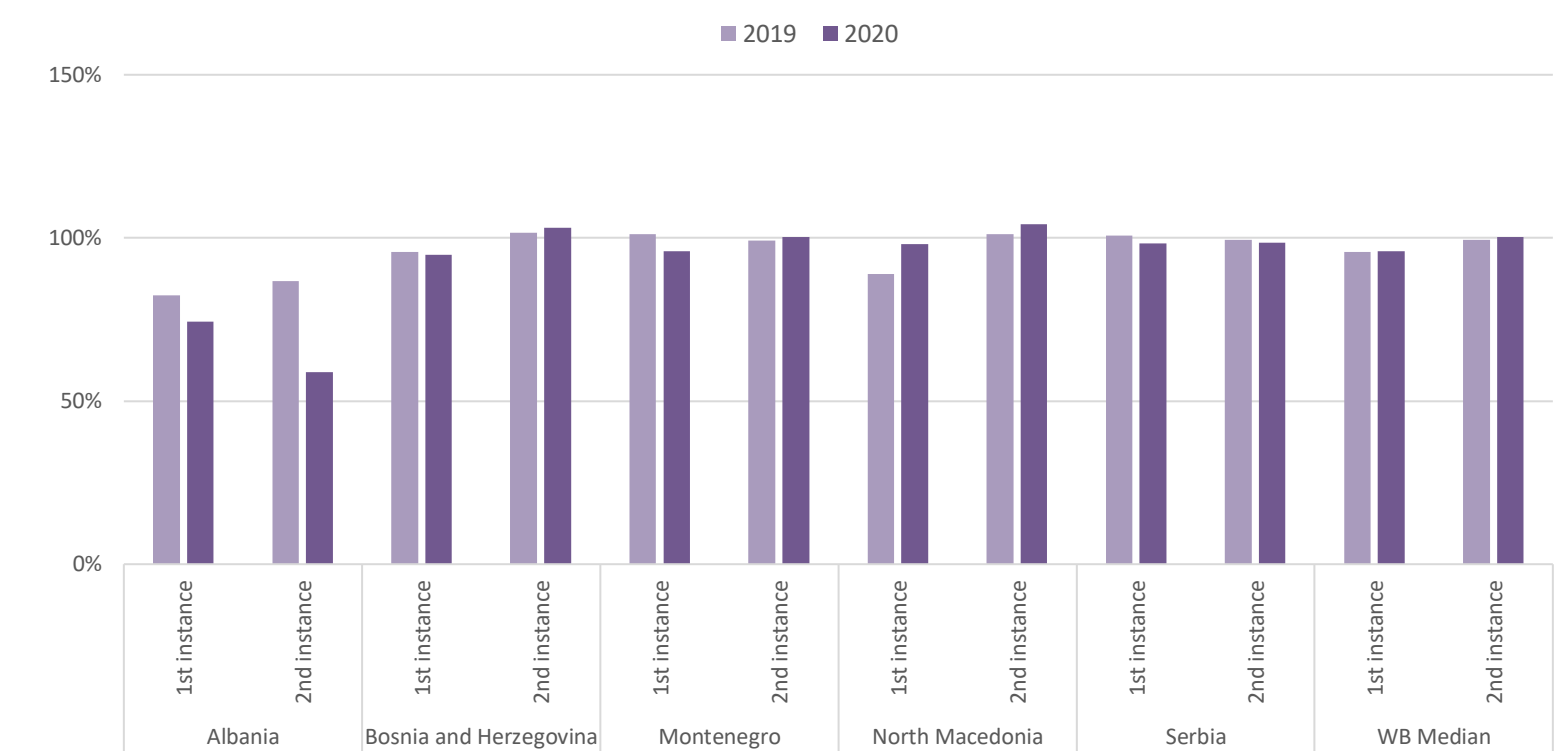
Kosovo* is not included in the summary statistics.

Total criminal law cases between 2018 and 2020 (Tables no. 3.1.9 and 3.1.20)

1st instance	Criminal		
	2018	2019	2020
Clearance Rate			
Albania	98%	82%	74%
Bosnia and Herzegovina	102%	96%	95%
Montenegro	97%	101%	96%
North Macedonia	101%	89%	98%
Serbia	104%	101%	98%
Kosovo*	-	NA	NA
WB Median	101%	96%	96%

2nd instance	Criminal		
	2018	2019	2020
Clearance Rate			
Albania	136%	87%	59%
Bosnia and Herzegovina	102%	102%	103%
Montenegro	100%	99%	100%
North Macedonia	99%	101%	104%
Serbia	98%	99%	99%
Kosovo*	-	NA	NA
WB Median	100%	99%	100%

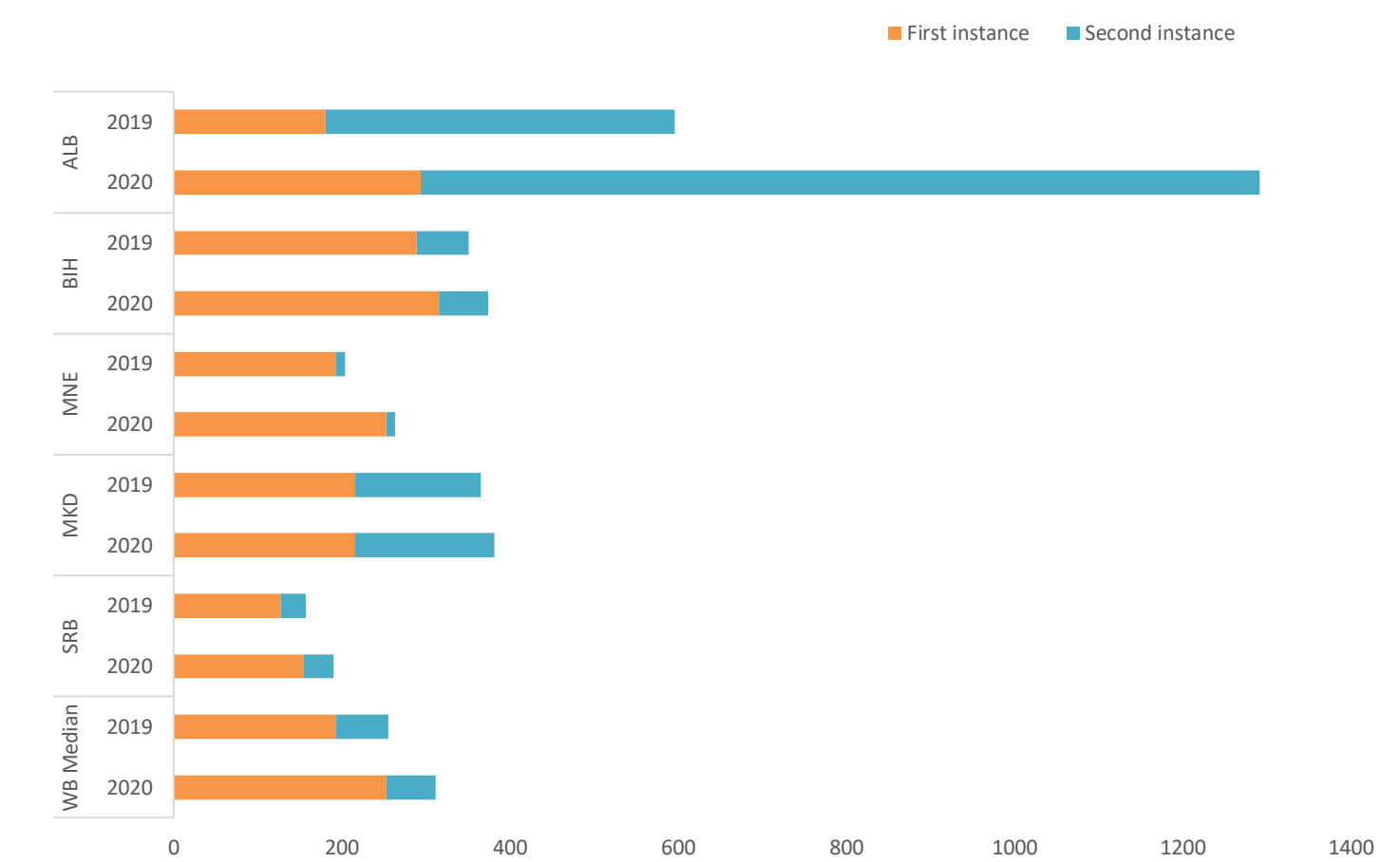
Clearance Rate - Criminal cases in 2019 and 2020



1st instance	Criminal		
	2018	2019	2020
Disposition Time			
Albania	81	181	294
Bosnia and Herzegovina	293	289	316
Montenegro	199	193	253
North Macedonia	190	216	216
Serbia	132	128	155
Kosovo*	-	NA	NA
WB Median	190	193	253

2nd instance	Criminal		
	2018	2019	2020
Disposition Time			
Albania	281	415	998
Bosnia and Herzegovina	64	62	59
Montenegro	7	10	10
North Macedonia	146	150	166
Serbia	28	30	36
Kosovo*	-	NA	NA
WB Median	64	62	59

Disposition time - Criminal cases in 2019 and 2020 (in days)



Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

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Kosovo* is not included in the summary statistics.

Administrative law cases between 2018 and 2020 (Tables no. 3.1.5 and 3.1.16)

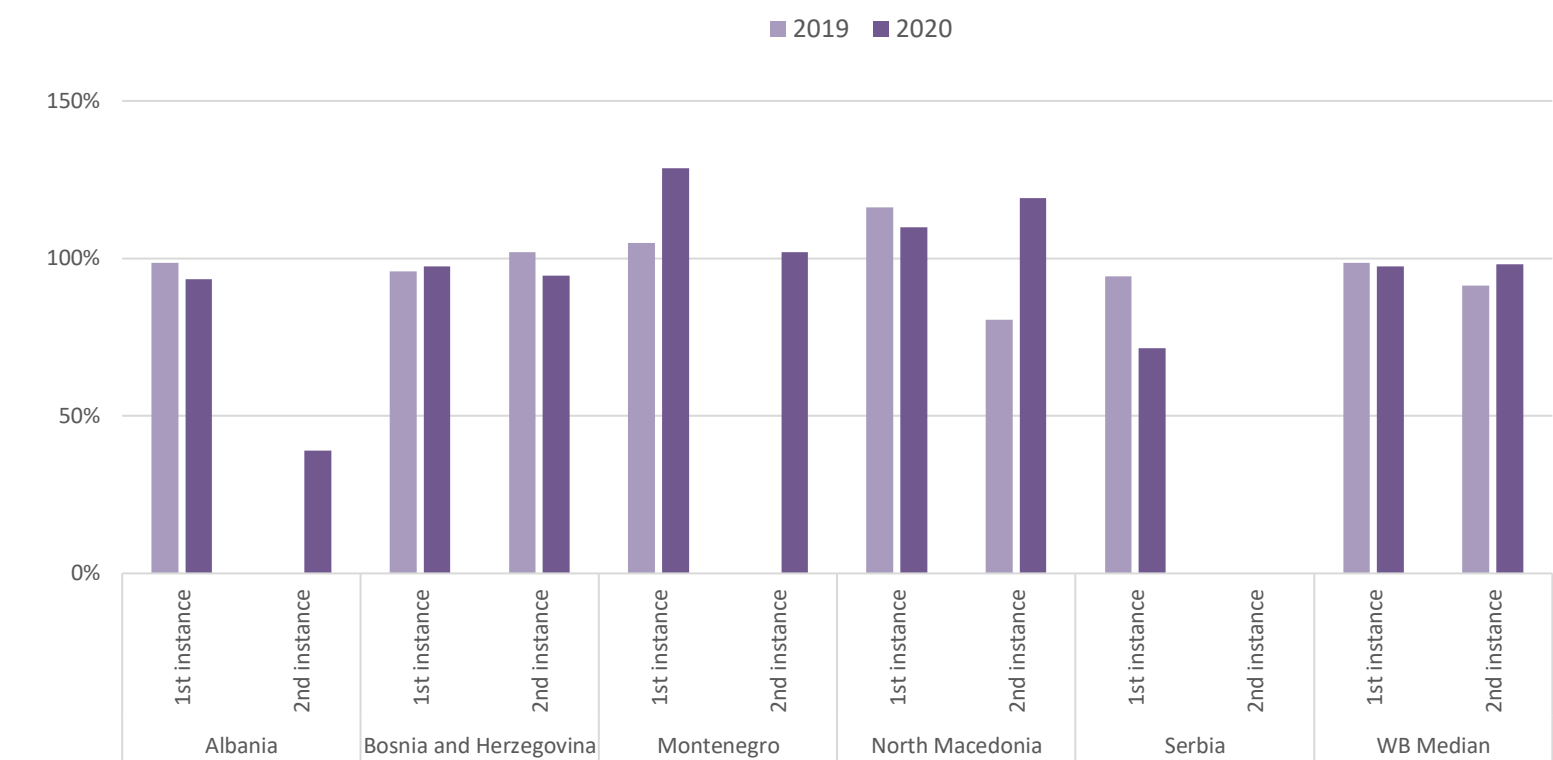
1st instance	Administrative		
	2018	2019	2020
Clearance Rate			
Albania	99%	99%	94%
Bosnia and Herzegovina	94%	96%	98%
Montenegro	104%	105%	129%
North Macedonia	114%	116%	110%
Serbia	73%	94%	72%
Kosovo*	-	93%	102%
WB Median	99%	99%	98%

For reference only: the 2019 EU median for the Clearance Rate for the first instance Administrative law cases is 102%.

2nd instance	Administrative		
	2018	2019	2020
Clearance Rate			
Albania	NA	NA	39%
Bosnia and Herzegovina	109%	102%	95%
Montenegro	NA	NA	102%
North Macedonia	94%	81%	119%
Serbia	NAP	NAP	NAP
Kosovo*	-	80%	78%
WB Median	101%	91%	98%

For reference only: the 2019 EU median for the Clearance Rate for the second instance Administrative law cases is 97%.

Clearance Rate - Administrative cases in 2019 and 2020



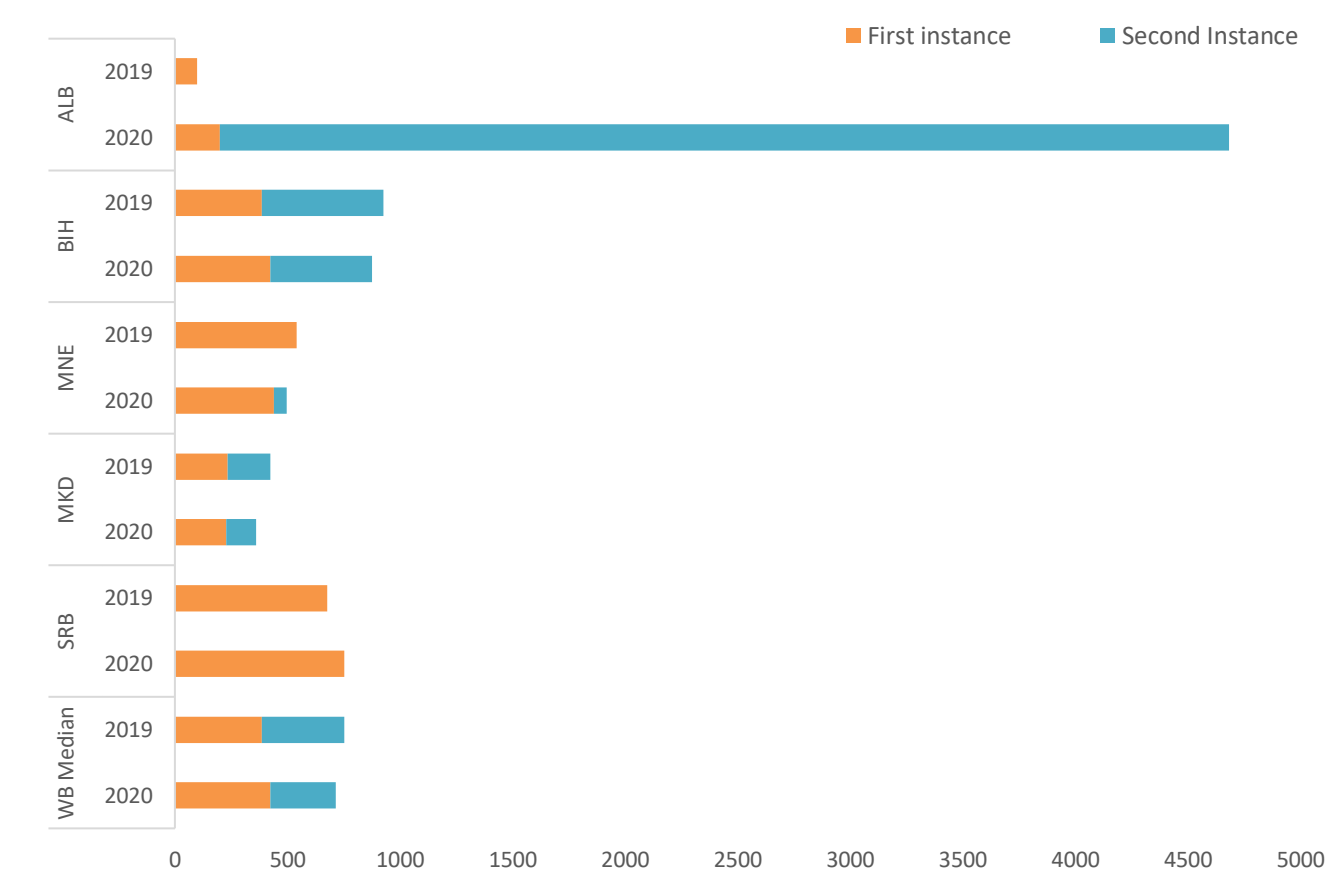
1st instance	Administrative		
	2018	2019	2020
Disposition Time			
Albania	90	100	199
Bosnia and Herzegovina	393	386	424
Montenegro	401	540	441
North Macedonia	281	235	228
Serbia	745	677	754
Kosovo*	-	787	1188
WB Median	393	386	424

For reference only: the 2019 EU median for the Disposition Time for the first instance Administrative law cases is 284 days.

2nd instance	Administrative		
	2018	2019	2020
Disposition Time			
Albania	NA	NA	4485
Bosnia and Herzegovina	471	541	451
Montenegro	NA	NA	56
North Macedonia	107	188	131
Serbia	NAP	NAP	NAP
Kosovo*	-	241	424
WB Median	289	365	291

For reference only: the 2019 EU median for the Disposition Time for the second instance Administrative law cases is 329 days.

Disposition time - Administrative cases in 2019 and 2020 (in days)



Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

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Kosovo* is not included in the summary statistics.

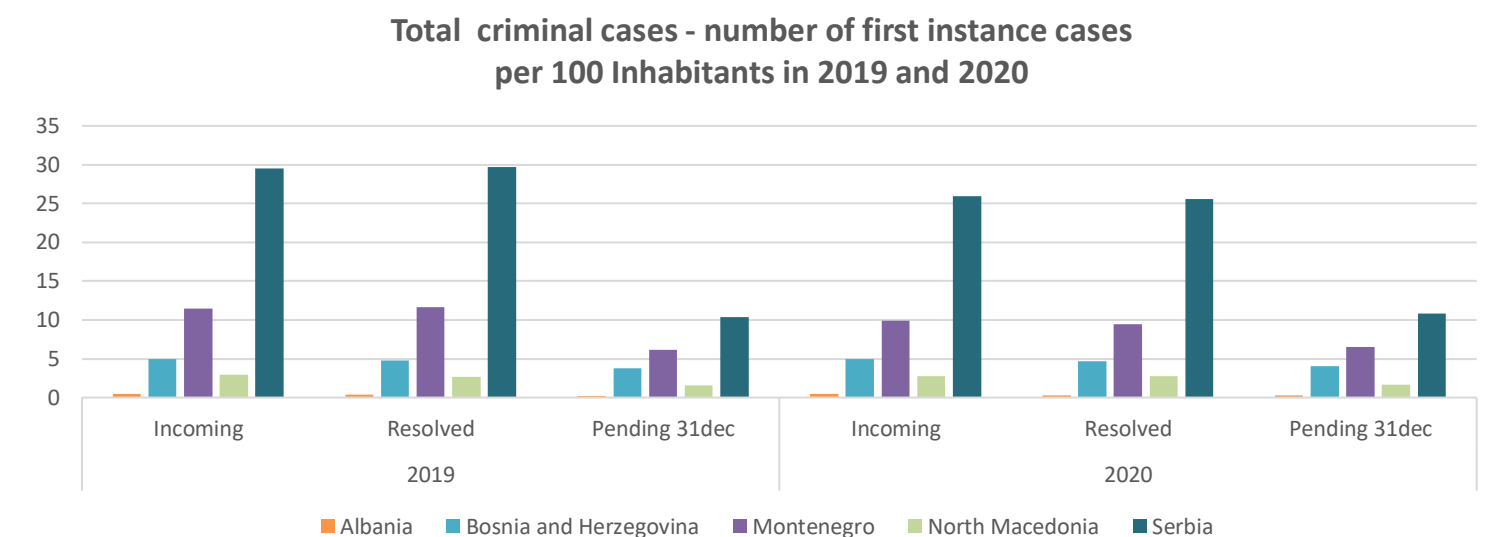
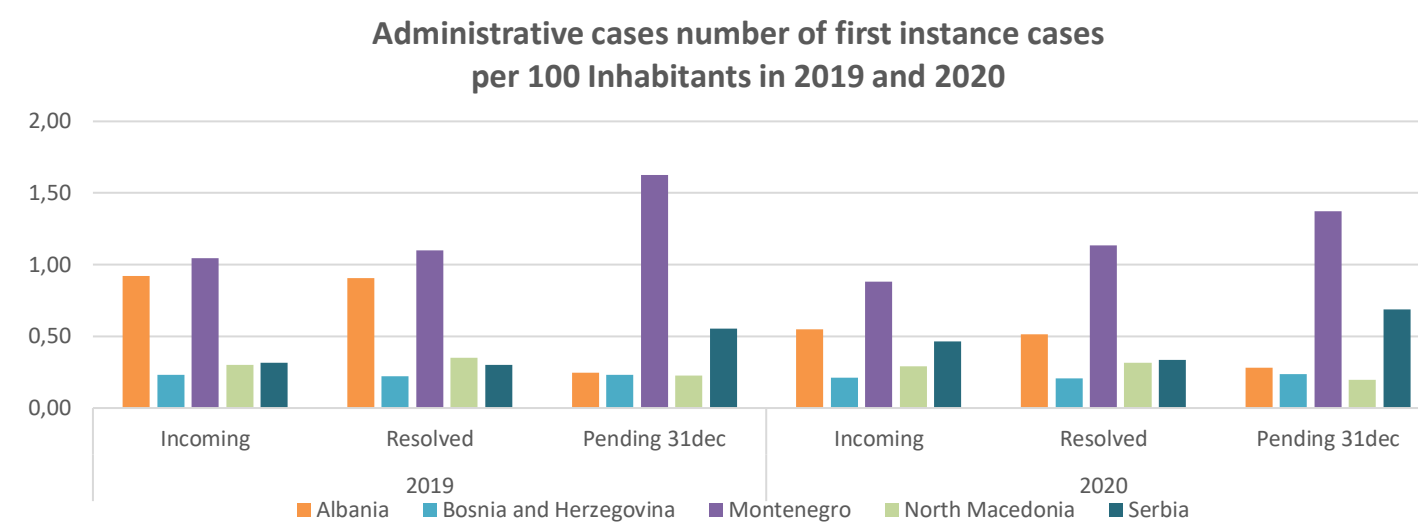
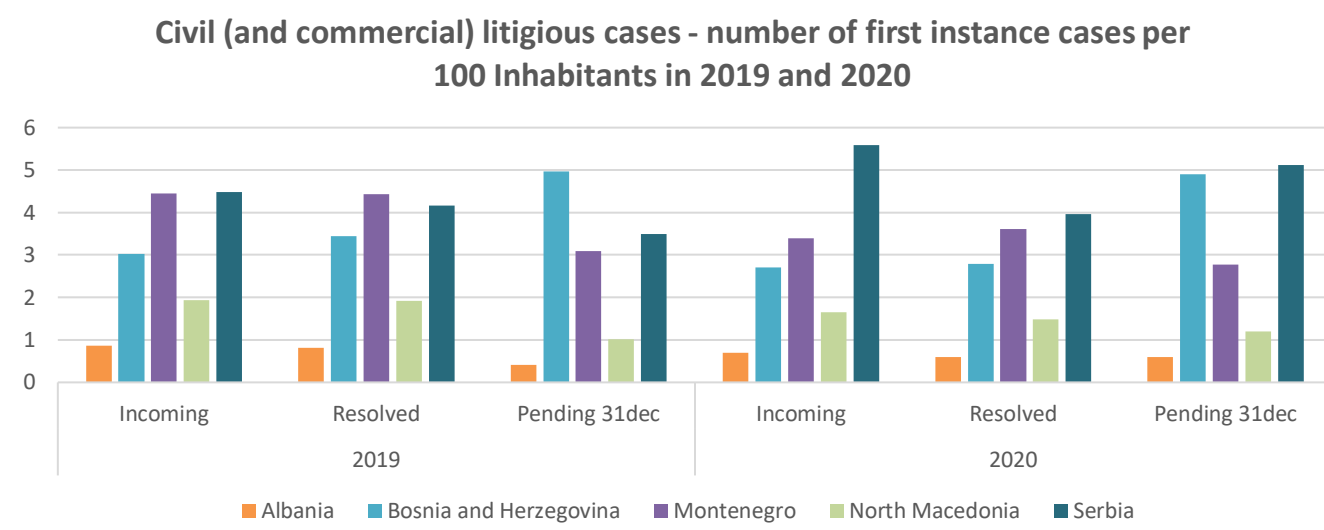
Number of first instance cases per 100 inhabitants

Tables no. 3.1.4 and 3.1.8

	Civil and Commercial litigious cases						Administrative cases						Total criminal cases					
	2019			2020			2019			2020			2019			2020		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,87	0,81	0,41	0,69	0,59	0,59	0,92	0,91	0,25	0,55	0,51	0,28	0,50	0,42	0,21	0,43	0,32	0,26
Bosnia and Herzegovina	3,03	3,44	4,97	2,71	2,80	4,90	0,23	0,22	0,23	0,21	0,21	0,24	4,99	4,78	3,78	4,94	4,68	4,04
Montenegro	4,45	4,43	3,10	3,39	3,61	2,77	1,05	1,10	1,62	0,88	1,14	1,37	11,50	11,63	6,15	9,87	9,46	6,55
North Macedonia	1,94	1,92	1,02	1,65	1,48	1,19	0,30	0,35	0,23	0,29	0,32	0,20	2,96	2,64	1,56	2,78	2,73	1,61
Serbia	4,48	4,16	3,49	5,59	3,96	5,12	0,32	0,30	0,56	0,47	0,33	0,69	29,49	29,70	10,39	25,97	25,55	10,82
Kosovo*	0,36	0,30	0,71	0,36	0,30	0,71	0,05	0,04	0,09	0,05	0,04	0,09	NA	NA	NA	NA	NA	NA
WB Median	3,03	3,44	3,10	2,71	2,80	2,77	0,32	0,35	0,25	0,47	0,33	0,28	4,99	4,78	3,78	4,94	4,68	4,04

For reference only: the 2019 EU median is 1,92 incoming Civil and commercial litigious cases per 100 inhabitants.

For reference only: the 2019 EU median is 0,25 incoming Administrative cases per 100 inhabitants.



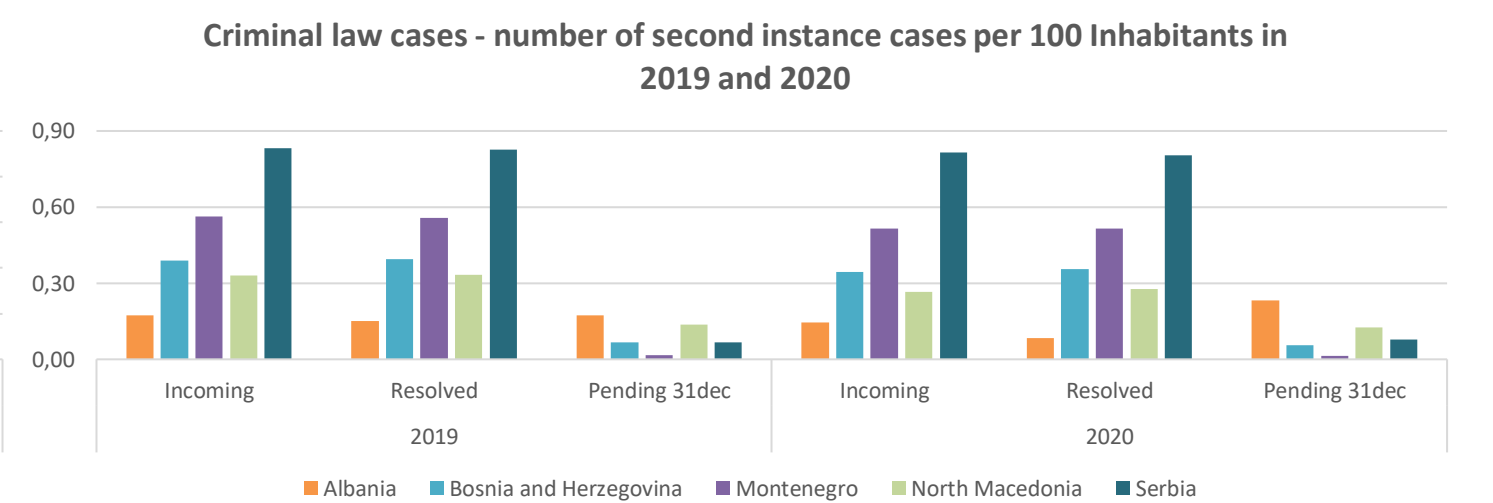
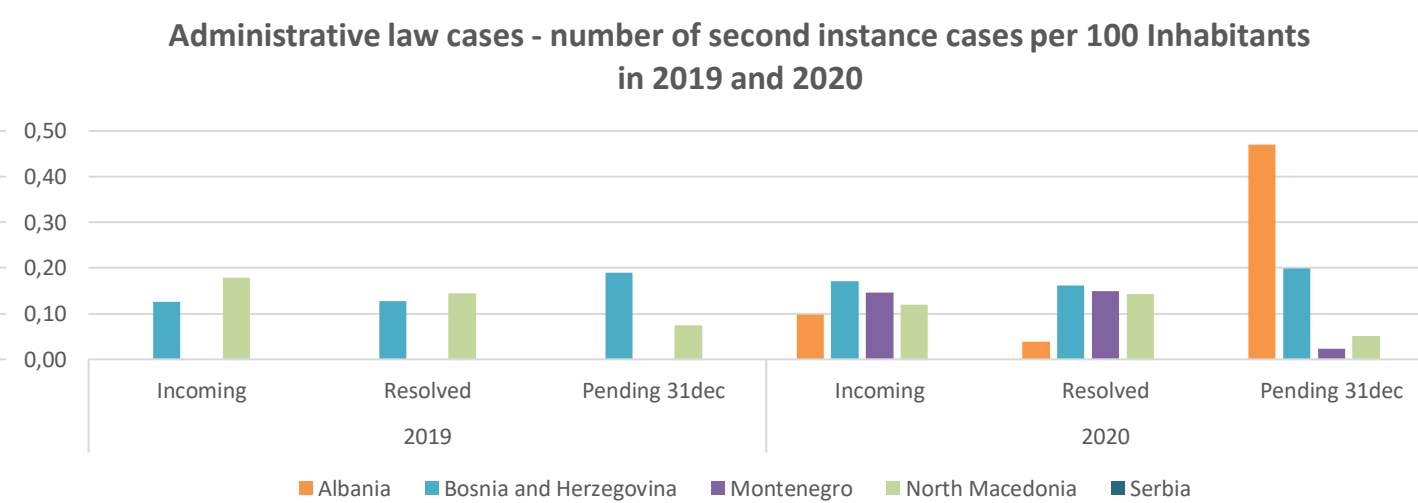
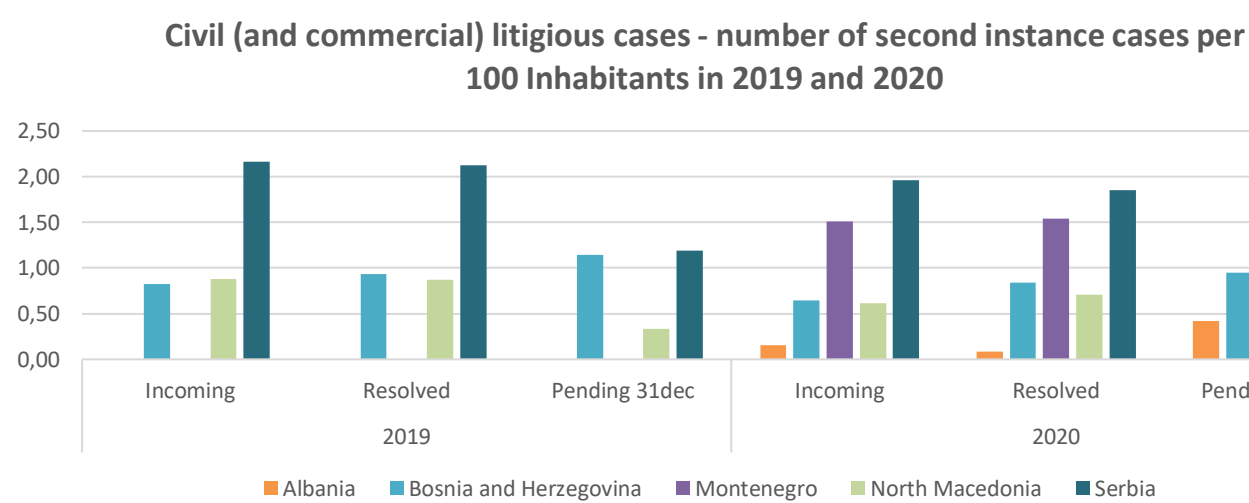
Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Number of second instance cases per 100 inhabitants

Tables no. 3.1.14, 3.1.15 and 3.1.19

	Civil & Commercial litigious cases						Administrative cases						Criminal cases					
	2019			2020			2019			2020			2019			2020		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	NA	NA	NA	0,15	0,09	0,42	NA	NA	NA	0,10	0,04	0,47	0,17	0,15	0,17	0,14	0,08	0,23
Bosnia and Herzegovina	0,83	0,94	1,14	0,65	0,84	0,95	0,13	0,13	0,19	0,17	0,16	0,20	0,39	0,39	0,07	0,34	0,35	0,06
Montenegro	NA	NA	NA	1,51	1,54	0,33	NA	NA	NA	0,15	0,15	0,02	0,56	0,56	0,02	0,52	0,52	0,01
North Macedonia	0,88	0,87	0,33	0,61	0,71	0,24	0,18	0,14	0,07	0,12	0,14	0,05	0,33	0,33	0,14	0,27	0,28	0,13
Serbia	2,17	2,13	1,19	1,96	1,86	1,30	NAP	NAP	NAP	NAP	NAP	NAP	0,83	0,83	0,07	0,82	0,80	0,08
Kosovo*	0,10	0,13	0,15	0,10	0,11	0,13	0,01	0,01	0,01	0,01	0,01	0,01	NA	NA	NA	NA	NA	NA
WB Median	0,88	0,94	1,14	0,65	0,84	0,42	0,15	0,14	0,13	0,13	0,15	0,13	0,39	0,39	0,07	0,34	0,35	0,08



Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

CEPEJ report - Dashboard Western Balkan

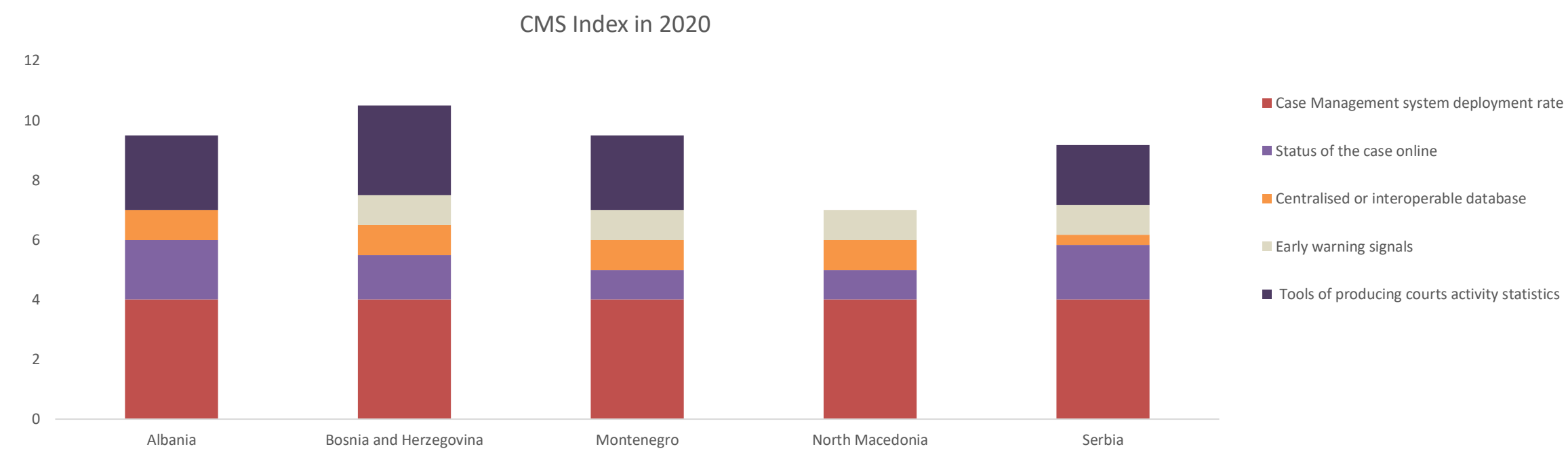
CMS index

Table no. 3.3.2

	Case Management system deployment rate				Status of the case online				Centralised or interoperable database				Early warning signals				Tools of producing courts activity statistics				Total (12 max)
	Civil and/or commercial	Criminal	Administrative	Index (4 max)	Civil and/or commercial	Criminal	Administrative	Index (3 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (3max)	
Albania	100%	100%	100%	4,0	Both	Both	Both	2				1,0				0,0	Integrated	Integrated	Integrated	2,5	9,5
Bosnia and Herzegovina	100%	100%	100%	4,0	Accessible to parties	Accessible to parties	Accessible to parties	1,5				1,0				1,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	3,0	10,5
Montenegro	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	9,5
North Macedonia	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Not connected at all	Not connected at all	Not connected at all	0,0	7,0
Serbia	100%	100%	100%	4,0	Both	Accessible to parties	Both	1,8				0,3				1,0	Fully integrated including BI	Fully integrated including BI	Not connected at all	2,0	9,2
Kosovo*	50-99%	50-99%	50-99%	3,0	Publication of decision online	Publication of decision online	Publication of decision online	1,5				1,0				1,0	Integrated	Integrated	Integrated	3,0	8,0

Both = Accessible to parties
Publication of decision online

Yes ■
No ■



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 3.1.1 First instance courts: number of other than criminal law cases in 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	NA	NA	NA	NA	NA	14 017	19 713	16 831	16 899	418	NA	NA	NA	NA	NA	6 949	15 664	14 647	7 966	744	2 327	3 577	2 565	3 339	NA
Bosnia and Herzegovina	2 065 549	911 020	903 100	2 073 469	1 586 342	173 829	94 672	97 608	170 893	72 431	1 883 575	809 000	798 324	1 894 251	1 512 700	8 145	7 348	7 168	8 325	1 211	NAP	NAP	NAP	NAP	NAP
Montenegro	30 724	31 190	34 183	27 069	3 568	19 220	21 023	22 395	17 189	3 328	1 135	3 036	3 037	1 134	196	10 074	5 473	7 039	8 505	0	295	1 658	1 712	241	44
North Macedonia	28 718	78 630	75 840	31 508	NA	21 188	34 272	30 702	24 758	NA	2 167	37 525	37 774	1 918	NA	4 707	6 009	6 597	4 119	NA	656	824	767	713	NA
Serbia	966 886	969 626	1 152 668	783 844	372 170	242 818	388 459	275 439	355 838	57 933	681 710	437 467	741 093	378 084	304 020	38 745	32 469	23 229	47 985	9 818	3 613	111 231	112 907	1 937	399
Kosovo*	NA	NA	NA	NA	NA	56 748	30 044	20 905	65 887	24 273	NA	NA	NA	NA	NA	6 380	1 905	1 947	6 338	1 730	NA	NA	NA	NA	NA
Average	772 969	497 617	541 448	728 973	654 027	94 214	111 628	88 595	117 115	33 528	642 147	321 757	395 057	568 847	605 639	13 724	13 393	11 736	15 380	2 943	1 723	29 323	29 488	1 558	NA
Median	498 805	494 825	489 470	407 676	372 170	21 188	34 272	30 702	24 758	30 631	341 939	237 496	389 434	190 001	304 020	8 145	7 348	7 168	8 325	978	1 492	2 618	2 139	1 325	NA
Minimum	28 718	31 190	34 183	27 069	3 568	14 017	19 713	16 831	16 899	418	1 135	3 036	3 037	1 134	196	4 707	5 473	6 597	4 119	0	295	824	767	241	NA
Maximum	2 065 549	969 626	1 152 668	2 073 469	1 586 342	242 818	388 459	275 439	355 838	72 431	1 883 575	809 000	798 324	1 894 251	1 512 700	38 745	32 469	23 229	47 985	9 818	3 613	111 231	112 907	3 339	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	0%	0%	0%	0%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%

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Table 3.1.2 First instance courts: percentage variation of number of other than criminal law cases between 2019 and 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative law cases					4. Other cases					
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	
Albania	NA	NA	NA	NA	NA	41%	-20%	-27%	46%	NA	NA	NA	NA	NA	NA	8%	-40%	-43%	13%	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-4%	-7%	-17%	2%	NA	-8%	-11%	-19%	-2%	-1%	-4%	-7%	-17%	2%	NA	4%	-8%	-7%	2%	15%	NA	NA	NA	NA	NA	NA
Montenegro	-1%	-22%	-15%	-12%	NA	1%	-24%	-18%	-11%	NA	-8%	-20%	-22%	0%	NA	-3%	-16%	3%	-16%	NA	-22%	-20%	-20%	-18%	NA	NA
North Macedonia	-5%	-13%	-17%	10%	NA	2%	-15%	-23%	17%	NA	-27%	-12%	-13%	-11%	NA	-18%	-5%	-10%	-12%	NA	4%	-24%	-27%	9%	NA	NA
Serbia	-6%	-20%	-9%	-19%	-39%	10%	24%	-5%	47%	19%	-11%	-37%	-5%	-45%	-46%	3%	47%	11%	24%	63%	-15%	-39%	-39%	-46%	-20%	NA
Kosovo*	NA	NA	NA	NA	NA	25%	21%	-1%	34%	18%	NA	NA	NA	NA	NA	5%	-40%	-34%	0%	82%	NA	NA	NA	NA	NA	NA
Average	-4%	-16%	-15%	-5%	NA	9%	-9%	-18%	20%	NA	-13%	-19%	-14%	-14%	NA	-1%	-5%	-9%	2%	NA	-11%	-28%	-29%	-19%	NA	NA
Median	-4%	-16%	-16%	-5%	NA	2%	-15%	-19%	17%	NA	-10%	-16%	-15%	-6%	NA	3%	-8%	-7%	2%	NA	-15%	-24%	-27%	-18%	NA	NA
Minimum	-6%	-22%	-17%	-19%	NA	-8%	-24%	-27%	-11%	NA	-27%	-37%	-22%	-45%	NA	-18%	-40%	-43%	-16%	NA	-22%	-39%	-39%	-46%	NA	NA
Maximum	-1%	-7%	-9%	10%	NA	41%	24%	-5%	47%	NA	-4%	-7%	-5%	2%	NA	8%	47%	11%	24%	NA	4%	-20%	-20%	9%	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	80%	0%	0%	0%	0%	60%	20%	20%	20%	20%	80%	0%	0%	0%	0%	60%	40%	40%	40%	40%	80%	NA
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Table 3.1.3 First instance courts: number of other than criminal law cases per 100 inhabitants in 2020 (Q35)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	NA	NA	NA	NA	NA	0,49	0,69	0,59	0,59	0,01	NA	NA	NA	NA	NA	0,24	0,55	0,51	0,28	0,03	0,08	0,13	0,09	0,12	NA
Bosnia and Herzegovina	59,17	26,10	25,87	59,39	45,44	4,98	2,71	2,80	4,90	2,07	53,96	23,17	22,87	54,26	43,33	0,23	0,21	0,21	0,24	0,03	NAP	NAP	NAP	NAP	NAP
Montenegro	4,96	5,03	5,51	4,37	0,58	3,10	3,39	3,61	2,77	0,54	0,18	0,49	0,49	0,18	0,03	1,62	0,88	1,14	1,37	0,00	0,05	0,27	0,28	0,04	0,01
North Macedonia	1,38	3,79	3,65	1,52	NA	1,02	1,65	1,48	1,19	NA	0,10	1,81	1,82	0,09	NA	0,23	0,29	0,32	0,20	NA	0,03	0,04	0,04	0,03	NA
Serbia	13,91	13,95	16,58	11,28	5,35	3,49	5,59	3,96	5,12	0,83	9,81	6,29	10,66	5,44	4,37	0,56	0,47	0,33	0,69	0,14	0,05	1,60	1,62	0,03	0,01
Kosovo*	NA	NA	NA	NA	NA	0,65	0,36	0,30	0,71	0,30	NA	NA	NA	NA	NA	0,09	0,05	0,04	0,09	0,01	NA	NA	NA	NA	NA
Average	19,85	12,22	12,90	19,14	17,12	2,62	2,81	2,49	2,91	0,86	16,01	7,94	8,96	14,99	15,91	0,58	0,48	0,50	0,56	0,05	0,05	0,51	0,51	0,05	NA
Median	9,43	9,49	11,05	7,82	5,35	3,10	2,71	2,80	2,77	0,69	5,00	4,05	6,24	2,81	4,37	0,24	0,47	0,33	0,28	0,03	0,05	0,20	0,18	0,04	NA
Minimum	1,38	3,79	3,65	1,52	0,58	0,49	0,69	0,59	0,59	0,01	0,10	0,49	0,49	0,09	0,03	0,23	0,21	0,21	0,20	0,00	0,03	0,04	0,04	0,03	NA
Maximum	59,17	26,10	25,87	59,39	45,44	4,98	5,59	3,96	5,12	2,07	53,96	23,17	22,87	54,26	43,33	1,62	0,88	1,14	1,37	0,14	0,08	1,60	1,62	0,12	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%	40%	0%	0%	0%	20%	0%	0%	0%	0%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%

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Table 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q35)

Beneficiaries	Total of other than criminal law cases			Civil (and commercial) litigious cases			Non litigious cases			Administrative law cases			Other cases		
	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years
Albania	NA	NA	NA	85%	366	2%	NA	NA	NA	94%	199	9%	72%	475	NA
Bosnia and Herzegovina	99%	838	77%	103%	639	42%	99%	866	80%	98%	424	15%	NAP	NAP	NAP
Montenegro	110%	289	13%	107%	280	19%	100%	136	17%	129%	441	0%	103%	51	18%
North Macedonia	96%	152	NA	90%	294	NA	101%	19	NA	110%	228	NA	93%	339	NA
Serbia	119%	248	47%	71%	472	16%	169%	186	80%	72%	754	20%	102%	6	21%
Kosovo*	NA	NA	NA	70%	1150	37%	NA	NA	NA	102%	1188	27%	NA	NA	NA
Average	106%	382	46%	91%	410	20%	117%	302	59%	100%	409	11%	92%	218	NA
Median	104%	269	47%	90%	366	18%	100%	161	80%	98%	424	12%	97%	195	NA
Minimum	96%	152	13%	71%	280	2%	99%	19	17%	72%	199	0%	72%	6	NA
Maximum	119%	838	77%	107%	639	42%	169%	866	80%	129%	754	20%	103%	475	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	40%	0%	0%	20%	20%	20%	40%	0%	0%	20%	0%	0%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%

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Table 3.1.5 First instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020														
	Total of other than criminal law cases			Civil (and commercial) litigious cases			Non litigious cases			Administrative law cases			Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	NA	NA	NA	-8,2	100,8%	NA	NA	NA	NA	-5,1	99,4%	NA	NA	NA	NA
Bosnia and Herzegovina	-11,9	23,0%	NA	-10,5	21,1%	0,3	-12,1	23,2%	NA	1,7	10%	1,6	NA	NA	NA
Montenegro	8,7	3,9%	NA	7,1	9,6%	NA	-2,7	28,2%	NA	23,7	-18%	NA	-0,7	2,4%	NA
North Macedonia	-5,2	32,8%	NA	-9,5	52,5%	NA	-1,2	1,4%	NA	-6,4	-3%	NA	-4,5	49,1%	NA
Serbia	13,9	-10,5%	-16,0	-22,0	54,3%	-3,8	57,3	-41,8%	-1,6	-22,7	11%	4,9	1,1	-12,5%	6,8
Kosovo*	NA	NA	NA	-15,02	35,0%	-5,12	NA	NA	NA	9,25	51,0%	12,25	NA	NA	NA
Average	1,4	12,3%	NA	-8,6	47,7%	NA	10,3	2,8%	NA	-1,7	19,8%	NA	-1,3	13,0%	NA
Median	1,8	13,4%	NA	-9,5	52,5%	NA	-2,0	12,3%	NA	-5,1	9,7%	NA	-0,7	2,4%	NA
Minimum	-11,9	-10,5%	NA	-22,0	9,6%	NA	-12,1	-41,8%	NA	-22,7	-18,3%	NA	-4,5	-12,5%	NA
Maximum	13,9	32,8%	NA	7,1	100,8%	NA	57,3	28,2%	NA	23,7	99,4%	NA	1,1	49,1%	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	80%	0%	0%	60%	20%	20%	80%	0%	0%	60%	40%	40%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Table 3.1.6 First instance courts: number of criminal law cases in 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	4 170	12 186	9 062	7 294	19	2 952	8 970	6 645	5 277	15	1 214	3 185	2 400	1 999	4	4	31	17	18	0
Bosnia and Herzegovina	132 109	172 297	163 226	141 180	38 531	7 539	8 042	7 891	7 690	1 291	33 213	55 555	44 014	44 754	47	91 357	108 700	111 321	88 736	37 193
Montenegro	38 134	61 197	58 652	40 601	NA	1 564	4 237	3 583	2 140	115	18 951	34 534	34 171	19 314	NA	17 619	22 426	20 898	19 147	NA
North Macedonia	32 372	57 763	56 642	33 493	NA	4 374	14 225	12 424	6 175	NA	27 998	43 538	44 218	27 318	NA	NAP	NAP	NAP	NAP	NAP
Serbia	723 179	1 805 252	1 776 015	752 416	18 341	28 007	45 234	43 883	29 358	5 396	222 623	293 742	294 476	221 889	11 771	472 549	1 466 276	1 437 656	501 169	1 174
Kosovo*	NA	NA	NA	NA	NA	38 562	16 996	18 132	37 426	16 016	3 341	25 891	6 816	22 416	445	NA	NA	NA	NA	NA
Average	185 993	421 739	412 719	194 997	18 964	8 887	16 142	14 885	10 128	1 704	60 800	86 111	83 856	63 055	3 941	145 382	399 358	392 473	152 268	12 789
Median	38 134	61 197	58 652	40 601	18 341	4 374	8 970	7 891	6 175	703	27 998	43 538	44 014	27 318	47	54 488	65 563	66 110	53 942	1 174
Minimum	4 170	12 186	9 062	7 294	19	1 564	4 237	3 583	2 140	15	1 214	3 185	2 400	1 999	4	4	31	17	18	0
Maximum	723 179	1 805 252	1 776 015	752 416	38 531	28 007	45 234	43 883	29 358	5 396	222 623	293 742	294 476	221 889	11 771	472 549	1 466 276	1 437 656	501 169	37 193
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	0%	0%	0%	0%	20%	0%	0%	0%	0%	40%	0%	0%	0%	0%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%

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Table 3.1.7 First instance courts: percentage variation of the number of criminal law cases between 2019 and 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	26%	-15%	-23%	24%	NA	25%	-14%	-20%	19%	NA	35%	-17%	-30%	47%	NA	-89%	-74%	-84%	-66%	NA
Bosnia and Herzegovina	6%	-1%	-2%	7%	11%	-7%	-18%	-24%	2%	16%	26%	5%	-5%	35%	-36%	1%	-3%	1%	-3%	-12%
Montenegro	-2%	-14%	-19%	6%	NA	-9%	17%	-5%	37%	NA	6%	18%	-17%	2%	NA	-9%	-11%	-23%	9%	NA
North Macedonia	26%	-6%	3%	4%	NA	-6%	39%	18%	41%	NA	34%	15%	0%	-2%	NA	NA	NA	NA	NA	NA
Serbia	-2%	-12%	-14%	4%	-6%	0%	-14%	-16%	5%	14%	15%	-4%	-14%	0%	-14%	5%	-14%	-14%	6%	7%
Kosovo*	NA	NA	NA	NA	NA	-12%	-21%	-38%	4%	18%	-93%	1%	-85%	-14%	90%	NA	NA	NA	NA	NA
Average	11%	-10%	-11%	9%	NA	0%	2%	-9%	21%	NA	17%	-10%	-13%	16%	NA	-23%	-26%	-30%	-14%	NA
Median	6%	-12%	-14%	6%	NA	-6%	-14%	-16%	19%	NA	26%	-15%	-14%	2%	NA	-4%	-12%	-19%	2%	NA
Minimum	-2%	-15%	-23%	4%	NA	-9%	-18%	-24%	2%	NA	-15%	-18%	-30%	-2%	NA	-89%	-74%	-84%	-66%	NA
Maximum	26%	-1%	3%	24%	NA	25%	39%	18%	41%	NA	35%	5%	0%	47%	NA	5%	-3%	1%	9%	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	60%	0%	0%	0%	0%	60%	0%	0%	0%	0%	60%	20%	20%	20%	20%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Table 3.1.8 First instance courts: number of criminal law cases per 100 inhabitants in 2020 (Q38)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	0,15	0,43	0,32	0,26	0,00	0,10	0,32	0,23	0,19	0,00	0,04	0,11	0,08	0,07	0,00	0,00	0,00	0,00	0,00	0,00
Bosnia and Herzegovina	3,78	4,94	4,68	4,04	1,10	0,22	0,23	0,23	0,22	0,04	0,95	1,59	1,26	1,28	0,00	2,62	3,11	3,19	2,54	1,07
Montenegro	6,15	9,87	9,46	6,55	NA	0,25	0,68	0,58	0,35	0,02	3,06	5,57	5,51	3,12	NA	2,84	3,62	3,37	3,09	NA
North Macedonia	1,56	2,78	2,73	1,61	NA	0,21	0,69	0,60	0,30	NA	1,35	2,10	2,13	1,32	NA	NAP	NAP	NAP	NAP	NAP
Serbia	10,40	25,97	25,55	10,82	0,26	0,40	0,65	0,63	0,42	0,08	3,20	4,23	4,24	3,19	0,17	6,80	21,09	20,68	7,21	0,02
Kosovo*	NA	NA	NA	NA	NA	0,55	0,24	0,26	0,54	0,23	0,05	0,37	0,10	0,32	0,01	NA	NA	NA	NA	NA
Average	4,41	8,80	8,55	4,66	0,46	0,24	0,51	0,45	0,29	0,03	1,72	2,72	2,64	1,80	0,06	3,06	6,96	6,81	3,21	0,36
Median	3,78	4,94	4,68	4,04	0,26	0,22	0,65	0,58	0,30	0,03	1,35	2,10	2,13	1,32	0,00	2,73	3,37	3,28	2,81	0,02
Minimum	0,15	0,43	0,32	0,26	0,00	0,10	0,23	0,23	0,19	0,00	0,04	0,11	0,08	0,07	0,00	0,00	0,00	0,00	0,00	0,00
Maximum	10,40	25,97	25,55	10,82	1,10	0,40	0,69	0,63	0,42	0,08	3,20	5,57	5,51	3,19	0,17	6,80	21,09	20,68	7,21	1,07
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	0%	0%	0%	0%	20%	0%	0%	0%	0%	40%	0%	0%	0%	0%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%

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Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q38)

Beneficiaries	All criminal law cases			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years	Clearance Rate	Disposition Time (in days)	% of pending cases older than 2 years
Albania	74%	294	0%	74%	290	0%	75%	304	0%	55%	386	0%
Bosnia and Herzegovina	95%	316	27%	98%	356	17%	79%	371	0%	102%	291	42%
Montenegro	96%	253	NA	85%	218	5%	99%	206	NA	93%	334	NA
North Macedonia	98%	216	NA	87%	181	NA	102%	225	NA	NAP	NAP	NAP
Serbia	98%	155	2%	97%	244	18%	100%	275	5%	98%	127	0%
Kosovo*	NA	NA	NA	107%	753	43%	26%	1200	2%	NA	NA	NA
Average	92%	247	10%	88%	258	10%	91%	276	2%	87%	285	14%
Median	96%	253	2%	87%	244	11%	99%	275	0%	96%	313	0%
Minimum	74%	155	0%	74%	181	0%	75%	206	0%	55%	127	0%
Maximum	98%	316	27%	98%	356	18%	102%	371	5%	102%	386	42%
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	40%	0%	0%	20%	0%	0%	40%	0%	0%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%

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Kosovo is not included in the calculation of summary statistics*

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Table 3.1.10 First instance Criminal Law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020											
	All criminal law cases			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	-8,1	62,5%	NA	-5,7	48,1%	NA	-14,1	109,8%	NA	-32,8	112%	NA
Bosnia and Herzegovina	-1,0	9,4%	-5,5	-7,8	33,9%	2,0	-8,1	41,4%	-0,1	3,5	-3%	-4,2
Montenegro	-5,4	30,9%	NA	-19,9	44,4%	NA	1,6	23,0%	NA	-14,0	41%	NA
North Macedonia	9,1	0,1%	NA	-15,5	19,6%	NA	15,3	-2,4%	NA	NA	NA	NA
Serbia	-2,3	21,1%	-0,3	-2,9	25,2%	1,5	-12,1	15,8%	-0,8	-0,6	23%	0,0
Kosovo*	NA	NA	NA	-28,24	66,1%	5,06	-156,02	492,4%	1,09	NA	NA	NA
Average	-1,5	24,8%	NA	-10,4	34,2%	NA	-3,5	37,5%	NA	-11,0	43,2%	NA
Median	-2,3	21,1%	NA	-7,8	33,9%	NA	-8,1	23,0%	NA	-7,3	32,2%	NA
Minimum	9,1	62,5%	NA	-2,9	48,1%	NA	15,3	109,8%	NA	3,5	111,8%	NA
Maximum	-8,1	0,1%	NA	-19,9	19,6%	NA	-14,1	-2,4%	NA	-32,8	-3,4%	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	60%	0%	0%	60%	0%	0%	60%	20%	20%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Kosovo*: the manual data collection was replaced by CMS. This caused some variations from the previous cycle in the count of pending cases, especially as regards civil/commercial and criminal misdemeanour cases.

Table 3.1.11 Second instance courts (appeal): Number of “other than criminal law” cases in 2020 (Q39)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	NA	NA	NA	NA	NA	10 129	4 294	2 499	11 924	1 286	NA	NA	NA	NA	346	11 687	2 798	1 090	13 395	7 629	NA	NA	NA	NA	NA
Bosnia and Herzegovina	46 519	28 472	34 939	40 052	15 327	39 897	22 523	29 317	33 103	14 485	NAP	NAP	NAP	NAP	NAP	6 622	5 949	5 622	6 949	842	NAP	NAP	NAP	NAP	NAP
Montenegro	2 979	10 723	10 931	2 243	675	2 707	9 373	9 530	2 040	664	104	321	354	58	11	160	910	928	142	0	8	119	119	3	0
North Macedonia	8 489	15 245	17 610	6 124	NA	6 948	12 764	14 652	5 060	NA	NAP	NAP	NAP	NAP	NAP	1 541	2 481	2 958	1 064	NA	NAP	NAP	NAP	NAP	NAP
Serbia	83 884	147 055	139 298	91 641	8 676	82 708	136 454	128 953	90 209	8 671	1 176	10 571	10 315	1 432	NAP	NAP	NAP	NAP	NAP	NAP	0	30	30	0	0
Kosovo*	NA	NA	NA	NA	NA	10 328	6 857	7 907	9 278	NA	NA	NA	NA	NA	NA	544	797	620	721	NA	NA	NA	NA	NA	NA
Average	35 468	50 374	50 695	35 015	8 226	28 478	37 082	36 990	28 467	6 277	NA	NA	NA	NA	NA	5 003	3 035	2 650	5 388	2 824	NA	NA	NA	NA	NA
Median	27 504	21 859	26 275	23 088	8 676	10 129	12 764	14 652	11 924	4 979	NA	NA	NA	NA	NA	4 082	2 640	2 024	4 007	842	NA	NA	NA	NA	NA
Minimum	2 979	10 723	10 931	2 243	675	2 707	4 294	2 499	2 040	664	NA	NA	NA	NA	NA	160	910	928	142	0	NA	NA	NA	NA	NA
Maximum	83 884	147 055	139 298	91 641	15 327	82 708	136 454	128 953	90 209	14 485	NA	NA	NA	NA	NA	11 687	5 949	5 622	13 395	7 629	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	40%	60%	20%	20%	20%	20%	20%	40%	40%	40%	40%	40%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Table 3.1.12 Second instance courts (appeal): percentage variation of the number of “other than criminal law” cases between 2019 and 2020 (Q39)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative law cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-8%	-14%	-6%	-14%	-12%	-9%	-22%	-10%	-17%	-11%	NA	NA	NA	NA	NA	-1%	36%	26%	5%	-27%	NA	NA	NA	NA	NA
Montenegro	-6%	-3%	-4%	-20%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	11%	-31%	-17%	-28%	NA	2%	-30%	-19%	-27%	NA	NA	NA	NA	NA	88%	-33%	-1%	-31%	NA	NA	NA	NA	NA	NA	NA
Serbia	4%	-10%	-13%	9%	514%	4%	-10%	-13%	9%	524%	26%	-17%	-17%	22%	NA	NA	NA	NA	NA	NA	NA	500%	500%	NA	NA
Kosovo*	NA	NA	NA	NA	NA	-14%	-5%	-11%	-10%	NA	NA	NA	NA	NA	NA	62%	-23%	-25%	33%	NA	NA	NA	NA	NA	NA
Average	0%	-15%	-10%	-13%	NA	-1%	-21%	-14%	-12%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Median	-1%	-12%	-10%	-17%	NA	2%	-22%	-13%	-17%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum	-8%	-31%	-17%	-28%	NA	-9%	-30%	-19%	-27%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maximum	11%	-3%	-4%	9%	NA	4%	-10%	-10%	9%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	60%	40%	40%	40%	40%	60%	80%	80%	80%	80%	100%	60%	60%	60%	60%	80%	100%	80%	80%	100%	100%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Table 3.1.13 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2020 (Q39)

Beneficiaries	Total of other than criminal law cases (1+2+3+4)					Civil (and commercial) litigious cases					Non litigious cases					Administrative law cases					Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	NA	NA	NA	NA	NA	0,36	0,15	0,09	0,42	0,05	NA	NA	NA	NA	0,01	0,41	0,10	0,04	0,47	0,27	NA	NA	NA	NA	NA
Bosnia and Herzegovina	1,33	0,82	1,00	1,15	0,44	1,14	0,65	0,84	0,95	0,41	NAP	NAP	NAP	NAP	NAP	0,19	0,17	0,16	0,20	0,02	NAP	NAP	NAP	NAP	NAP
Montenegro	0,48	1,73	1,76	0,36	0,11	0,44	1,51	1,54	0,33	0,11	0,02	0,05	0,06	0,01	0,00	0,03	0,15	0,15	0,02	0,00	0,00	0,02	0,02	0,00	0,00
North Macedonia	0,41	0,73	0,85	0,29	NA	0,33	0,61	0,71	0,24	NA	NAP	NAP	NAP	NAP	NAP	0,07	0,12	0,14	0,05	NA	NAP	NAP	NAP	NAP	NAP
Serbia	1,21	2,12	2,00	1,32	0,12	1,19	1,96	1,86	1,30	0,12	0,02	0,15	0,15	0,02	NAP	NAP	NAP	NAP	NAP	NAP	0,00	0,00	0,00	0,00	0,00
Kosovo*	NA	NA	NA	NA	NA	0,15	0,10	0,11	0,13	NA	NA	NA	NA	NA	NA	0,01	0,01	0,01	0,01	NA	NA	NA	NA	NA	NA
Average	0,86	1,35	1,40	0,78	0,22	0,69	0,98	1,01	0,65	0,17	NA	NA	NA	NA	NA	0,18	0,13	0,12	0,19	0,10	NA	NA	NA	NA	NA
Median	0,84	1,27	1,38	0,75	0,12	0,44	0,65	0,84	0,42	0,12	NA	NA	NA	NA	NA	0,13	0,13	0,15	0,13	0,02	NA	NA	NA	NA	NA
Minimum	0,41	0,73	0,85	0,29	0,11	0,33	0,15	0,09	0,24	0,05	NA	NA	NA	NA	NA	0,03	0,10	0,04	0,02	0,00	NA	NA	NA	NA	NA
Maximum	1,33	2,12	2,00	1,32	0,44	1,19	1,96	1,86	1,30	0,41	NA	NA	NA	NA	NA	0,41	0,17	0,16	0,47	0,27	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	40%	0%	0%	0%	0%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	40%	60%	20%	20%	20%	20%	20%	40%	40%	40%	40%	40%

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Table 3.1.14 Second instance courts (appeal): Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2020 (Q39)

Beneficiaries	Total of other than criminal law cases			Civil (and commercial) litigious cases			Non litigious cases			Administrative law cases			Other cases		
	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years
Albania	NA	NA	NA	58%	1742	11%	NA	NA	NA	39%	4485	57%	NA	NA	NA
Bosnia and Herzegovina	123%	418	38%	130%	412	44%	NAP	NAP	NAP	95%	451	12%	NAP	NAP	NAP
Montenegro	102%	75	30%	102%	78	33%	110%	60	19%	102%	56	0%	100%	9	0%
North Macedonia	116%	127	NA	115%	126	NA	NAP	NAP	NAP	119%	131	NA	NAP	NAP	NAP
Serbia	95%	240	9%	95%	255	10%	98%	51	NAP	NAP	NAP	NAP	100%	0	0%
Kosovo*	NA	NA	NA	115%	428	NA	NA	NA	NA	78%	424	NA	NA	NA	NA
Average	109%	215	26%	100%	523	24%	NA	NA	NA	89%	1281	23%	NA	NA	NA
Median	109%	184	30%	102%	255	22%	NA	NA	NA	98%	291	12%	NA	NA	NA
Minimum	95%	75	9%	58%	78	10%	NA	NA	NA	39%	56	0%	NA	NA	NA
Maximum	123%	418	38%	130%	1742	44%	NA	NA	NA	119%	4485	57%	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	40%	0%	0%	20%	20%	20%	20%	0%	0%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	40%	40%	60%	20%	20%	20%	40%	40%	40%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Table 3.1.15 Second instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q39)

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020														
	Total of other than criminal law cases			Civil (and commercial) litigious cases			Non litigious cases			Administrative law cases			Other cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	10,9	-8,4%	0,8	16,9	-7,5%	3,0	NA	NA	NA	-7,5	-17%	-5,3	NA	NA	NA
Montenegro	-1,1	-17,0%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	19,5	-13,5%	NA	15,6	-9,9%	NA	NA	NA	NA	38,7	-30%	NA	NA	NA	NA
Serbia	-3,4	25,8%	7,8	-3,6	25,2%	7,9	-0,5	47,0%	NA	NA	NA	NA	0,0	NA	NA
Kosovo*	NA	NA	NA	-7,79	0,8%	NA	NA	NA	NA	-2,00	76,4%	NA	NA	NA	NA
Average	6,5	-3,3%	NA	9,6	2,6%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Median	4,9	-11,0%	NA	15,6	-7,5%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum	-3,4	-17,0%	NA	-3,6	-9,9%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maximum	19,5	25,8%	NA	16,9	25,2%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	60%	40%	40%	60%	80%	80%	100%	60%	60%	80%	80%	100%	100%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Albania: the change of the templates used for manual data collection have caused some discrepancies in the number of pending cases from the previous cycle.

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2020 (Q40)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	4 913	4 108	2 416	6 605	65	NA	NA	NA	NA	30	NA	NA	NA	NA	23	NA	NA	NA	NA	12
Bosnia and Herzegovina	2 359	11 999	12 374	1 984	189	1 554	2 744	3 131	1 167	117	311	3 257	3 208	360	0	494	5 998	6 035	457	72
Montenegro	99	3 195	3 203	91	NA	99	1 267	1 275	91	12	0	1 928	1 928	0	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	2 846	5 531	5 761	2 616	NA	578	2 333	2 170	741	NA	2 268	3 198	3 591	1 875	NA	NAP	NAP	NAP	NAP	NAP
Serbia	4 692	56 672	55 891	5 473	0	1 513	25 183	24 993	1 703	0	3 143	28 127	27 541	3 729	0	36	3 362	3 357	41	0
Kosovo*	NA	NA	NA	NA	0	491	1 849	1 714	626	0	33	763	724	72	0	NA	NA	NA	NA	NA
Average	2 982	16 301	15 929	3 354	85	936	7 882	7 892	926	40	1 431	9 128	9 067	1 491	8	NA	NA	NA	NA	28
Median	2 846	5 531	5 761	2 616	65	1 046	2 539	2 651	954	21	1 290	3 228	3 400	1 118	0	NA	NA	NA	NA	12
Minimum	99	3 195	2 416	91	0	99	1 267	1 275	91	0	0	1 928	1 928	0	0	NA	NA	NA	NA	0
Maximum	4 913	56 672	55 891	6 605	189	1 554	25 183	24 993	1 703	117	3 143	28 127	27 541	3 729	23	NA	NA	NA	NA	72
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	20%	20%	20%	20%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	40%	40%

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Kosovo is not included in the calculation of summary statistics*

Table 3.1.17 Second instance courts (appeal): percentage variation in number of criminal law cases between 2019 and 2020 (Q40)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other criminal cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	15%	-17%	-44%	35%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-8%	-12%	-10%	-16%	13%	-15%	-21%	-17%	-25%	18%	11%	-2%	-2%	16%	NA	9%	-12%	-11%	-7%	4%
Montenegro	46%	-8%	-7%	-8%	NA	46%	-18%	-15%	-8%	NA	NA	-1%	-1%	NA	NA	NA	NA	NA	NA	NA
North Macedonia	-3%	-19%	-17%	-8%	NA	12%	-13%	-17%	28%	NA	-6%	-23%	-17%	-17%	NA	NA	NA	NA	NA	NA
Serbia	9%	-2%	-3%	17%	NA	-3%	-1%	-2%	13%	NA	16%	-3%	-4%	18%	NA	112%	1%	1%	14%	NA
Kosovo*	NA	NA	NA	NA	NA	28%	-20%	-22%	27%	NA	-78%	-33%	-42%	118%	NA	NA	NA	NA	NA	NA
Average	12%	-12%	-16%	4%	NA	10%	-13%	-13%	2%	NA	7%	-7%	-6%	6%	NA	NA	NA	NA	NA	NA
Median	9%	-12%	-10%	-8%	NA	5%	-15%	-16%	2%	NA	11%	-3%	-3%	16%	NA	NA	NA	NA	NA	NA
Minimum	-8%	-19%	-44%	-16%	NA	-15%	-21%	-17%	-25%	NA	-6%	-23%	-17%	-17%	NA	NA	NA	NA	NA	NA
Maximum	46%	-2%	-3%	35%	NA	46%	-1%	-2%	28%	NA	16%	-1%	-1%	18%	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	80%	20%	20%	20%	20%	80%	40%	20%	20%	40%	100%	60%	60%	60%	60%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Table 3.1.18 Second instance courts (appeal): Number of criminal law cases per 100 inhabitants in 2020 (Q40)

Beneficiaries	All criminal law cases (1+2+3)					1. Severe criminal cases					2. Misdemeanour and / or minor criminal cases					3. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - more than 2 years
Albania	0,17	0,14	0,08	0,23	0,00	NA	NA	NA	NA	0,00	NA	NA	NA	NA	0,00	NA	NA	NA	NA	0,00
Bosnia and Herzegovina	0,07	0,34	0,35	0,06	0,01	0,04	0,08	0,09	0,03	0,00	0,01	0,09	0,09	0,01	0,00	0,01	0,17	0,17	0,01	0,00
Montenegro	0,02	0,52	0,52	0,01	NA	0,02	0,20	0,21	0,01	0,00	0,00	0,31	0,31	0,00	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	0,14	0,27	0,28	0,13	NA	0,03	0,11	0,10	0,04	NA	0,11	0,15	0,17	0,09	NA	NAP	NAP	NAP	NAP	NAP
Serbia	0,07	0,82	0,80	0,08	0,00	0,02	0,36	0,36	0,02	0,00	0,05	0,40	0,40	0,05	0,00	0,00	0,05	0,05	0,00	0,00
Kosovo*	NA	NA	NA	NA	0,00	0,01	0,03	0,02	0,01	0,00	0,00	0,01	0,01	0,00	0	NA	NA	NA	NA	NA
Average	0,1	0,4	0,4	0,1	0,0	0,0	0,2	0,2	0,0	0,0	0,0	0,2	0,2	0,0	0,0	NA	NA	NA	NA	0,0
Median	0,1	0,3	0,4	0,1	0,0	0,0	0,2	0,2	0,0	0,0	0,0	0,2	0,2	0,0	0,0	NA	NA	NA	NA	0,0
Minimum	0,0	0,1	0,1	0,0	0,0	0,0	0,1	0,1	0,0	0,0	0,0	0,1	0,1	0,0	0,0	NA	NA	NA	NA	0,0
Maximum	0,2	0,8	0,8	0,2	0,0	0,0	0,4	0,4	0,0	0,0	0,1	0,4	0,4	0,1	0,0	NA	NA	NA	NA	0,0
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	40%	20%	20%	20%	20%	20%	20%	20%	20%	20%	40%	20%	20%	20%	20%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	40%	40%

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Table 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2020 (Q40)

Beneficiaries	All criminal law cases			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years	Clearance Rate	Disposition Time	% of pending cases older than 2 years
Albania	59%	998	1%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	103%	59	10%	114%	136	10%	98%	41	0%	101%	28	16%
Montenegro	100%	10	NA	101%	26	13%	100%	0	NA	NAP	NAP	NAP
North Macedonia	104%	166	NA	93%	125	NA	112%	191	NA	NAP	NAP	NAP
Serbia	99%	36	0%	99%	25	0%	98%	49	0%	100%	4	0%
Kosovo*	NA	NA	NA	93%	133	0%	95%	36	0%	NA	NA	NA
Average	93%	254	4%	102%	78	8%	102%	70	NA	NA	NA	NA
Median	100%	59	1%	100%	75	10%	99%	45	NA	NA	NA	NA
Minimum	59%	10	0%	93%	25	0%	98%	0	NA	NA	NA	NA
Maximum	104%	998	10%	114%	136	13%	112%	191	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	40%	20%	20%	40%	20%	20%	60%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%

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Table 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Beneficiaries	Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020											
	All criminal law cases			1. Severe criminal cases			2. Misdemeanour and / or minor criminal cases			3. Other criminal cases		
	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)	Clearance Rate (in percentage points)	Disposition Time (%)	% of pending cases older than 2 years (in percentage points)
Albania	-28,0	NA	NA	NA	100,8%	NA	NA	NA	NA	NA	99,4%	NA
Bosnia and Herzegovina	1,6	23,0%	2,4	6,1	21,1%	3,7	-0,6	23,2%	0,0	1,2	10%	1,8
Montenegro	1,1	3,9%	NA	2,6	9,6%	NA	0,0	28,2%	NA	NA	-18%	NA
North Macedonia	3,0	32,8%	NA	-4,6	52,5%	NA	8,9	1,4%	NA	NA	-3%	NA
Serbia	-0,7	-10,5%	NA	-1,0	54,3%	NA	-0,6	-41,8%	NA	0,4	11%	NA
Kosovo*	NA	NA	NA	-2,68	64,4%	0,00	-15,54	276,4%	0,00	NA	NA	NA
Average	-4,6	0,1	NA	0,8	0,5	NA	1,9	0,0	NA	NA	0,2	NA
Median	1,1	0,1	NA	0,8	0,5	NA	-0,3	0,1	NA	NA	0,1	NA
Minimum	-28,0	-0,1	NA	-4,6	0,1	NA	-0,6	-0,4	NA	NA	-0,2	NA
Maximum	3,0	0,3	NA	6,1	1,0	NA	8,9	0,3	NA	NA	1,0	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	80%	20%	0%	80%	20%	20%	80%	60%	0%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Table 3.1.21 Average length of proceedings in days for Civil and commercial litigious cases and Litigious divorce cases in 2020 (Q41)

Beneficiaries	Civil and commercial litigious cases						Litigious divorce cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	21%	529	591	242	534	30,0%	7,0%	209	197	103	208	0,0%
Montenegro	37%	288	62	57	136	87,0%	7,0%	117	31	73	74	NA
North Macedonia	NA	NA	NA	NA	NA	NA	15,0%	143	NA	NA	NA	NA
Serbia	NA	472	255	355	391	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	NA	430	303	218	354	NA	9,7%	156	NA	NA	NA	NA
Median	NA	472	255	242	391	NA	7,0%	143	NA	NA	NA	NA
Minimum	NA	288	62	57	136	NA	7,0%	117	NA	NA	NA	NA
Maximum	NA	529	591	355	534	NA	15,0%	209	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	60%	40%	40%	40%	40%	60%	40%	40%	60%	60%	60%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.22 Average length of proceedings in days for Employment dismissal cases and Insolvency cases in 2020 (Q41)

Beneficiaries	Employment dismissal cases						Insolvency cases					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	NA	NA	NA	NA	NA	NA	101	NA	NA	NA	NA
Bosnia and Herzegovina	53%	382	743	386	495	17%	13%	584	97	41	511	30%
Montenegro	37%	330	63	50	148	NA	6%	235	21	0	85	NA
North Macedonia	44%	188	NA	NA	NA	NA	5%	192	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	887	78	NAP	621	67%
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	44,7%	300	NA	NA	NA	NA	8,0%	400	65	NA	406	NA
Median	44,0%	330	NA	NA	NA	NA	6,0%	235	78	NA	511	NA
Minimum	37,0%	188	NA	NA	NA	NA	5,0%	101	21	NA	85	NA
Maximum	53,0%	382	NA	NA	NA	NA	13,0%	887	97	NA	621	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	40%	40%	60%	60%	60%	80%	40%	0%	40%	40%	40%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.23 Average length of proceedings in days for Robbery cases and Intentional homicide cases in 2020 (Q41)

Beneficiaries	Robbery case						Intentional homicide					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	142	NA	NA	NA	NA	NA	271	NA	NA	NA	NA
Bosnia and Herzegovina	42%	265	231	157	252	22%	73%	222	202	137	211	17,0%
Montenegro	87%	212	24	14	83	NA	98%	371	70	52	164	NA
North Macedonia	49%	370	NA	NA	NA	NA	70%	177	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	59,3%	247	NA	NA	NA	NA	80,3%	260	NA	NA	NA	NA
Median	49,0%	239	NA	NA	NA	NA	73,0%	247	NA	NA	NA	NA
Minimum	42,0%	142	NA	NA	NA	NA	70,0%	177	NA	NA	NA	NA
Maximum	87,0%	370	NA	NA	NA	NA	98,0%	371	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	40%	20%	60%	60%	60%	80%	40%	20%	60%	60%	60%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.24 Average length of proceedings in days for Bribery cases and Trading in influence cases in 2020 (Q41)

Beneficiaries	Bribery cases						Trading in influence					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	212	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	83,0%	516	143	56	368	8,0%	25,0%	284	250	0	273	14,0%
Montenegro	0,0%	0	0	0	0	NA	0,0%	0	0	0	0	NA
North Macedonia	100,0%	176	NA	NA	NA	NA	0,0%	0	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	61,0%	226	NA	NA	NA	NA	8,3%	95	NA	NA	NA	NA
Median	83,0%	194	NA	NA	NA	NA	0,0%	0	NA	NA	NA	NA
Minimum	0,0%	0	NA	NA	NA	NA	0,0%	0	NA	NA	NA	NA
Maximum	100,0%	516	NA	NA	NA	NA	25,0%	284	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	40%	20%	60%	60%	60%	80%	40%	40%	60%	60%	60%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.25 Variation of average length of proceedings (percentage change and percentage points) for Civil and commercial litigious cases and Litigious divorce cases between 2019 and 2020 (Q41)

Beneficiaries	Civil and commercial litigious cases						Litigious divorce cases					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-1,0	-6,5%	5,7%	-18,8%	-4,1%	-2,00	0,00	12%	8%	-46%	12%	0,00
Montenegro	0,0	44,7%	-44,1%	NA	NA	NA	0,00	-45%	-39%	NA	NA	NA
North Macedonia	NA	NA	NA	NA	NA	NA	5,00	18%	NA	NA	NA	NA
Serbia	NA	54,2%	25,0%	106,4%	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	NA	30,8%	-4,5%	NA	-4,5%	NA	1,67	-4,9%	NA	NA	NA	NA
Median	NA	44,7%	5,7%	NA	5,7%	NA	0,00	12,4%	NA	NA	NA	NA
Minimum	NA	-6,5%	-44,1%	NA	-44,1%	NA	0,00	-45,3%	NA	NA	NA	NA
Maximum	NA	54,2%	25,0%	NA	25,0%	NA	5,00	18,2%	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	60%	40%	40%	60%	80%	80%	40%	40%	60%	80%	80%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.26 Variation of average length of proceedings (percentage change and percentage points) for Employment dismissal cases and Insolvency cases between 2019 and 2020 (Q41)

Beneficiaries	Employment dismissal cases						Insolvency cases					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-10,0	-28,7%	25,5%	-8,5%	-8%	7,0	0,0	30,6%	24,4%	-31,7%	25,9%	10,0
Montenegro	-29,0	-36,9%	-17,1%	NA	NA	NA	2,0	51,6%	10,5%	NA	NA	NA
North Macedonia	-8,0	12,6%	NA	NA	NA	NA	4,0	-20,3%	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	29,9%	52,9%	NA	NA	1,0
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-15,7	-17,7%	NA	NA	NA	NA	2,0	22,9%	29,3%	NA	NA	NA
Median	-10,0	-28,7%	NA	NA	NA	NA	2,0	30,3%	24,4%	NA	NA	NA
Minimum	-29,0	-36,9%	NA	NA	NA	NA	0,0	-20,3%	10,5%	NA	NA	NA
Maximum	-8,0	12,6%	NA	NA	NA	NA	4,0	51,6%	52,9%	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	40%	40%	60%	80%	80%	80%	40%	20%	40%	80%	80%	60%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo is not included in the calculation of summary statistics*

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.27 Variation of average length of proceedings (percentage change and percentage points) for Robbery cases and Intentional homicide cases between 2019 and 2020 (Q41)

Beneficiaries	Robbery case						Intentional homicide					
	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)	Variation of the percentage of decisions subject to appeal (percentage points)	Variation of Average length in 1st instance (percentage change %)	Variation of Average length in 2nd instance (percentage change %)	Variation of Average length in 3rd instance (percentage change %)	Variation of Average length - total procedure (percentage change %)	Variation of percentage of cases pending for more than 3 years for all instances (percentage points)
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-2,0	-20,4%	-4,5%	-23,0%	-17,1%	59,0	12,0	-31%	-34%	56%	-33%	-1,0
Montenegro	54,0	3,4%	-47,8%	NA	NA	95,0	11,0	-26%	-19%	NA	NA	NA
North Macedonia	23,0	97,9%	NA	NA	NA	NA	2,0	11%	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	25,0	27,0%	NA	NA	NA	NA	8,3	-15,5%	NA	NA	NA	NA
Median	23,0	3,4%	NA	NA	NA	NA	11,0	-25,5%	NA	NA	NA	NA
Minimum	-2,0	-20,4%	NA	NA	NA	NA	2,0	-31,5%	NA	NA	NA	NA
Maximum	54,0	97,9%	NA	NA	NA	NA	12,0	10,6%	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	40%	40%	60%	80%	80%	60%	40%	40%	60%	80%	80%	80%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics

Serbia: the average length of proceedings has been calculated using the Disposition Time formula and not as a real average length of resolved cases.

Table 3.1.28 Open questions in Indicator 3.1 (Q36 and Q37)

Beneficiaries	Details on categories of cases specified in question 35 for other than criminal cases	
	Question 036. If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:	Question 037. Please indicate the case categories included in the category "other cases":
Albania	<p>This category includes cases that fall in one of the following classification: general civil cases without an adversarial party - The request for securing the lawsuit, when it is presented as a separate request before filing of the lawsuit (article 202 and 204 of K.Pr.C);</p> <ul style="list-style-type: none"> - Request for securing evidence submitted before filing a lawsuit (Article 293 i K.Pr.C); - Request for correction of errors, completion of the decision, clarification and interpretation of the decision (articles 312,313,314 of K.Pr.C); - Request for announcing the disappearance or death of a person (Article 375 of K.Pr.C) and request for change or reversal of the decision declaring the disappearance or the death of the person (Article 379); - Request for removal or restriction of capacity to act and request for return of aptitude (article 382 - 387 of K.Pr.C); - Request for judicial confirmation of legal facts (Article 388 et seq. Of the Code of Civil Procedure); - Request for legal aid in the civil field; - Requests for the issuance of an execution order (Article 511 of the Code of Civil Procedure), <p>Commercial cases without an adversarial party</p> <ul style="list-style-type: none"> - Bankruptcy proceedings according to law no. 110/2016, dated 27.10.2016 "On bankruptcy"; - Registration of NGOs according to law no. 8789, dated 7.5.2001 "On the registration of non-profit organizations "; - Request for appointment of an administrator; - Request for renaming of companies; - Request for change of the number of partners according to law no. 8789, dated 7.5.2001 "For registration of non-profit organizations "; - Request for change of core capital according to law no. 8789, dated 7.5.2001 "For registration of non-profit organizations "; - Request for change of the headquarters according to law no. 8789, dated 7.5.2001 "For registration of non-profit organizations "; <p>Family cases without an adversarial party</p> <ul style="list-style-type: none"> - Request for adoption, articles 240-262 of the Family Code; - Dissolution of marriage with the consent of both spouses, Articles 125-128 of the Family Code; - Request for authorization for the administration of the minor's property (art 234 et seq. Of the Family Code); - Other requests. 	<p>This category includes cases solved through mediation and any other non adversarial cae that has not been included in Q36.</p>
Bosnia and Herzegovina	<p>The most important case categories among civil and commercial non-litigious cases are: uncontested payment orders, non-litigious enforcement cases, inheritance proceedings, non-contentious proceedings related to personal and family matters (e.g. establishing that a person does not have legal competence, striping of parental rights), non-contentious proceedings for settling relationships between co-owners of the real estate including dissolution of co-ownership, settlement of boundary lines, voluntary sales. The majority of non-litigious cases were enforcement proceedings the state-owned utility companies initiated because of unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).</p>	<p>No cases are included in the category "other cases".</p>
Montenegro	<p>Basic and commercial courts deal with:</p> <ul style="list-style-type: none"> - Civil cases (P) - Civil cases - small value (Mal) - Complex non-litigious cases (Rs) - Other civil and non-litigious cases (R) - Legacy cases (O) 	<p>Basic and commercial courts - Execution cases (I)</p>
North Macedonia	<p>In "non-litigious cases" are included: non-disputable cases and division of property.</p>	<p>In other cases are included bankruptcy and liquidation cases.</p>
Serbia	<p>2.1 shows executions, non-litigious and undisputed payment orders of basic and commercial courts, as well as rehabilitation cases with higher courts. 2.3 presents cases of reasonable time and objections to the decisions of notaries. Higher courts: REH Basic courts: O, OS, R1, R2, R3, R4, R5, PI Commercial courts: L, R, PI Basic courts: Iv, I, li, liv, Ink, loi, lon, lpi, lplv, lplv, lplvk Commercial courts: I, I2, li, Iv, liv, Ink, loi, lon, lpi, lpv (I), lpv (Iv), lpv (lvk)</p>	<p>Higher courts: POM I4, Pom Ig, POM I2, Pom Ig H1 Basic courts: POM, POM I2, POM Ig (old), Pom Ug, Pom IgH 1, Pom Ig (new), Pom UgH 2, Pom IgN, Pom UgN, Pom UgH 1, Pom IgH 2, Ov H, Ov I, Ov1, Ov2, Ov3, Uop, Opu, U</p>
Kosovo*	<p>The number of civil and commercial non-litigious cases is not available</p>	<p>The number of other cases is not available</p>

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Kosovo* is not included in the calculation of summary statistics

Table 3.2.1 National policies applied in courts and public prosecution services and personnel entrusted in 2020 (Q42 and Q43)

Beneficiaries	Quality standards of judicial systems on national level	Specialised personnel entitled to implement these standards	
		within the courts	within the public prosecution services
Albania	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes
Montenegro	Yes	No/NAP	No/NAP
North Macedonia	Yes	Yes	No/NAP
Serbia	No/NAP	No/NAP	No/NAP
Kosovo*	No/NAP	No/NAP	No/NAP
Nb of Yes	4	3	2

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Kosovo is not included in the calculation of summary statistics*



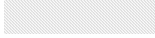
Yes	
No/NAP	
NA	

Table 3.2.2 Performance and quality objectives at court level in 2020 (Q44 and Q45)

Beneficiaries	Concerning court activities, have you defined performance and quality indicators?	If yes, please select the main performance and quality indicators that have been defined for courts:													
		number of incoming cases	length of proceedings	number of resolved cases	number of pending cases	backlogs	productivity of judges and court staff	satisfaction of court staff	satisfaction of users	costs of the judicial procedures	number of appeals	appeal ratio	clearance rate	disposition time	other
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP
Nb of Yes	5	4	5	5	5	5	4	0	1	0	4	3	5	5	0

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Kosovo* is not included in the calculation of summary statistics


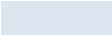

Yes 
 No/NAP 
 NA 

Table 3.2.3 Performance and quality objectives at public prosecution services level in 2020 (Q46 and Q47)

Beneficiaries	Performance and quality indicators	Main performance and quality indicators for the public prosecution services :												
		number of incoming cases	length of proceedings	number of resolved cases	number of pending cases	backlogs	productivity of prosecutors and prosecution staff	satisfaction of prosecution staff	satisfaction of users	costs of the judicial procedures	clearance rate	disposition time	percentage of convictions and acquittals	other
Albania														
Bosnia and Herzegovina														
Montenegro														
North Macedonia														
Serbia														
Kosovo*														
Nb of Yes	5	3	4	5	5	4	4	1	1	0	3	3	4	1

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Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 3.2.4 Evaluation of performance at court level in 2020 (Q48, Q49, Q50, Q51 and Q56)

Beneficiaries	Do you have a system to evaluate regularly court performance based primarily on the defined indicators?	If yes, please specify the frequency			Is this evaluation of the court activity used for the later allocation of resources within this court?	If yes, which courses of action are taken?				Who is responsible for evaluating the performance of the courts					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Judicial Council	Ministry of justice	Inspection authority	Supreme court	External audit body	Other
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															
Nb of Yes	4	2	0	2	1	1	1	1	0	5	1	0	3	0	1

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Kosovo* is not included in the calculation of summary statistics




Yes 
 No/NAP 
 NA 

Table 3.2.5 Evaluation of performance at public prosecution services level in 2020 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?	If yes, please specify the frequency			Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?	If yes, which courses of action are taken?				Who is responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Albania	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes	No	No	No	No	Yes
Bosnia and Herzegovina	Yes	No	No	No	No	No	No	No	No	No	No	Yes	No	No	Yes
Montenegro	Yes	No	No	No	No	No	No	No	No	Yes	No	Yes	No	No	No
North Macedonia	Yes	Yes	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No
Serbia	Yes	Yes	No	No	Yes	No	Yes	Yes	No	No	No	Yes	No	No	No
Kosovo*	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
Nb of Yes	5	4	1	0	2	1	1	2	0	3	0	4	1	0	2

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Kosovo* is not included in the calculation of summary statistics




Yes 
 No/NAP 
 NA 

Table 3.2.6 Measuring courts' activity in 2020 (Q58)

Beneficiaries	Regular monitoring of courts' activities (performance and quality) concerning:													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users (regarding the services delivered by the courts)	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Albania	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes	Yes	Yes	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Nb of Yes	5	5	5	5	5	4	0	0	1	4	2	5	5	0

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Kosovo* is not included in the calculation of summary statistics


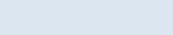

Yes 
 No/NAP 
 NA 

Table 3.2.7 Measuring public prosecution services' activity in 2020 (Q59)

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality) concerning:												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Albania	Yes	No/NAP	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	No/NAP
Montenegro	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Serbia	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	Yes	No/NAP
Kosovo*	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP
Nb of Yes	5	3	5	5	5	3	0	0	1	4	2	4	1

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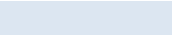

Yes 
 No/NAP 
 NA 

Table 3.2.8 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2020 (Q60 and Q61)

Beneficiaries	Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs)			Monitoring the waiting time during judicial proceedings	
	Civil law cases	Criminal law cases	Administrative law cases	Within the courts	Within the public prosecution services
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					
Nb of Yes	5	5	5	3	3

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Kosovo is not included in the calculation of summary statistics*


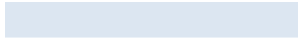

Yes	
No/NAP	
NA	

Table 3.2.9 Information regarding courts and public prosecution services' activity in 2020 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Beneficiaries	Centralised institution responsible for collecting statistical data regarding the functioning of the courts	Publication of statistics on the functioning of each court by this institution			Centralised institution responsible for collecting statistical data regarding the functioning of the public prosecution services	Publication of statistics on the functioning of each public prosecution service by this institution			Individual courts required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please indicate the periodicity at which the report is released:			Public prosecution services required to prepare an activity report	If yes, please specify in which form this report is released:			If yes, please indicate the periodicity at which the report is released:		
		Yes, on internet	No, only internally (in an intranet website)	No		Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Albania	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
Bosnia and Herzegovina	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
Montenegro	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
North Macedonia	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
Serbia	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
Kosovo*	Yes	No	No	Yes	No	No	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	Yes	Internet	Annual	
Nb of Yes	5	5	0	0	5	5	0	0	5	4	1	4	4	0	1	5	5	1	1	5	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes ■
 No/NAP ■
 NA ■

Table 3.2.10 Courts administration in 2020 (Q72 and Q73)

Beneficiaries	Existence of a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts	Existence of a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		
Nb of Yes	5	4

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

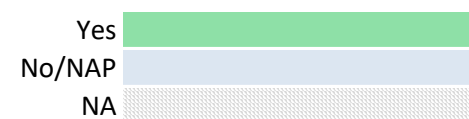


Table 3.2.11 Performance and evaluation of judges in 2020 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Beneficiaries	Existence of quantitative performance targets defined for each judge	Body responsible for setting the individual targets for each judge					Consequences for a judge if quantitative targets are not met					Existence of a system of qualitative individual assessment of the judges' work	Body responsible for setting the criteria for qualitative assessment of the judges' work					Frequency of this assessment		
		Executive power	Legislative power	Judicial power	President of the court	Other	Warning by court's president	Disciplinary procedure	Temporary salary reduction	Other	No consequences		Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent
Albania	Yes	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	Yes	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Montenegro	Yes	Yes	No	Yes	No	No	No	Yes	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
North Macedonia	Yes	No	No	Yes	No	No	No	Yes	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Serbia	Yes	No	No	Yes	No	No	No	No	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Kosovo*	Yes	No	No	Yes	No	No	Yes	Yes	Yes	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Nb of Yes	5	1	0	5	0	0	0	2	0	3	0	5	0	0	5	0	0	1	4	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

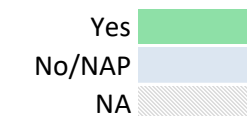


Table 3.2.12 Performance and evaluation of public prosecutors in 2020 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Beneficiaries	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met					Existence of a system of qualitative individual assessment of the public prosecutors' work	Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment		
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Warning by head of prosecution	Disciplinary procedure	Temporary salary reduction	Other	No consequences		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Annual	Less frequent	More frequent
Albania																				
Bosnia and Herzegovina																				
Montenegro																				
North Macedonia																				
Serbia																				
Kosovo*																				
Nb of Yes	2	0	0	1	0	1	1	0	0	1	0	5	0	1	2	0	2	1	4	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


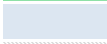

Yes 
 No/NAP 
 NA 

Table 3.3.1 IT Strategy and Case management system in 2020 (Q82-0, Q82, Q82-1 and Q82-2)

States	Existence of an IT strategy for the judiciary	Existence of a Case Management System (CSM)	Development of the running CSM or major redevelopment					Plans for a significant change in the present IT system in the judiciary in the next year
			In the last 2 years	Between 2 and 5 years	Between 5 and 10 years	More than 10 years	Other	
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								
Nb of Yes	2	5	0	0	1	3	1	5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes

No/NAP

NA

Table 3.3.2 CMS Index in 2020 (Q83)

States	Case Management system deployment rate				Status of the case online				Centralised or interoperable database				Early warning signals				Tools of producing courts activity statistics				Total (12 max)
	Civil and/or commercial	Criminal	Administrative	Index (4 max)	Civil and/or commercial	Criminal	Administrative	Index (3 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (1 max)	Civil and/or commercial	Criminal	Administrative	Index (3max)	
Albania	100%	100%	100%	4,0	Both	Both	Both	2				1,0				0,0	Integrated	Integrated	Integrated	2,5	9,5
Bosnia and Herzegovina	100%	100%	100%	4,0	Accessible to parties	Accessible to parties	Accessible to parties	1,5				1,0				1,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	3,0	10,5
Montenegro	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	9,5
North Macedonia	100%	100%	100%	4,0	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Not connected at all	Not connected at all	Not connected at all	0,0	7,0
Serbia	100%	100%	100%	4,0	Both	Accessible to parties	Both	1,8				0,3				1,0	Fully integrated including BI	Fully integrated including BI	Not connected at all	2,0	9,2
Kosovo*	50-99%	50-99%	50-99%	3,0	Publication of decision online	Publication of decision online	Publication of decision online	1,5				1,0				1,0	Integrated	Integrated	Integrated	3,0	8,0
Nb of values	5	5	5		5	5	5		5	5	5		5	5	5		5	5	5		
% of NA	0%	0%	0%		0%	0%	0%		0%	0%	0%		0%	0%	0%		0%	0%	0%		
% of NAP	0%	0%	0%		0%	0%	0%		0%	0%	0%		0%	0%	0%		0%	0%	0%		

Both = Accessible to parties
Publication of decision online

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Kosovo* is not included in the calculation of summary statistics


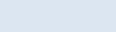


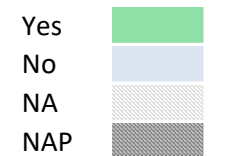
Yes 
 No 
 NA 
 NAP 

Table 3.3.3 Centralised national database of court decisions in 2020 (Q84, Q85)

States	Existence	First instance			Second instance			Final instance			Link with ECHR case law			Data anonymised			Case-law database available free online			Case-law database available in open data		
		Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative	Civil and/or commercial	Criminal	Administrative
Albania	Yes	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes all judgements	Yes all judgements	Yes all judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	NA	NA	NA
Bosnia and Herzegovina	Yes	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	NA	NA	NA	Yes	Yes	Yes	NA	NA	NA	NA	NA	NA
Montenegro	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes some judgements	Yes some judgements	No	Yes some judgements	Yes some judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	NA	NA	NA
Kosovo*	Yes	Yes all judgements	Yes some judgements	Yes all judgements	Yes all judgements	Yes some judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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Kosovo* is not included in the calculation of summary statistics



Indicator 3 - Efficiency and productivity

by country

Question 35. First instance courts: number of other than criminal law cases.

Question 38. First instance courts: number of criminal law cases.

Question 39. Second instance courts (appeal): Number of "other than criminal law" cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial

Question 42. Are quality standards determined for the judicial system at national level (are there quality

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality

Question 44. Concerning court activities, have you defined performance and quality indicators?

Question 45. If yes, please select the main performance and quality indicators that have been defined for

Question 46. Concerning public prosecution activities, have you defined performance and quality indicators?

Question 47. If yes, please select the main performance and quality indicators for the public prosecution

Question 48. Do you have a system to evaluate regularly court performance based primarily on the defined

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of

Question 55. If yes, which courses of action are taken?

Question 56. Who is responsible for evaluating the performance of the courts (multiple options possible) :

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a

Question 61. Do you monitor waiting time during judicial proceedings?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the

Question 63. Does this institution publish statistics on the functioning of each court:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the

Question 65. Does this institution publish statistics on the functioning of each public prosecution service?

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and

Question 67. If yes, please specify in which form this report is released:

Question 68. If yes, please, indicate the periodicity at which the report is released:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors

Question 70. If yes, please specify in which form this report is released:

Question 71. If yes, please, indicate the periodicity at which the report is released:

Question 72. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of

Question 73. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved

Question 75. Who is responsible for setting the individual targets for each judge?

Question 75-1. What are the consequences for a judge if quantitative targets are not met?

Question 76. Is there a system of qualitative individual assessment of the judges' work?

Question 76-1. Who is responsible for setting the criteria for qualitative assessment of the judges' work?
 Question 77. If yes, please specify the frequency of this assessment:
 Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number
 Question 79. Who is responsible for setting the individual targets for each public prosecutor
 Question 79-1. What are the consequences for a prosecutor if quantitative targets are not met?
 Question 80. Is there a system of qualitative individual assessment of the public prosecutors' work?
 Question 80-1. Who is responsible for setting the criteria for qualitative assessment of the public prosecutors'
 Question 81. If yes, please specify the frequency of this assessment:
 Question 82-0. Is there a IT strategy for the judiciary?
 Question 82. Is there a case management system (CMS) ? (Software used for registering judicial proceedings
 Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was
 Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next
 Question 83. If yes, please specify the following information:
 Question 84. Is there a centralised national database of court decisions (case-law, etc.)?
 Question 85. If yes, please specify the following information:

Albania

Q035 (2020): Variations from the previous cycle remain unexplained

Q038 (2020): Variations from the previous cycle remain unexplained

Q040 (2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained

Q042 (General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law "On the status of judges and prosecutors", as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.

Q042 (2019): Yes, there are quality standards determined for the judicial system at national level approved by the Law "On the status of judges and prosecutors", as amended, who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and

Q043 (General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for

Q043 (2019): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council

Q047 (General Comment): According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of the prosecutor's performance are:

a) records of the verification of complaints filed for the prosecutor during the evaluation period as well as decisions on disciplinary

measures given to the magistrate which are implemented during the evaluation period and reports of the High Inspectorate of Declaration

and Audit of Assets and Conflict of Interests;

b) the number of cases in which prosecutors have been expelled due to a conflict of interest;

c) issues selected by lot for evaluation;

Q047 (2019): According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of the prosecutor's performance are:

a) records of the verification of complaints filed for the prosecutor during the evaluation period as well as decisions on disciplinary measures given to the magistrate which are implemented during the evaluation period and reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;

b) the number of cases in which prosecutors have been expelled due to a conflict of interest;

Q048 (General Comment): The court performance is assessed as part of the annual report but because there is no officially approved indicators yet, the court performance can not be evaluated.

Q053 (General Comment): According to the Law "On the status of judges and prosecutors", as amended, the assessment process of the prosecutors is periodic. The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution office is evaluated at least once during his term of office. In each case, the head of the Prosecution office should be evaluated from the High Prosecutorial

Q053 (2019): According to the Law "On the status of judges and prosecutors", as amended, the assessment process of the prosecutors is periodic.

The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution

Q057 (General Comment): According to the Law "On the status of judges and prosecutors", as amended, the head of the Prosecution office, where the

Q057 (2019): According to the Law "On the status of judges and prosecutors", as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the

Q058 (General Comment): High Judicial Council monitors the above-mentioned indicators, every six months, based on detailed reports of the courts. An annual report is produced each year.

High Inspector of Justice is the responsible body, which inspects citizens complains, for : procrastination of the process by the judges, unethical acts by judges..etj. Based on point 4 of article 194 of law no. 96/2016

"On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated

Q058 (2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:

- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";

Q059 (General Comment): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of

Q059 (2019): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies realised from the
Q062 (2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

Q062 (2019): High Judicial Council and Ministry of Justice

Q063 (2019): <http://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

Q064 (General Comment): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ

Q064 (2019): http://www.pp.gov.al/web/Statistika_19_1.php

Q065 (2019): http://www.pp.gov.al/web/apeli_tirane_raport_2017_1334.pdf

An example of the annual report of the Tirana Appeals Prosecution Office

(case flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

- I. Introduction
- II. Judicial Activity
 1. The burden and type of litigation.
 2. Trend of load with issues.
 3. Resolving issues.
 - a. Criminal Matters
 - b. Criminal claim
 - c. Pre-trial criminal claim
 - d. Criminal-administrative claim
 - e. Civil matters
 4. Charges for judges.
 - a. Delegations of judges
 5. Control of decision-making by higher courts.
 6. Speed in judgment.
 7. Refuses to adjudicate cases.
 8. Exclusions of judges from adjudication of cases.
- III. Judicial Case Management
 1. Monitoring the progress of issues.
 2. Electronic system of management of court cases.
- IV. Administrative management of the court
 1. Organics and Human Resources.
 2. Information technology.
 3. Provision of services by the judicial administration.
 4. Accessibility, transparency, public relations and the media.
 5. Security and security issues in court.

I. Introduction

II. Judicial Activity

1. The burden and type of litigation.
2. Trend of load with issues.
3. Resolving issues.
 - a. Criminal Matters
 - b. Criminal claim
 - c. Pre-trial criminal claim
 - d. Criminal-administrative claim
 - e. Civil matters
4. Charges for judges.
 - a. Delegations of judges
5. Control of decision-making by higher courts.
6. Speed in judgment.
7. Refuses to adjudicate cases.
8. Exclusions of judges from adjudication of cases.

III. Judicial Case Management

1. Monitoring the progress of issues.
2. Electronic system of management of court cases.

IV. Administrative management of the court

1. Organics and Human Resources.
2. Information technology.
3. Provision of services by the judicial administration.
4. Accessibility, transparency, public relations and the media.
5. Security and security issues in court.
6. Administration of public funds.
7. Relations with other institutions.

Q067 (2019): Courts are required to submit periodic reports to HJC on workload of judges, backlog of cases,

Q069 (General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations

Q069 (2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc.

Q070 (2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into

Q070 (2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc.

Q072 (General Comment): According to Article 170, of the Law "On the governance institutions of the justice system", as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system. The High Prosecutorial Council may send representatives to

Q072 (2019): According to Article 170, of the Law "On the governance institutions of the justice system", as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system.

The High Prosecutorial Council may send representatives to meetings of the High Judicial Council on matters

Q075 (2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved

Q075 (2019): Each judge is assessed by the High Judicial Council as part of its period professional and ethical

Q075-1 (2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the subjects to an ethical and professional

performance evaluation. The evaluation is performed according to the following criteria:

a) Judicial or prosecutorial professional capacity;

b) Organizational skills;

c) Ethics and commitment to judicial and prosecutorial professional values;

ç) Personal qualities and professional commitment. The evaluation of magistrates is based on the following sources:

a) Personal file of the magistrate;

b) Statistical data, according to the provisions contained in Article 90 of this Law;

c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;

ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;

d) The opinion of the chairperson;

dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;

e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;

ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;

f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or

controlling institutions;

g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate

ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
- gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate or seconded magistrate, each magistrate is evaluated once every three years.

Q080-1 (General Comment): The criteria for the qualitative assessment of the public prosecutor's work are set in the Part IV, Chapter II, of the Law "On the status of judges and prosecutors", as amended.

ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

Q082-2 (2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on the necessity to develop a new system. Because of the substantive financial efforts it requires, in 2020 HJC commissioned a total of 84 upgrades to the system which functionalities have improved since,

Q084 (2020): Please note that data are anonymized only for first and second instance courts. The High court

Q085 (2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are

Q085 (2019): the website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al

Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is

Bosnia and Herzegovina

Q035 (General Comment): The second instance courts of general jurisdiction have subject matter over the first instance administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include

Q035 (2020): In 2020, Covid- 19 restrictions affected particularly the functioning of courts dealing with first instance cases, namely the numbers of incoming and resolved cases were reduced for all case types within the category of “other than criminal” first instance cases. However, the courts generally managed to achieve the clearance rate over 100% for the following case types within the first instance cases: commercial and civil litigious cases, general non-litigious cases, non-litigious business registry cases, and other registry cases. Nevertheless, the total number of pending “other than criminal” first instance cases increased due mostly because of the courts did not achieve the 100% clearance rate for the non-litigious land registry cases. Several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in 2020 within the project aiming to achieve harmonization between land register and cadastre data. Non-judge court staff deal with a substantial part of the caseload in terms of registry cases and land registry matters. Majority of the pending civil and commercial litigious cases and general non-litigious cases older than 2 years were cases related to the unpaid utility bills divided into two groups: the litigious small claims cases and the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Bulk of the pending administrative law cases older than 2 years are concentrated in the several courts in the

Q035 (2019): There has been a significant decrease in the influx of civil and commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of incoming non-litigious cases (i.e. non-litigious enforcement cases for unpaid utility bills, registry cases, land registry cases) was registered in 2019 as opposed to the increase in 2017 and 2018; in such conditions the several biggest courts in Bosnia and Herzegovina reduced the backlog. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. A substantial part of the registry and land registry matters is dealt with by non-judge staff in the court registries.

When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: Most of the pending civil and commercial litigious cases, i.e. cases older than 2 years from the date the case came to the first instance court, are litigious small claims cases related to the unpaid utility bills. This backlog of old cases is concentrated in the

Q038 (General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: 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. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. 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.

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

Q038 (2020): Specific comments for 2020:

There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which

Q038 (2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to

Q039 (2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had

Q039 (2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending

Q040 (General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: 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. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. 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.

Minor offence cases: minor offences are violations of public order or of regulations on economic and

Q040 (2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the

Q040 (2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.

There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanour cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is

Q041 (General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.

Average total length of the total procedure:

The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second

Q041 (2020): Civil and commercial litigious cases:

Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):

There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and

Q041 (2019): Civil and commercial litigious cases:

The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts through temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

Q042 (2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period. The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.

Q042 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is

Q043 (General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders. They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of

Q043 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is

Q048 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.

A judge in Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance

Q052 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors. The High Judicial and Prosecutorial

Q056 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the

Q056 (2020): Other: Hierarchical superior court president.

Q056 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of

Q057 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of

Q057 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical

Q057 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief

Q058 (General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council

of Bosnia and Herzegovina. The annual report contains information concerning the court's performance

Q058 (2019): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council

of Bosnia and Herzegovina. The annual report contains information concerning the court's performance

Q059 (General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the

Q059 (2019): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators

Q060 (General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must

Q060 (2019): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on

Q061 (General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are

Q061 (2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the

Q062 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and

Q062 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page

Q063 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state

of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of

Q063 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state

of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of

Q064 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is:

Q064 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina.

Q065 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is

Q065 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published

Q066 (General Comment): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and

Q066 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant

Q069 (General Comment): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant

Q069 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the

Q072 (General Comment): During the preparation for the main trial, the judge or presiding judge may hold a pre-trial hearing with the parties to the proceedings and the defense attorney to consider issues relevant to

Q072 (2019): During the preparation for the main trial, the judge or presiding judge may hold a pre-trial hearing with the parties to the proceedings and the defense attorney to consider issues relevant to the main

Q073 (General Comment): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of

Q073 (2019): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of

Q074 (General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of

Q074 (2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and

Q075 (General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in

Q075 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and

Q075-1 (General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to

for the performance evaluation of judges.

Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance

court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to

which a legal remedy may be filed with the higher instance court.

The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria:

a) Consistency of the introduction, enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;

b) The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;

c) Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;

d) Communication with parties, other authorities and relationship with associates;

e) Quality in conducting procedures with particular consideration for:

The ability to solve complex cases;

Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of

Q076-1 (2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.

A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final

Q078 (General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets

Q078 (2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and

Q079 (General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina

Q079 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q079 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with

Q079-1 (General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to

Q080 (General Comment): Other: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Q080 (2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable

Q080-1 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Q081 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.

Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and

analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and

the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The analytical evaluation is evaluated based on the following elements:

a) Fulfilment of statutory requirements in prosecutorial decisions; b) Ability to establish decisive facts for

Q082-0 (2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the years ago,

- CMS v2 developed between 2 and 5 years ago.

Both versions are used on the same database.

Q082-2 (2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia

Q085 (2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECTHR Network). Through the same project, HJPC initiated development of the database

Q085 (2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from

Montenegro

Q035 (2020): Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories

2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R) "2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U) "4. Other cases":

Execution cases (I)

Clarification on discrepancies: Total of other than criminal law cases (1+2+3+4) for incoming cases - Lower inflow of cases in courts

Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) - Lower inflow of cases in courts

Non litigious cases (2.1+2.2+2.3) for resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Q035 (2019): "Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)": - Complex non-litigious cases

(Rs)

- Other civil and non-litigious cases (R)

"2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U)

Q038 (2020): 1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)

- Special criminal cases (Ks)

- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

Q038 (2019): "1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Q039 (2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents

High and Appellate court cases

1. Civil (and commercial) litigious cases - High and Appellate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))

2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))

2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))

3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)

4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Clarification on discrepancies:

Q039 (2019): "Total of other than criminal law cases (1+2+3+4)":

High and Appellate court

- Civil appeals (Gž and Pž)

Q040 (2020): 1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:

Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year

In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year,

Q040 (2019): "1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases":

High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Q041 (2020): Clarification of discrepancies:

Employment dismissal cases in column % of decisions subject to appeal

In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal

In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.

There are some variations between data of length of proceedings in 2019 and in 2020 which have not been

Q041 (2019): Note regarding the category "Litigious divorce case", criteria "% of cases pending for more than 3 years for all instances": precise percentage is 0,1% but it has been rounded to 0%.

Where necessary the data has been rounded (no decimals).

Q042 (General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage

Q042 (2019): Rules for the evaluation of judges and presidents of courts, article 11

<http://sudovi.me/files/L3Nkc3YvZG9jLzIzNjEucGRm=>

"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half

Q049 (General Comment): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if

Q049 (2019): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

Q062 (General Comment): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica

Q064 (General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the

State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources

Q064 (2019): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was

Q066 (General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to

Q066 (2019): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to

Q068 (General Comment): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current

Q069 (General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains

Q069 (2019): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the

Q072 (General Comment): According to Criminal Procedure Code the Chair of the Panel shall, if necessary, set a preparatory hearing for the purpose of determining the future course of the main hearing and planning as to which evidence, in what manner and at what time shall be presented at the main hearing, summon to a preparatory hearing the parties, defense attorney, injured party, proxy of the injured party, and, as needs be, an expert witness and other persons.

Preparatory hearing is held without the presence of the public and of which records are made and signed by the parties and other persons present, the Chair of the Panel shall inform the participants of the future course of the main hearing and ask for their comments thereon and for their proposals as to evidence, and shall invite them to state whether they are available to appear at the main hearing at the time planned by the Chair of the Panel. At the preparatory hearing the parties shall particularly be cautioned that they must, as a rule, make all evidentiary proposals at the preparatory hearing and that if they submit new proposals at the main hearing they shall justify in detail why they did not do so at the preparatory trial, as well as that the

Q072 (2019): According to Criminal Procedure Code the Chair of the Panel shall, if necessary, set a preparatory hearing for the purpose of determining the future course of the main hearing and planning as to which evidence, in what manner and at what time shall be presented at the main hearing, summon to a preparatory hearing the parties, defense attorney, injured party, proxy of the injured party, and, as needs be, an expert witness and other persons.

Preparatory hearing is held without the presence of the public and of which records are made and signed by the parties and other persons present, the Chair of the Panel shall inform the participants of the future course of the main hearing and ask for their comments thereon and for their proposals as to evidence, and shall invite them to state whether they are available to appear at the main hearing at the time planned by the Chair of the Panel. At the preparatory hearing the parties shall particularly be cautioned that they must, as a rule, make all evidentiary proposals at the preparatory hearing and that if they submit new proposals at the main hearing they shall justify in detail why they did not do so at the preparatory trial, as well as that the

Q073 (General Comment): Also, except in criminal proceedings, the court shall schedule the preparatory hearing upon the receipt of the response to the complaint in civil procedure, too. Except in cases where upon the examination by the court of the complaint and response to the complaint it determines that there are no disputable facts between the parties or when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary.

In the summons for the preparatory hearing, the court shall inform the parties of consequences should they fail to appear at the preparatory hearing and that they are obliged to present all facts on which the claims are based and disclose all the evidence that they want to present in the course of proceedings and to bring to the preparatory hearing all the documents and items that they want to use as evidence.

Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of **Q073 (2019):** Also, except in criminal proceedings, the court shall schedule the preparatory hearing upon the receipt of the response to the complaint in civil procedure, too. Except in cases where upon the examination by the court of the complaint and response to the complaint it determines that there are no disputable facts between the parties or when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary.

In the summons for the preparatory hearing, the court shall inform the parties of consequences should they fail to appear at the preparatory hearing and that they are obliged to present all facts on which the claims are based and disclose all the evidence that they want to present in the course of proceedings and to bring to the preparatory hearing all the documents and items that they want to use as evidence.

Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of the complaint and the response to the complaint. Evidence related to these issues can be presented at the preparatory hearing when necessary. In the course of preparatory hearing, court shall try, by asking

Q074 (General Comment): Ministry of Justice brings the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.

Q080 (General Comment): The Prosecutorial Council adopts the Rules for evaluation of state prosecutors

Q081 (General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as **Q081 (2019):** "Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers

Q082-0 (2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases

Q082-2 (2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System

North Macedonia

Q035 (2020): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Q035 (2019): In "2.2.3. Other registry cases" there are included cases for registrations of political parties. criminal (and misdemeanor) cases.

Q038 (2019): In the numbers on this question are not included cases connected with enforcement of

Q041 (2020): There was not trading in influence cases in 2020 in the Macedonian courts.

There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Q041 (2019): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Q042 (General Comment): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the

Q042 (2019): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council defines qualitative and quantitative criteria for work of the courts.

Within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring

Q043 (2019): Within the Judicial Council, there is staff responsible for defining qualitative and quantitative

Q047 (2020): In February 2020, First national report for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia was published. This report was prepared according to the Methodology for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia. Matrix is composed by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators),

Q052 (2019): Please note that these type of indicators for the public prosecution office are already developed from the beginning of 2020. The first national report for evaluation of the performance of the public prosecution offices was published in February 2020 in the framework of the project financed by the

Q057 (2019): Despite of the absence of the performance evaluation system based primarily on the defined indicators for the public prosecution services in 2019 (see the answer to the Q052), the performance of the

Q058 (General Comment): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by

Q058 (2019): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator.

Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

Q060 (General Comment): Judicial Council on regular bases monitor backlog of cases.

Q060 (2019): Judicial Council on regular bases monitor backlog of cases.

Q061 (General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office

Q061 (2019): Court president is obliged to monitor waiting time during court procedures.

Chief of the public prosecution office is obliged to monitor waiting time .

Q062 (General Comment): Beside Judicial Council certain statistical data are collected within the Supreme

Q062 (2019): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry

Q063 (General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal

Q063 (2019): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal

Q065 (General Comment): Public Prosecution Office publishes its reports on the web site.

Q065 (2019): Public Prosecution Office publishes its reports on the web site.

Q066 (General Comment): Reports are available on the following web site: www.sud.mk

Q067 (2019): Reports are available on the following web site: www.sud.mk

Q069 (General Comment): Reports are available on the following web site: www.jorm.gov.mk

Q070 (2019): Reports are available on the following web site: www.jorm.gov.mk

Q072 (General Comment): Yes, there is a process of dialogue between the court and the parties in one court case. Court and parties have cooperation about the dates for the court hearings and also the organization of the court procedure.

Before starting of the procedure presiding judge can conduct a meeting with both parties (as a mini status conference) for organizational questions related to the procedure.

Also, according to article 347, p.2 from the Law on criminal procedure the Presiding Judge of the Trial

Q072 (2019): Yes, there is a process of dialogue between the court and the parties in one court case. Court and parties have cooperation about the dates for the court hearings and also the organization of the court procedure.

Before starting of the procedure presiding judge can conduct a meeting with both parties (as a mini status conference) for organizational questions related to the procedure.

Also, according to article 347, p.2 from the Law on criminal procedure the Presiding Judge of the Trial

Q073 (General Comment): Law on civil procedure Hearings

Article 106

(1) The hearing shall be scheduled by the court when prescribed by law or when necessary for the procedure. An appeal shall not be allowed against the determination on scheduling the hearing.

(2) The court shall in timely manner summon the parties and other persons whose presence is considered necessary. Together with the summons the submission that initiated the scheduling of the hearing shall be served to the parties, and the place, premises and time of holding the hearing shall be stated in the summons. If a submission is not served together with the summons, the parties, the subject of the dispute, as well as the activity that will take place at the hearing shall be stated in the summons.

(3) In the summons, the court shall particularly remind of the legal consequences resulting from absence from the hearing.

Article 107

(1) The hearing shall, as a general rule, be held in the court building and shall be audio recorded.

(2) The court can decide to hold the hearing out of the court building, when it finds that it is necessary, or that in such manner it is saving time or costs of the procedure. An appeal shall not be allowed against this determination.

Article 108

(1) The court may postpone the hearing when necessary for the purpose of exhibiting evidence or when there are other justified reasons thereof. The new hearing shall be held in a period of at least eight days, i.e. in a period of at most 45 days as of the day when the hearing has been postponed.

(2) When the hearing is postponed, the court shall immediately announce the place and time of the new hearing to the people present.

Q073 (2019): Law on civil procedure Hearings

Article 106

(1) The hearing shall be scheduled by the court when prescribed by law or when necessary for the procedure. An appeal shall not be allowed against the determination on scheduling the hearing.

(2) The court shall in timely manner summon the parties and other persons whose presence is considered necessary. Together with the summons the submission that initiated the scheduling of the hearing shall be served to the parties, and the place, premises and time of holding the hearing shall be stated in the summons. If a submission is not served together with the summons, the parties, the subject of the dispute, as well as the activity that will take place at the hearing shall be stated in the summons.

(3) In the summons, the court shall particularly remind of the legal consequences resulting from absence from the hearing.

Article 107

(1) The hearing shall, as a general rule, be held in the court building and shall be audio recorded.

(2) The court can decide to hold the hearing out of the court building, when it finds that it is necessary, or that in such manner it is saving time or costs of the procedure. An appeal shall not be allowed against this determination.

Article 108

(1) The court may postpone the hearing when necessary for the purpose of exhibiting evidence or when there are other justified reasons thereof. The new hearing shall be held in a period of at least eight days, i.e. in a period of at most 45 days as of the day when the hearing has been postponed.

(2) When the hearing is postponed, the court shall immediately announce the place and time of the new hearing to the people present.

(3) When the party has requested postponement of the hearing with a submission, it shall be obliged to get

Q074 (2019): These targets are different according to the type of cases.

Q075 (General Comment): Judicial Council is responsible body for setting the targets for judges.

Q075 (2019): Judicial Council is responsible body for setting the targets for judges.

Q075-1 (General Comment): The evaluation system of judges according to our system is composed by two components qualitative and quantitative criteria. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade. If a judge is evaluated negatively in two

Q076 (2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation).

Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court,

Q076 (2019): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation).

Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court,

Q076-1 (2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on

Public Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA

Article 37

The evaluation criteria for the performance of public prosecutors shall be the following:

- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Q081 (2020): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.

The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.

If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.

The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.

The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public

Q081 (2019): THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

(1) The Public Prosecutor's Council shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.

(2) The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.

(3) The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the State.

Q082-2 (2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a

Serbia

Q035 (General Comment): Administrative cases are all cases before the Administrative Court (“U”- administrative disputes; “Ur” - various administrative cases; “Ui” - execution of Administrative Court judgement; “Uo” - postponement of enforcement before lodging a lawsuit; “Uv” - objection to the decision of a single judge; “Up” - repetition of administrative-judicial procedure; “Uvp I”, “Uvp II” – request for

Q035 (2020): The category “non-litigious cases” includes enforcement cases. Since 2016 legislative and other measures have been taken in order to decrease the number of backlog enforcement cases (which is recognized as a systemic problem). In 2020 the number of backlog enforcement cases has been decreased significantly and it is reflected in total number of “non-litigious cases.” In accordance with the Law on Enforcement and Security all enforcement cases based on an authentic document (Iv) cases should be transferred to public enforcement officers. In 2020 about 240.000 such cases were resolved by the conclusion of the court to transfer the case to public enforcement officer.

As regards “civil and commercial litigious cases”, the number of pending cases at the end of the period increased by 46%. There has been general trend of increase of incoming civil litigious cases for last five years. Due to special circumstances and need to take safety measures because of Covid 19, in 2020 courts worked with reduced capacities, while there was increase of number of incoming cases. The decrease in the number of resolved cases refers primarily to basic and higher courts. As regards “non – litigious cases”, in particular “general civil and commercial non-litigious cases”, from 2019 to 2020 the number of incoming cases decreased significantly (-38%), while the number of resolved cases remained almost the same. As a consequence, the number of pending cases at the end of the year decreased as well (-45%). This is also in relation to enforcement cases based on an authentic document (Iv) cases. Public enforcement officers deal with new such cases, so the number of incoming cases decreased. On the other hand, there is still lot of these cases before courts (backlog cases), and the courts still have to resolve these cases (in majority cases by the conclusion of the court to transfer the case to public enforcement officer), and that is the explanation why the number of resolved cases remained the same and why the number of incoming cases significantly decreased.

From 2019 to 2020 the number of “administrative law incoming cases” increased by 47%, and the number of cases older than 2 years increased by 63%. In Serbia there is one Administrative Court (with seat in Belgrade, **Q035 (2019):** The answer to question 35. 1. includes litigious cases in higher courts (P, P1, P2, P3, P4, P-uz and R), basic courts (P, P1, P2, P1-uz, Prr and Prr1), commercial courts (P, P2). For commercial courts, bankruptcy cases (St) as well as reorganization in bankruptcy cases (Reo) which were previous to 2016-2018 cycle displayed in 2.3. are included in 2.1, since a judge decides in these cases. Newly added cases in this row, from 2016-2018 cycle are those pursuant to the Law on Protection of Whistle-blowers (applicable from 04.06.2015) and litigious proceedings pursuant to lawsuits for compensation of pecuniary and non-pecuniary damage due to infringement of the right to trial within a reasonable time from higher courts (P-uz, Ppr-uz, Prr1), basic courts (P1-uz, Prr, Prr1) and misdemeanour courts (Pr-uz).

A major change in the number of other non-litigious cases and, consequently, the total number of cases, is a result of the implementation of the Law on Enforcement and Security from 1 July 2016 and the systemic **Q038 (General Comment):** Serbia started to report misdemeanour cases only in the 2014 cycle. Previously, misdemeanour cases were not considered as criminal because under the Serbian law they are prosecuted in specialised misdemeanour courts. In fact, the Criminal Code does not make the distinction between crimes based on their gravity (their qualifications may also be changed until enacting of the decision and determining the sentence). Moreover, in the AVP case management system it is not possible to automatically record and separate cases for which imprisonment is not proscribed and sentenced, which is why in all questions where “severe criminal cases” are stated, the total number of criminal cases is expressed. The Criminal Procedure Code (2011) entered into force in October 2013 introducing an adversarial instead of inquisitorial system of public prosecution and criminal proceedings. The role of the investigative judge has been abolished and public prosecutors and deputy public prosecutors are now in charge of the criminal investigation. Also, the Ministry of Interior police officers are more strictly obliged to conduct pre-trial investigations in accordance with the public prosecution lead.

Therefore, "The total number of criminal cases" presents a sum of all criminal cases (in the first instance)

Q038 (2019): The field 38.1 encompasses registries of high courts: (K, KIM, KM, K1, KI, Ki-Po1, Ki-Po2, KiPo3, K-Po1, K-Po2, Kpo3, Kpo4, SPK, SPK Po1, SPK Po2), Basic courts: (K, K1, Ki, Spk). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. “severe/minor offences” (their qualifications may also be changed until enacting of the decision and determining the sentence). Therefore, all first instance criminal cases of basic and higher courts are included (in higher courts - organized crime, war crimes, and high-tech crimes, according to urgency, etc.); investigations and investigative actions before basic and higher courts; preparatory proceedings and proceedings against minors; confession of criminal offenses and criminal cases without a main hearing. Field 38. 2 encompasses the following cases: Commercial courts: Pk, Pki, Pkr, Misdemeanor courts: PR, PRM. In Commercial Courts, these cases relate to initiation of proceedings due to commercial offenses against natural and legal persons; preliminary procedure for commercial offenses; cases before misdemeanor courts: misdemeanors and misdemeanors perpetrated by minors. Field 38. 3 encompasses the following cases: Enforcement and complaints as regards enforcement decisions misdemeanor cases; cases related to criminal and misdemeanor proceedings, handled by judges in courts but related to "cases as such" - ex. conditional release, pardons, cases of extradition of defendants and transfer of convicted persons, agreement on the testimony of a defendant and convicted person, legal aid courts of general jurisdiction are: higher: upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings, and appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.

The court of special jurisdiction, which decides in the second instance (on appeal) in the "non-criminal" cases is the Commercial Appellate Court (appeals on decisions of commercial courts and other bodies). Excluded from the total number of cases in response to this question are cases on appeals in cases of commercial offences. This answer is given in the answer to CEPEJ number 98.6, and also for the Misdemeanour Appellate Court, which decides on appeals against decisions of misdemeanour courts and the appeals against decisions in misdemeanour proceedings by the bodies of administration (number of cases of that court are presented in the answer to the CEPEJ question 98.6 as the number of misdemeanour cases in the courts the second instance).

No. 3 - There is no second instance in administrative disputes.

The answer to question 1. includes the following categories: for courts of appeal (Gž, Gž1, Gž2, Gž3, Gž-uz, Gž1-uz, Gž3, Gž4, Gž rr, R, R1), higher courts (GŽ, GŽ1, GŽ2, Gž rr, GŽi), the Commercial Court of Appeal (Pž, IŽ, R), and the Misdemeanor Court of Appeal (PRŽ-uz). These are: cases before Appellate Courts in which decisions are made on appeals against decisions of first instance courts in civil disputes, in particular in labor, family, media, and copyright disputes, in connection with whistleblowing;

Before higher courts: litigious proceedings involving appeals (small appellation);

Before the Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts;

Before the Misdemeanor Court of Appeal: proceedings involving appeals against first instance decisions of misdemeanor courts in cases related to whistle-blowers and conflict and delegation of jurisdiction between misdemeanor courts (cases not misdemeanour as such).

Under 2.2, the following categories were included: for courts of appeal (Reh-ž, R3, R4), the Commercial Court of Appeal (Pvž). Proceedings involving appeals (where allowed) pertaining to cases from question 91.2.1, second instance enforcement proceedings, Under 2.3, the following categories were included - "Cases

Q039 (2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts),

Q039 (2019): Other cases include objections to provisional measures cases related to the media. Regarding discrepancies, repetitive cases in the appeal procedure continued to burden the appellate courts both in 2018 as well as in 2019, but the general appellate courts managed to clear these cases in 2018 and decrease the number of pending cases transferred to 2019, as well as to continue with this trend in 2019. Therefore, even though the number of incoming civil (and commercial) litigious cases increased in 2019, the number of resolved cases increased even more drastically (from 130 412 to 148 012 cases) and a particular improvement (decrease) is especially evident in the number of pending cases older than 2 years (a decrease from 3 374 to 1 389 cases). With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing

Q040 (2019): The answer to field 1 includes the following categories: Before courts of appeal: criminal proceedings involving appeals on first instance and second instance verdicts and decisions (separated registers in second instance by special departments); criminal proceedings against minors involving appeals; Before higher courts: criminal proceedings involving appeals (small appeal).

2 includes the following categories: for the Commercial Court of Appeal (Pkž), and the Misdemeanor Court of Appeal (PRŽ, PRŽM, PRŽI, PRŽU). These are the second instance proceedings before the Commercial and the Misdemeanor Court of Appeal regarding cases of commercial and misdemeanor courts as defined in question 94.2.

Column "Pending cases older than 2 years from the date the case came to the second instance court" is marked as NA since the requested data is not in gathered (Criminal Procedure Code methodology differs). In relation to the previous reporting period, the following changes have been made: Field 1 also shows new categories of cases in courts of appeal (ex. Kž2-Po3-Spk).

Q94.2: in 2014, 9,879 additional cases were handled by the Misdemeanor Appellate Court in addition to ordinary work, due to transfer of jurisdiction on appeals to decisions of administrative bodies, from 1 March 2014. By 2016, these cases have been absorbed and handled by the system, but a backlog remains. Besides, unlike the previous cycle, "other cases" which relate to criminal (94.1)/misdemeanour (94.2) cases and which are not "cases per se" even if a judge is intervening, have not been taken into account (5 pending cases, 1,371 incoming cases, 1,366 resolved, 10 pending at the end of the year (ex. related to decisions on detaining accused, competence issues, etc.)).

This table includes the following case categories:

40.1 Severe criminal cases: 1) appellate court cases (Kž, Kž1, Kžm1, Kž1 Po1 Kž1 Po2, Kž1 Po3, Kž1 VP, Kž2, Kž2 Po1, Kž2 Po2, Kž2 Po3, Kž2 Vp, Kžm2, Kž3, Kž3 Po2, Kžm, Kž3 Po1, Kž1-Spk, Kž2-Spk, Kž1-Po1-Spk, Kž2-

Q041 (General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365

Q041 (2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases.

Therefore the information requested in this table in most cases is not available.

These data are not automatically available. They refer to registers given within the question 35 (Civil (and

Q042 (General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of

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Q045 (2020): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

Q045 (2019): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

Q048 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts

Q049 (2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure

Q050 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.

The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction

Q051 (General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases,

Q051 (2019): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges

Q053 (General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents' performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and

Q056 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted

Q056 (2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the

Q057 (General Comment): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

Q057 (2019): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

Q058 (General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been

Q058 (2019): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or

Q060 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction

Q060 (2019): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection

Q061 (General Comment): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public

Q061 (2019): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal

Q062 (General Comment): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing

of the greatest number of data and preparation of an "Analysis of the performance of courts of general and special jurisdiction", <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties

imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection

Q062 (2020): The Supreme Court of Cassation

Q062 (2019): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an "Analysis of the performance of courts of general and special jurisdiction", <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en/>;

Q063 (General Comment): - at the webpage of the Supreme Court of Cassation Annual and six month reports on work of all courts are published, also courts publish their annual individual statistical reports on

Q063 (2019): On the website of the Supreme Court of Cassation - Annual and six month reports on the work of all courts are published - <https://www.vk.sud.rs/en/annual-report-work-courts>. Also, courts publish their

Q064 (General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

Q064 (2020): Republic Public Prosecutor

Q064 (2019): Republic Public Prosecutor's Office website: www.rjt.gov.rs

Q065 (General Comment): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE->

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<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE->

Q066 (General Comment): Backlog Reduction Program with its action plan, court visit plan (in all, except the first instance courts) annual schedule of work of judges and judicial assistants, etc.

Q066 (2019): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit the Program for Resolution of Old Cases with the action plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to

Q067 (General Comment): All courts prepare three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to

Q067 (2019): All courts draw up a six-monthly and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The courts also draft and submit the Backlog

Q068 (General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

Q068 (2019): Six-monthly and annual reporting.

Q069 (General Comment): Every public prosecutor's office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor's Office is preparing aggregated annual report of all prosecutor's offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions' performance compared to previous year, trends, challenges and improvements in

Q070 (2019): Every public prosecutor's office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor's Office is preparing aggregated annual report of all prosecutor's offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions' performance compared to previous year, trends, challenges and improvements in

Q072 (General Comment): At the initial, preparatory hearing, pursuant to the CPC. At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution services, courts and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement, on

Q072 (2019): At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution services, courts and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement, on detention and on discontinuing criminal proceedings, as well as on other questions

Q073 (General Comment): Under the Law on Civil Procedure (Official Gazette of the Republic of Serbia no. 72/2011, 49/2013 - decision of Constitutional Court, 74/2013 - decision of Constitutional Court, 55/2014 and 87/2018), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the timeframe for

Q073 (2019): Under the Law on Civil Procedure (Official Gazette of the Republic of Serbia no. 72/2011, 49/2013 - decision of Constitutional Court, 74/2013 - decision of Constitutional Court, 55/2014 and 87/2018), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the timeframe for

Q074 (2019): Performance of judges with a standing tenure of office and court presidents' shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily (Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents "Official Gazette of RS", No. 81/2014, 142/2014, 41/2015, 7/2016). Criteria for evaluation of judges' performance are quality and quantity. Standards for evaluating quality of judges' performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges' performance quality is determined. Individual grades for quality standards are as follows: "outstandingly successful", "successful" and "unsatisfactory". Standard for quantity evaluation of judges' performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges' quantity performance shall be conducted by evaluating the judges' quantity standard by an individual performance grade, i.e. "outstandingly successful", "successful" and "unsatisfactory". Articles 17-26 of the Rules provide more detailed ruled on how quantity (efficiency) of judicial performance is evaluated. This is done based on the number of cases disposed by a judge over a period one month against the number of cases they should dispose- monthly caseload quota. The monthly caseload quota pertain to the cases adjudicated on merits, whereas three cases disposed of in some other manner shall be regarded as one case adjudicated on the merits. Derogating from paragraph 2 of this Article, in higher and appellate courts five closed cases in Kž and Kž2 subject matter shall be regarded as one case adjudicated on merits. In appellate court, five closed cases in Kžm2 subject matter shall be regarded

Q075 (2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions' operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents' performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Q075 (2019): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make

Q075-1 (2020): Law on Judges in Art 52 prescribe that a first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Q076 (2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

Q076 (2019): According to Art. 33 of the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to

Q076-1 (2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS" Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions' operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents' performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Q080 (2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years. One-year evaluation exists for deputy public prosecutors elected first time for the period of three years. More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on

Q081 (2019): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years. One-year evaluation exists for deputy public prosecutors elected first time for the period of three years. More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on

Q082-0 (2020): IT Development Guidelines in Justice Sector are in force (available in English at the following link:https://www.mpravde.gov.rs/files/IT%20Development%20Guidelines%20in%20Justice%20Sector_ENG.pdf) . The procedure for awarding contracts for drafting an IT strategy based on public procurement is underway.

Q082 (2020): (Software used for registering judicial proceedings and their management)

Q082 (2019): Early warnings for cases at risk of falling under Statute of limitations. In the case of Serbia, the answer for civil and commercial is different because systems of courts of general jurisdiction are in 2019

Q082-2 (2020): Tender for contract for implementation of a Centralized Case Management System (CCMS) for the Serbian courts of general jurisdiction, Administrative court/s and commercial courts is available at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7703> .

The scope of the contract covers the necessary hardware and software infrastructure, software solution, training, maintenance and support to migrate from and replace two software systems currently in use in the Judiciary.

Planned contract length is 36 months but more detailed timeline will be part of the offer.

After contract award timeline will be part of project implementation plan.

Q085 (2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

Q085 (2019): Court for administrative disputes is Administrative court, which is the only instance for the Republic of Serbia. For judgements in administrative disputes there is no 3rd level instance of decisions, only

Kosovo*

Q035 (2020): Regarding the discrepancy between civil solved cases and the number of incoming cases, is mainly due to the pandemic situation. For around three months (March to June), Courts have been dealing only with very emergency cases. After June, Courts have continued to work with limited capacities, for the rest of the year. Concerning administrative cases, the increase of pending cases is attributed to their nature

Q035 (2019): /

Q038 (2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly

Q039 (2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be

Q039 (2019): /

Q040 (2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other

Q041 (2020): These data (only this year) are not available at this moment; until the Case Management

Q042 (2019): With regard to this and the following question, I changed the answer to NO, since, non of the judicial institutions were able to provide specific policies or documents which specifically address quality

Q044 (General Comment): These indicators are set out in the internal regulation of Kosovo Judicial Council.

They are used, altogether, to measure performance of courts, for instance, usually it is calculated the number of incoming cases - number of resolved cases for that period, to measure the efficacy and performance courts. Similarly, for instance, number of appeals, is used to measure the quality of decisions, in

Q045 (2019): These indicators are set out in the internal regulation of Kosovo Judicial Council. They are used, altogether, to measure performance of courts, for instance, usually it is calculated the number of incoming cases - number of resolved cases for that period, to measure the efficacy and performance courts. Similarly, for instance, number of appeals, is used to measure the quality of decisions, in the sens that the number of

Q048 (2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System(CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in

Q049 (General Comment): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web

Q049 (2019): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web

Q052 (2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for

Q053 (General Comment): In the KPC also, there is a specific unit who drafts detailed reports on the

Q053 (2019): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the

Q054 (2019): As I explained in the other section, Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and

Q055 (General Comment): Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their legislation with

Q059 (General Comment): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two

Q059 (2019): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective

Q070 (2019): Each prosecution office reports quarterly in the meetings of the Kosovo Prosecutorial Council regarding number of cases received, number of cases solved, manner of solving cases and other topics regarding the functioning of the prosecution offices. In addition, at the end of each year, a report is drafted regarding the work of all prosecution offices for that year and a separate report regarding the work of

Q074 (2019): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC

Q075 (General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The

Q076 (General Comment): The chapter 4 of the regulation no. 11/2016 of the Kosovo Judicial Council, specifies the procedure of evaluation of judges' efficacy. The efficacy of the judges' work is evaluated based on a set of criteria: 1. meeting or exceeding their working norm

2. comparing the number of resolved cases by the judge to the average of resolved cases in that court, in the same category of cases;

3. Comparing the number of pending cases of the judge to the average of pending cases in that court(where judge works)

Q076 (2019): Every three years

Q077 (General Comment): Every three years .

Q079 (2019): Kosovo Prosecutorial Council has adopted the administrative instruction which determines the orientation norm for state prosecutors which sets the annual guidelines for the execution of cases for Prosecutors of the General Department, the Department of Juveniles and the Serious Crimes Department of all Basic Prosecutions, the General Department and the Serious Crimes Department of the Appellate

Q079-1 (General Comment): If targets are not met, a negative evaluation will follow by the Commission on performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a

Q081 (General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-

Q081 (2019): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of

Q082-0 (2020): There has been an IT strategy 2012-2017. For now, there is not specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

Q082-1 (2020): It has just recently been developed.

Q085 (General Comment): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the

Q085 (2019): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link

Indicator 3 - Efficiency and productivity

by question No.

Question 35. First instance courts: number of other than criminal law cases.

Question 38. First instance courts: number of criminal law cases.

Question 39. Second instance courts (appeal): Number of "other than criminal law" cases.

Question 40. Second instance courts (appeal): Number of criminal law cases.

Question 41. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged.

Question 42. Are quality standards determined for the judicial system at national level (are there quality standards determined for the judicial system at national level)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

Question 44. Concerning court activities, have you defined performance and quality indicators?

Question 45. If yes, please select the main performance and quality indicators that have been defined for court activities.

Question 46. Concerning public prosecution activities, have you defined performance and quality indicators?

Question 47. If yes, please select the main performance and quality indicators for the public prosecution activities.

Question 48. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Question 49. If yes, please specify the frequency:

Question 50. Is this evaluation of the court activity used for the later allocation of resources within this court?

Question 51. If yes, which courses of action are taken?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services?

Question 53. If yes, please specify the frequency:

Question 54. Is this evaluation of the activity of public prosecution services used for the later allocation of resources?

Question 55. If yes, which courses of action are taken?

Question 56. Who is responsible for evaluating the performance of the courts (multiple options possible) :

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

Question 58. Do you regularly monitor court activities (performance and quality) concerning:

Question 59. Do you regularly monitor public prosecution activities (performance and quality) concerning:

Question 60. Do you monitor the number of pending cases and cases that are not processed within a set period?

Question 61. Do you monitor waiting time during judicial proceedings?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Question 63. Does this institution publish statistics on the functioning of each court?

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Question 65. Does this institution publish statistics on the functioning of each public prosecution service?

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and indicators)?

Question 67. If yes, please specify in which form this report is released:

Question 68. If yes, please, indicate the periodicity at which the report is released:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and indicators)?

Question 70. If yes, please specify in which form this report is released:

Question 71. If yes, please, indicate the periodicity at which the report is released:

Question 72. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings)?

Question 73. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings)?

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases)?

Question 75. Who is responsible for setting the individual targets for each judge?

Question 75-1. What are the consequences for a judge if quantitative targets are not met?

Question 76. Is there a system of qualitative individual assessment of the judges' work?

Question 76-1. Who is responsible for setting the criteria for qualitative assessment of the judges' work?
Question 77. If yes, please specify the frequency of this assessment:
Question 78. Are there quantitative performance targets defined for each public prosecutor (e.g. the number
Question 79. Who is responsible for setting the individual targets for each public prosecutor
Question 79-1. What are the consequences for a prosecutor if quantitative targets are not met?
Question 80. Is there a system of qualitative individual assessment of the public prosecutors' work?
Question 80-1. Who is responsible for setting the criteria for qualitative assessment of the public prosecutors'
Question 81. If yes, please specify the frequency of this assessment:
Question 82-0. Is there a IT strategy for the judiciary?
Question 82. Is there a case management system (CMS) ? (Software used for registering judicial proceedings
Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was
Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next
Question 83. If yes, please specify the following information:
Question 84. Is there a centralised national database of court decisions (case-law, etc.)?
Question 85. If yes, please specify the following information:

Question 035

Albania

(2020): Variations from the previous cycle remain unexplained

Bosnia and Herzegovina

(General Comment): The second instance courts of general jurisdiction have subject matter over the first instance administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include data on

(2020): In 2020, Covid- 19 restrictions affected particularly the functioning of courts dealing with first instance cases, namely the numbers of incoming and resolved cases were reduced for all case types within the category of "other than criminal" first instance cases. However, the courts generally managed to achieve the clearance rate over 100% for the following case types within the first instance cases: commercial and civil litigious cases, general non-litigious cases, non-litigious business registry cases, and other registry cases. Nevertheless, the total number of pending "other than criminal" first instance cases increased due mostly because of the courts did not achieve the 100% clearance rate for the non-litigious land registry cases. Several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in 2020 within the project aiming to achieve harmonization between land register and cadastre data. Non-judge court staff deal with a substantial part of the caseload in terms of registry cases and land registry matters. Majority of the pending civil and commercial litigious cases and general non-litigious cases older than 2 years were cases related to the unpaid utility bills divided into two groups: the litigious small claims cases and the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Bulk of the pending administrative law cases older than 2 years are concentrated in the several courts in the

(2019): There has been a significant decrease in the influx of civil and commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of incoming non-litigious cases (i.e. non-litigious enforcement cases for unpaid utility bills, registry cases, land registry cases) was registered in 2019 as opposed to the increase in 2017 and 2018; in such conditions the several biggest courts in Bosnia and Herzegovina reduced the backlog. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. A substantial part of the registry and land registry matters is dealt with by non-judge staff in the court registries.

When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: Most of the pending civil and commercial litigious cases, i.e. cases older than 2 years from the date the case came to the first instance court, are litigious small claims cases related to the unpaid utility bills. This backlog of old cases is concentrated in the

Montenegro

(2020): Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories

2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R) "2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U) "4. Other cases":

Execution cases (I)

Clarification on discrepancies: Total of other than criminal law cases (1+2+3+4) for incoming cases - Lower inflow of cases in courts

Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) - Lower inflow of cases in courts

Non litigious cases (2.1+2.2+2.3) for resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

(2019): "Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)": - Complex non-litigious cases

(Rs)

- Other civil and non-litigious cases (R)

"2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U)

North Macedonia

(2020): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

(2019): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Serbia

(General Comment): Administrative cases are all cases before the Administrative Court ("U"-administrative disputes; "Ur" - various administrative cases; "Ui" - execution of Administrative Court judgement; "Uo"-postponement of enforcement before lodging a lawsuit; "Uv" - objection to the decision of a single judge; "Up" - repetition of administrative-judicial procedure; "Uvp I", "Uvp II" – request for extraordinary review of

(2020): The category "non-litigious cases" includes enforcement cases. Since 2016 legislative and other measures have been taken in order to decrease the number of backlog enforcement cases (which is recognized as a systemic problem). In 2020 the number of backlog enforcement cases has been decreased significantly and it is reflected in total number of "non-litigious cases." In accordance with the Law on Enforcement and Security all enforcement cases based on an authentic document (lv) cases should be transferred to public enforcement officers. In 2020 about 240.000 such cases were resolved by the conclusion of the court to transfer the case to public enforcement officer.

As regards "civil and commercial litigious cases", the number of pending cases at the end of the period increased by 46%. There has been general trend of increase of incoming civil litigious cases for last five years. Due to special circumstances and need to take safety measures because of Covid 19, in 2020 courts worked with reduced capacities, while there was increase of number of incoming cases. The decrease in the number of resolved cases refers primarily to basic and higher courts. As regards "non – litigious cases", in particular "general civil and commercial non-litigious cases", from 2019 to 2020 the number of incoming cases decreased significantly (-38%), while the number of resolved cases remained almost the same. As a consequence, the number of pending cases at the end of the year decreased as well (-45%). This is also in relation to enforcement cases based on an authentic document (lv) cases. Public enforcement officers deal with new such cases, so the number of incoming cases decreased. On the other hand, there is still lot of these cases before courts (backlog cases), and the courts still have to resolve these cases (in majority cases by the conclusion of the court to transfer the case to public enforcement officer), and that is the explanation why the number of resolved cases remained the same and why the number of incoming cases significantly decreased.

From 2019 to 2020 the number of "administrative law incoming cases" increased by 47%, and the number of cases older than 2 years increased by 63%. In Serbia there is one Administrative Court (with seat in Belgrade,

(2019): The answer to question 35. 1. includes litigious cases in higher courts (P, P1, P2, P3, P4, P-uz and R), basic courts (P, P1, P2, P1-uz, Prr and Prr1), commercial courts (P, P2). For commercial courts, bankruptcy cases (St) as well as reorganization in bankruptcy cases (Reo) which were previous to 2016-2018 cycle displayed in 2.3. are included in 2.1, since a judge decides in these cases. Newly added cases in this row, from 2016-2018 cycle are those pursuant to the Law on Protection of Whistle-blowers (applicable from 04.06.2015) and litigious proceedings pursuant to lawsuits for compensation of pecuniary and non-pecuniary damage due to infringement of the right to trial within a reasonable time from higher courts (P-uz, Ppr-uz, Prr1), basic courts (P1-uz, Prr, Prr1) and misdemeanour courts (Pr-uz).

A major change in the number of other non-litigious cases and, consequently, the total number of cases, is a result of the implementation of the Law on Enforcement and Security from 1 July 2016 and the systemic

Kosovo*

(2020): Regarding the discrepancy between civil solved cases and the number of incoming cases, is mainly due to the pandemic situation. For around three months (March to June), Courts have been dealing only with very emergency cases. After June, Courts have continued to work with limited capacities, for the rest of the year. Concerning administrative cases, the increase of pending cases is attributed to their nature of "non-

(2019): /

Question 038

Albania

(2020): Variations from the previous cycle remain unexplained

Bosnia and Herzegovina

(General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: 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. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. 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.

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

(2020): Specific comments for 2020:

There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which

(2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and for the enforcement of pronounced penalties.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to

Montenegro

(2020): 1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

(2019): "1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

North Macedonia

misdemeanor) cases.

(2019): In the numbers on this question are not included cases connected with enforcement of criminal (and

Serbia

(General Comment): Serbia started to report misdemeanour cases only in the 2014 cycle. Previously, misdemeanour cases were not considered as criminal because under the Serbian law they are prosecuted in specialised misdemeanour courts. In fact, the Criminal Code does not make the distinction between crimes based on their gravity (their qualifications may also be changed until enacting of the decision and determining the sentence). Moreover, in the AVP case management system it is not possible to automatically record and separate cases for which imprisonment is not proscribed and sentenced, which is why in all questions where “severe criminal cases” are stated, the total number of criminal cases is expressed. The Criminal Procedure Code (2011) entered into force in October 2013 introducing an adversarial instead of inquisitorial system of public prosecution and criminal proceedings. The role of the investigative judge has been abolished and public prosecutors and deputy public prosecutors are now in charge of the criminal investigation. Also, the Ministry of Interior police officers are more strictly obliged to conduct pre-trial investigations in accordance with the public prosecution lead. Therefore, "The total number of criminal cases" presents a sum of all criminal cases (in the first instance)

(2019): The field 38.1 encompasses registries of high courts: (K, KIM, KM, K1, KI, Ki-Po1, Ki-Po2, KiPo3, K-Po1, K-Po2, Kpo3, Kpo4, SPK, SPK Po1, SPK Po2), Basic courts: (K, K1, Ki, Spk). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. “severe/minor offences” (their qualifications may also be changed until enacting of the decision and determining the sentence). Therefore, all first instance criminal cases of basic and higher courts are included (in higher courts - organized crime, war crimes, and high-tech crimes, according to urgency, etc.); investigations and investigative actions before basic and higher courts; preparatory proceedings and proceedings against minors; confession of criminal offenses and criminal cases without a main hearing. Field 38. 2 encompasses the following cases: Commercial courts: Pk, Pki, Pkr, Misdemeanor courts: PR, PRM. In Commercial Courts, these cases relate to initiation of proceedings due to commercial offenses against natural and legal persons; preliminary procedure for commercial offenses; cases before misdemeanor courts: misdemeanors and misdemeanors perpetrated by minors. Field 38. 3 encompasses the following cases: Enforcement and complaints as regards enforcement decisions misdemeanor cases; cases related to criminal and misdemeanor proceedings, handled by judges in courts but related to "cases as such" - ex. conditional release, pardons, cases of extradition of defendants and transfer of convicted persons, agreement on the testimony of a defendant and convicted person, legal aid

Kosovo*

(2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly lower than the number of

Question 039

Bosnia and Herzegovina

(2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had

(2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending civil,

Montenegro

(2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases

1. Civil (and commercial) litigious cases - High and Appellate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))
- 2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))
- 2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))
3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)
4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Clarification on discrepancies:

(2019): "Total of other than criminal law cases (1+2+3+4)":
High and Appellate court
- Civil appeals (Gž and Pž)

Serbia

courts of general jurisdiction are: higher: upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings, and appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.

The court of special jurisdiction, which decides in the second instance (on appeal) in the "non-criminal" cases is the Commercial Appellate Court (appeals on decisions of commercial courts and other bodies). Excluded from the total number of cases in response to this question are cases on appeals in cases of commercial offences. This answer is given in the answer to CEPEJ number 98.6, and also for the Misdemeanour Appellate Court, which decides on appeals against decisions of misdemeanour courts and the appeals against decisions in misdemeanour proceedings by the bodies of administration (number of cases of that court are presented in the answer to the CEPEJ question 98.6 as the number of misdemeanour cases in the courts the second instance).

No. 3 - There is no second instance in administrative disputes.

The answer to question 1. includes the following categories: for courts of appeal (Gž, Gž1, Gž2, Gž3, Gž-uz, Gž1-uz, Gž3, Gž4, Gž rr, R, R1), higher courts (GŽ, GŽ1, GŽ2, Gž rr, GŽi), the Commercial Court of Appeal (Pž, IŽ, R), and the Misdemeanor Court of Appeal (PRŽ-uz). These are: cases before Appellate Courts in which decisions are made on appeals against decisions of first instance courts in civil disputes, in particular in labor, family, media, and copyright disputes, in connection with whistleblowing;

Before higher courts: litigious proceedings involving appeals (small appellation);

Before the Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts;

Before the Misdemeanor Court of Appeal: proceedings involving appeals against first instance decisions of misdemeanor courts in cases related to whistle-blowers and conflict and delegation of jurisdiction between misdemeanor courts (cases not misdemeanour as such).

Under 2.2, the following categories were included: for courts of appeal (Reh-ž, R3, R4), the Commercial Court of Appeal (Pvž). Proceedings involving appeals (where allowed) pertaining to cases from question 91.2.1, second instance enforcement proceedings, Under 2.3, the following categories were included - "Cases

(2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in

(2019): Other cases include objections to provisional measures cases related to the media. Regarding discrepancies, repetitive cases in the appeal procedure continued to burden the appellate courts both in 2018 as well as in 2019, but the general appellate courts managed to clear these cases in 2018 and decrease the number of pending cases transferred to 2019, as well as to continue with this trend in 2019. Therefore, even though the number of incoming civil (and commercial) litigious cases increased in 2019, the number of resolved cases increased even more drastically (from 130 412 to 148 012 cases) and a particular improvement (decrease) is especially evident in the number of pending cases older than 2 years (a decrease from 3 374 to 1 389 cases). With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing

Kosovo*

(2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be available. As

(2019): /

Question 040

Albania

(2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained

Bosnia and Herzegovina

(General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: 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. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. 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.

Minor offence cases: minor offences are violations of public order or of regulations on economic and

(2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

(2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.

There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanor cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is

Montenegro

(2020): 1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:

Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year

In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year,

(2019): "1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases":

High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Serbia

(2019): The answer to field 1 includes the following categories: Before courts of appeal: criminal proceedings involving appeals on first instance and second instance verdicts and decisions (separated registers in second instance by special departments); criminal proceedings against minors involving appeals; Before higher courts: criminal proceedings involving appeals (small appeal).
2 includes the following categories: for the Commercial Court of Appeal (Pkž), and the Misdemeanor Court of Appeal (PRŽ, PRŽM, PRŽI, PRŽU). These are the second instance proceedings before the Commercial and the Misdemeanor Court of Appeal regarding cases of commercial and misdemeanor courts as defined in question 94.2.

Column "Pending cases older than 2 years from the date the case came to the second instance court" is marked as NA since the requested data is not in gathered (Criminal Procedure Code methodology differs). In relation to the previous reporting period, the following changes have been made: Field 1 also shows new categories of cases in courts of appeal (ex. Kž2-Po3-Spk).

Q94.2: in 2014, 9,879 additional cases were handled by the Misdemeanor Appellate Court in addition to ordinary work, due to transfer of jurisdiction on appeals to decisions of administrative bodies, from 1 March 2014. By 2016, these cases have been absorbed and handled by the system, but a backlog remains. Besides, unlike the previous cycle, "other cases" which relate to criminal (94.1)/misdemeanour (94.2) cases and which are not "cases per se" even if a judge is intervening, have not been taken into account (5 pending cases, 1,371 incoming cases, 1,366 resolved, 10 pending at the end of the year (ex. related to decisions on detaining accused, competence issues, etc.)).

This table includes the following case categories:

40.1 Severe criminal cases: 1) appellate court cases (Kž, Kž1, Kžm1, Kž1 Po1 Kž1 Po2, Kž1 Po3, Kž1 VP, Kž2, Kž2 Po1, Kž2 Po2, Kž2 Po3, Kž2 Vp, Kžm2, Kž3, Kž3 Po2, Kžm, Kž3 Po1, Kž1-Spk, Kž2-Spk, Kž1-Po1-Spk, Kž2-

Kosovo*

(2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other

Question 041

Bosnia and Herzegovina

(General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.

Average total length of the total procedure:

The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second

(2020): Civil and commercial litigious cases:

Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):

There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and

(2019): Civil and commercial litigious cases:

The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts through temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

Montenegro

(2020): Clarification of discrepancies:

Employment dismissal cases in column % of decisions subject to appeal

In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal

In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.

There are some variations between data of length of proceedings in 2019 and in 2020 which have not been

(2019): Note regarding the category "Litigious divorce case", criteria "% of cases pending for more than 3 years for all instances": precise percentage is 0,1% but it has been rounded to 0%.

Where necessary the data has been rounded (no decimals).

North Macedonia

(2020): There was not trading in influence cases in 2020 in the Macedonian courts.

There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

(2019): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Serbia

(General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365

(2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases. Therefore the information requested in this table in most cases is not available.

These data are not automatically available. They refer to registers given within the question 35 (Civil (and

Kosovo*

(2020): These data (only this year) are not available at this moment; until the Case Management System

Question 042

Albania

(General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the

investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.

(2019): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and

Bosnia and Herzegovina

(2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period. The heads of higher courts and prosecutors' offices evaluate yearly lower instance court presidents and chief prosecutors based on the statistical data and the indicators related to the management of the work of the court and the prosecutor's office.

(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief

Montenegro

(General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage

(2019): Rules for the evaluation of judges and presidents of courts, article 11

<http://sudovi.me/files/L3Nkc3YvZG9jLzIzNjEucGRm=>

"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half

North Macedonia

(General Comment): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts.

(2019): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council defines qualitative and quantitative criteria for work of the courts. Within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring

Serbia

(General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of

(2019): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

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Kosovo*

(2019): With regard to this and the following question, I changed the answer to NO, since, non of the judicial institutions were able to provide specific policies or documents which specifically address quality standards.

Question 043

Albania

(General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for

(2019): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a

Bosnia and Herzegovina

(General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders. They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of

(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief

North Macedonia

(2019): Within the Judicial Council, there is staff responsible for defining qualitative and quantitative criteria,

Question 044

Kosovo*

(General Comment): These indicators are set out in the internal regulation of Kosovo Judicial Council. They are used, altogether, to measure performance of courts, for instance, usually it is calculated the number of incoming cases - number of resolved cases for that period, to measure the efficacy and performance courts. Similarly, for instance, number of appeals, is used to measure the quality of decisions, in the sens that the

Question 045

Serbia

(2020): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also,

(2019): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also,

Kosovo*

(2019): These indicators are set out in the internal regulation of Kosovo Judicial Council. They are used, altogether, to measure performance of courts, for instance, usually it is calculated the number of incoming cases - number of resolved cases for that period, to measure the efficacy and performance courts. Similarly, for instance, number of appeals, is used to measure the quality of decisions, in the sens that the number of

Question 047

Albania

(General Comment): According to Article 90, of the Law “On the status of judges and prosecutors”, as amended, part of the evaluation of the prosecutor's performance are:

- a) records of the verification of complaints filed for the prosecutor during the evaluation period as well as decisions on disciplinary measures given to the magistrate which are implemented during the evaluation period and reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest;
- c) issues selected by lot for evaluation;

(2019): According to Article 90, of the Law “On the status of judges and prosecutors”, as amended, part of the evaluation of the prosecutor's performance are:

- a) records of the verification of complaints filed for the prosecutor during the evaluation period as well as decisions on disciplinary measures given to the magistrate which are implemented during the evaluation period and reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest;

North Macedonia

(2020): In February 2020, First national report for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia was published. This report was prepared according to the Methodology for performance monitoring of the Public Prosecutor's of the Republic of North Macedonia. Matrix is composed

Question 048

Albania

(General Comment): The court performance is assessed as part of the annual report but because there is no officially approved indicators yet, the court performance can not be evaluated.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.

A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12, 89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure

Kosovo*

(2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System (CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in Kosovo

Question 049

Montenegro

(General Comment): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if

(2019): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

Serbia

(2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12, 89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are

Kosovo*

(General Comment): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web

(2019): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

Question 050

Serbia

(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction

Question 051

Serbia

(General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new

(2019): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges

Question 052

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period. In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior chief prosecutor appraise annually the work of the lower instance chief prosecutors. The High Judicial and Prosecutorial

North Macedonia

(2019): Please note that these type of indicators for the public prosecution office are already developed from the beginning of 2020. The first national report for evaluation of the performance of the public prosecution offices was published in February 2020 in the framework of the project financed by the British

Kosovo*

(2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance

Question 053

Albania

(General Comment): According to the Law "On the status of judges and prosecutors", as amended, the assessment process of the prosecutors is periodic. The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution office is evaluated at least once during his term of office. In each case, the head of the Prosecution office should be evaluated from the High Prosecutorial

(2019): According to the Law "On the status of judges and prosecutors", as amended, the assessment process of the prosecutors is periodic.

The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution

Serbia

(General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents' performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and

Kosovo*

(General Comment): In the KPC also, there is a specific unit who drafts detailed reports on the performance

(2019): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the

Question 054

Kosovo*

(2019): As I explained in the other section, Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their

Question 055

Kosovo*

(General Comment): Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their legislation with

Question 056

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a

(2020): Other: Hierarchical superior court president.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the

(2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those

Question 057

Albania

(General Comment): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the

(2019): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief

North Macedonia

(2019): Despite of the absence of the performance evaluation system based primarily on the defined indicators for the public prosecution services in 2019 (see the answer to the Q052), the performance of the

Serbia

(General Comment): <https://www.cejpecollect.coe.int/GroupChapters/Edit/23542>

(2019): <https://www.cejpecollect.coe.int/GroupChapters/Edit/23542>

Question 058

Albania

(General Comment): High Judicial Council monitors the above-mentioned indicators, every six months, based on detailed reports of the courts. An annual report is produced each year.

High Inspector of Justice is the responsible body, which inspects citizens complains, for : procrastination of the process by the judges, unethical acts by judges..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated

(2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:

- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";

Bosnia and Herzegovina

(General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance

(2019): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance

North Macedonia

(General Comment): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by

(2019): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

Serbia

(General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or

(2019): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended,

Question 059

Albania

(General Comment): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of

(2019): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies realised from the High

Bosnia and Herzegovina

(General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators

(2019): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators

Kosovo*

(General Comment): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective

(2019): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the

Question 060

Bosnia and Herzegovina

(General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information

(2019): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the

North Macedonia

(General Comment): Judicial Council on regular bases monitor backlog of cases.

(2019): Judicial Council on regular bases monitor backlog of cases.

Serbia

(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS)

(2019): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection

Question 061

Bosnia and Herzegovina

(General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the

(2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case

North Macedonia

(General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office

(2019): Court president is obliged to monitor waiting time during court procedures. Chief of the public prosecution office is obliged to monitor waiting time .

Serbia

(General Comment): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public

(2019): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal

Question 062

Albania

(2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

(2019): High Judicial Council and Ministry of Justice

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the

Montenegro

(General Comment): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica

North Macedonia

(General Comment): Beside Judicial Council certain statistical data are collected within the Supreme Court,

(2019): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of

Serbia

(General Comment): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an "Analysis of the performance of courts of general and special jurisdiction", <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection

(2020): The Supreme Court of Cassation

(2019): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en>;

Question 063

Albania

(2019): <http://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of

North Macedonia

(General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal

(2019): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal

Serbia

(General Comment): - at the webpage of the Supreme Court of Cassation Annual and six month reports on work of all courts are published, also courts publish their annual individual statistical reports on their internet

(2019): On the website of the Supreme Court of Cassation - Annual and six month reports on the work of all courts are published - <https://www.vk.sud.rs/en/annual-report-work-courts>. Also, courts publish their

Question 064

Albania

(General Comment): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ

(2019): http://www.pp.gov.al/web/Statistika_19_1.php

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is:

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina. The web

Montenegro

(General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session. In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources

(2019): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was

Serbia

(General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

(2020): Republic Public Prosecutor

(2019): Republic Public Prosecutor's Office website: www.rjt.gov.rs

Question 065

Albania

(2019): http://www.pp.gov.al/web/apeli_tirane_raport_2017_1334.pdf
An example of the annual report of the Tirana Appeals Prosecution Office

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website

North Macedonia

(General Comment): Public Prosecution Office publishes its reports on the web site.

(2019): Public Prosecution Office publishes its reports on the web site.

Serbia

(General Comment): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE->

(2019): Please see link containing the reports of all the ppo's:

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Question 066

Albania

flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

- I. Introduction
- II. Judicial Activity
 1. The burden and type of litigation.
 2. Trend of load with issues.
 3. Resolving issues.
 - a. Criminal Matters
 - b. Criminal claim
 - c. Pre-trial criminal claim
 - d. Criminal-administrative claim
 - e. Civil matters
 4. Charges for judges.
 - a. Delegations of judges
 5. Control of decision-making by higher courts.
 6. Speed in judgment.
 7. Refuses to adjudicate cases.
 8. Exclusions of judges from adjudication of cases.
- III. Judicial Case Management
 1. Monitoring the progress of issues.
 2. Electronic system of management of court cases.
- IV. Administrative management of the court
 1. Organics and Human Resources.
 2. Information technology.
 3. Provision of services by the judicial administration.
 4. Accessibility, transparency, public relations and the media.
 5. Security and security issues in court.

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- II. Judicial Activity
 - 1. The burden and type of litigation.
 - 2. Trend of load with issues.
 - 3. Resolving issues.
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 - 5. Control of decision-making by higher courts.
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- III. Judicial Case Management
 - 1. Monitoring the progress of issues.
 - 2. Electronic system of management of court cases.
- IV. Administrative management of the court
 - 1. Organics and Human Resources.
 - 2. Information technology.
 - 3. Provision of services by the judicial administration.
 - 4. Accessibility, transparency, public relations and the media.
 - 5. Security and security issues in court.
 - 6. Administration of public funds.
 - 7. Relations with other institutions.

Bosnia and Herzegovina

(General Comment): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry

Montenegro

(General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to

(2019): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to

North Macedonia

(General Comment): Reports are available on the following web site: www.sud.mk

Serbia

(General Comment): Backlog Reduction Program with its action plan, court visit plan (in all, except the first instance courts) annual schedule of work of judges and judicial assistants, etc.

(2019): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit the Program for Resolution of Old Cases with the action plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to

Question 067

Albania

(2019): Courts are required to submit periodic reports to HJC on workload of judges, backlog of cases,

North Macedonia

(2019): Reports are available on the following web site: www.sud.mk

Serbia

(General Comment): All courts prepare three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc. Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to

(2019): All courts draw up a six-monthly and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The courts also draft and submit the Backlog Reduction with

Question 068

Montenegro

(General Comment): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year

Serbia

(General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

(2019): Six-monthly and annual reporting.

Question 069

Albania

(General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations

(2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any

Bosnia and Herzegovina

(General Comment): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the

Montenegro

(General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data

(2019): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the

North Macedonia

(General Comment): Reports are available on the following web site: www.jorm.gov.mk

Serbia

(General Comment): Every public prosecutor's office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor's Office is preparing aggregated annual report of all prosecutor's offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions' performance compared to previous year, trends, challenges and improvements in

Question 070

Albania

(2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for

(2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any

North Macedonia

(2019): Reports are available on the following web site: www.jorm.gov.mk

Serbia

(2019): Every public prosecutor's office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor's Office is preparing aggregated annual report of all prosecutor's offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions' performance compared to previous year, trends, challenges and improvements in implementation of various criminal law

Kosovo*

(2019): Each prosecution office reports quarterly in the meetings of the Kosovo Prosecutorial Council regarding number of cases received, number of cases solved, manner of solving cases and other topics regarding the functioning of the prosecution offices. In addition, at the end of each year, a report is drafted regarding the work of all prosecution offices for that year and a separate report regarding the work of

Question 072

Albania

(General Comment): According to Article 170, of the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system. The High Prosecutorial Council may send representatives to

(2019): According to Article 170, of the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council and the High Prosecutorial Council shall, at least once a year, organize joint meetings for the exchange of experience, for the unification of the interpretation and application of laws, in relation to the exercise of their functions and organization, and of the general matters relating to the functioning of the justice system.

The High Prosecutorial Council may send representatives to meetings of the High Judicial Council on matters

Bosnia and Herzegovina

(General Comment): During the preparation for the main trial, the judge or presiding judge may hold a pre-trial hearing with the parties to the proceedings and the defense attorney to consider issues relevant to the

(2019): During the preparation for the main trial, the judge or presiding judge may hold a pre-trial hearing with the parties to the proceedings and the defense attorney to consider issues relevant to the main trial.

Montenegro

(General Comment): According to Criminal Procedure Code the Chair of the Panel shall, if necessary, set a preparatory hearing for the purpose of determining the future course of the main hearing and planning as to which evidence, in what manner and at what time shall be presented at the main hearing, summon to a preparatory hearing the parties, defense attorney, injured party, proxy of the injured party, and, as needs be, an expert witness and other persons.

Preparatory hearing is held without the presence of the public and of which records are made and signed by the parties and other persons present, the Chair of the Panel shall inform the participants of the future course of the main hearing and ask for their comments thereon and for their proposals as to evidence, and shall invite them to state whether they are available to appear at the main hearing at the time planned by the Chair of the Panel. At the preparatory hearing the parties shall particularly be cautioned that they must, as a rule, make all evidentiary proposals at the preparatory hearing and that if they submit new proposals at the main hearing they shall justify in detail why they did not do so at the preparatory trial, as well as that the

(2019): According to Criminal Procedure Code the Chair of the Panel shall, if necessary, set a preparatory hearing for the purpose of determining the future course of the main hearing and planning as to which evidence, in what manner and at what time shall be presented at the main hearing, summon to a preparatory hearing the parties, defense attorney, injured party, proxy of the injured party, and, as needs be, an expert witness and other persons.

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North Macedonia

(General Comment): Yes, there is a process of dialogue between the court and the parties in one court case. Court and parties have cooperation about the dates for the court hearings and also the organization of the court procedure.

Before starting of the procedure presiding judge can conduct a meeting with both parties (as a mini status conference) for organizational questions related to the procedure.

Also, according to article 347, p.2 from the Law on criminal procedure the Presiding Judge of the Trial

(2019): Yes, there is a process of dialogue between the court and the parties in one court case. Court and parties have cooperation about the dates for the court hearings and also the organization of the court procedure.

Before starting of the procedure presiding judge can conduct a meeting with both parties (as a mini status conference) for organizational questions related to the procedure.

Also, according to article 347, p.2 from the Law on criminal procedure the Presiding Judge of the Trial

Serbia

(General Comment): At the initial, preparatory hearing, pursuant to the CPC. At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution services, courts and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement, on

(2019): At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution services, courts and other participants of the criminal proceedings. At the preparatory hearing the parties state their positions in relation to the subject-matter of the charges, explain the evidence which will be examined at the trial and propose new evidence. Also, the factual and legal questions which will be the subject-matter of discussion at the trial are determined, a decision is rendered on a plea agreement, on detention and on discontinuing criminal proceedings, as well as on other questions

Question 073

Bosnia and Herzegovina

(General Comment): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of

(2019): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of

Montenegro

(General Comment): Also, except in criminal proceedings, the court shall schedule the preparatory hearing upon the receipt of the response to the complaint in civil procedure, too. Except in cases where upon the examination by the court of the complaint and response to the complaint it determines that there are no disputable facts between the parties or when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary.

In the summons for the preparatory hearing, the court shall inform the parties of consequences should they fail to appear at the preparatory hearing and that they are obliged to present all facts on which the claims are based and disclose all the evidence that they want to present in the course of proceedings and to bring to the preparatory hearing all the documents and items that they want to use as evidence.

Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of

(2019): Also, except in criminal proceedings, the court shall schedule the preparatory hearing upon the receipt of the response to the complaint in civil procedure, too. Except in cases where upon the examination by the court of the complaint and response to the complaint it determines that there are no disputable facts between the parties or when due to the simplicity of the case, the court determines that the preparatory hearing is unnecessary.

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Issues related to any obstacles to further course of the proceedings shall be heard after the presentation of the complaint and the response to the complaint. Evidence related to these issues can be presented at the preparatory hearing when necessary. In the course of preparatory hearing, court shall try, by asking

North Macedonia

(General Comment): Law on civil procedure Hearings

Article 106

(1) The hearing shall be scheduled by the court when prescribed by law or when necessary for the procedure. An appeal shall not be allowed against the determination on scheduling the hearing.

(2) The court shall in timely manner summon the parties and other persons whose presence is considered necessary. Together with the summons the submission that initiated the scheduling of the hearing shall be served to the parties, and the place, premises and time of holding the hearing shall be stated in the summons. If a submission is not served together with the summons, the parties, the subject of the dispute, as well as the activity that will take place at the hearing shall be stated in the summons.

(3) In the summons, the court shall particularly remind of the legal consequences resulting from absence from the hearing.

Article 107

(1) The hearing shall, as a general rule, be held in the court building and shall be audio recorded.

(2) The court can decide to hold the hearing out of the court building, when it finds that it is necessary, or that in such manner it is saving time or costs of the procedure. An appeal shall not be allowed against this determination.

Article 108

(1) The court may postpone the hearing when necessary for the purpose of exhibiting evidence or when there are other justified reasons thereof. The new hearing shall be held in a period of at least eight days, i.e. in a period of at most 45 days as of the day when the hearing has been postponed.

(2) When the hearing is postponed, the court shall immediately announce the place and time of the new hearing to the people present.

(2019): Law on civil procedure Hearings

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(2) When the hearing is postponed, the court shall immediately announce the place and time of the new hearing to the people present.

(3) When the party has requested postponement of the hearing with a submission, it shall be obliged to get

Serbia

(General Comment): Under the Law on Civil Procedure (Official Gazette of the Republic of Serbia no. 72/2011, 49/2013 - decision of Constitutional Court, 74/2013 - decision of Constitutional Court, 55/2014 and 87/2018), the party (including its lawyer) is in obligation, no later than the preliminary hearing or at the first hearing for the main hearing, if the preliminary hearing is not mandatory, to present all facts required for explanation of its proposals, to propose evidence that confirm the presented facts, to give statement about the allegations and offered evidences of the opposing party, as well as to propose the timeframe for

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Question 074

Bosnia and Herzegovina

(General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of

(2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and

Montenegro

(General Comment): Ministry of Justice brings the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.

North Macedonia

(2019): These targets are different according to the type of cases.

Serbia

(2019): Performance of judges with a standing tenure of office and court presidents' shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily (Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents "Official Gazette of RS", No. 81/2014, 142/2014, 41/2015, 7/2016). Criteria for evaluation of judges' performance are quality and quantity. Standards for evaluating quality of judges' performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges' performance quality is determined. Individual grades for quality standards are as follows: "outstandingly successful", "successful" and "unsatisfactory". Standard for quantity evaluation of judges' performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges' quantity performance shall be conducted by evaluating the judges' quantity standard by an individual performance grade, i.e. "outstandingly successful", "successful" and "unsatisfactory". Articles 17-26 of the Rules provide more detailed ruled on how quantity (efficiency) of judicial performance is evaluated. This is done based on the number of cases disposed by a judge over a period one month against the number of cases they should dispose- monthly caseload quota. The monthly caseload quota pertain to the cases adjudicated on merits, whereas three cases disposed of in some other manner shall be regarded as one case adjudicated on the merits. Derogating from paragraph 2 of this Article, in higher and appellate courts five closed cases in Kž and Kž2 subject matter shall be regarded as one case adjudicated on merits. In appellate court, five closed cases in Kžm2 subject matter shall be regarded

Kosovo*

(2019): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually

Question 075

Albania

(2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved

(2019): Each judge is assessed by the High Judicial Council as part of its period professional and ethical

Bosnia and Herzegovina

(General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in

North Macedonia

(General Comment): Judicial Council is responsible body for setting the targets for judges.

(2019): Judicial Council is responsible body for setting the targets for judges.

Serbia

(2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions' operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents' performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

(2019): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents' performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents' performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents' performance, issue guidelines to commissions implementing the evaluation procedure and make

Kosovo*

(General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The

Question 075-1

Albania

(2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final

Bosnia and Herzegovina

(General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the

North Macedonia

(General Comment): The evaluation system of judges according to our system is composed by two components qualitative and quantitative criteria. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade. If a judge is evaluated negatively in two

Serbia

(2020): Law on Judges in Art 52 prescribe that a first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Question 076

Albania

subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
 - b) Organizational skills;
 - c) Ethics and commitment to judicial and prosecutorial professional values;
 - ç) Personal qualities and professional commitment. The evaluation of magistrates is based on the following sources:
 - a) Personal file of the magistrate;
 - b) Statistical data, according to the provisions contained in Article 90 of this Law;
 - c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
 - ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
 - d) The opinion of the chairperson;
 - dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
 - e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
 - ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
 - f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
 - g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
 - gj) Any other information that shows the professional development of the magistrate
- In the first 15 years of professional experience, including the professional experience as assistant magistrate

ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
- gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate or seconded magistrate, each magistrate is evaluated once every three years.

Bosnia and Herzegovina

the performance evaluation of judges.

Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance

court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to

which a legal remedy may be filed with the higher instance court.

The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria:

a) Consistency of the introduction, enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;

b) The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;

c) Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;

d) Communication with parties, other authorities and relationship with associates;

e) Quality in conducting procedures with particular consideration for:

The ability to solve complex cases;

Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of

North Macedonia

(2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a

(2019): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a

Serbia

(2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

(2019): According to Art. 33 of the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to

Kosovo*

(General Comment): The chapter 4 of the regulation no. 11/2016 of the Kosovo Judicial Council, specifies the procedure of evaluation of judges' efficacy. The efficacy of the judges' work is evaluated based on a set of criteria: 1. meeting or exceeding their working norm
2. comparing the number of resolved cases by the judge to the average of resolved cases in that court, in the same category of cases;
3. Comparing the number of pending cases of the judge to the average of pending cases in that court(where judge works)

(2019): Every three years

Question 076-1

Bosnia and Herzegovina

(2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.

A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

- a)the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
- b)the percentage of reversed and modified decisions compared to the total number of cases in which a final

North Macedonia

(2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be

Serbia

(2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) which is being applied as of 1st July 2015 provides for the Commission for evaluation of judges and court presidents’ performance which has three members appointed by the High Judicial Council from the ranks of Council members- judges. The Commission shall pass a decision on initiating procedure for judges and court presidents’ performance evaluation, which for each court sets forth the date when the Commission is to launch the evaluation procedure and the date of the evaluation procedure end, seat of the court where evaluation is being conducted, and appoints the Commission secretary. The Commission shall coordinate the work of commissions, discuss disputable issues in relation to the evaluation procedure of judges and court presidents’ performance, issue guidelines to commissions implementing the evaluation procedure and make proposals for improvement of the evaluation procedure and commissions’ operation. The Commission shall submit to the Council a report on actions undertaken in scope of the judges and court presidents’ performance evaluation procedure. Further, HJC appoints Commissions implementing the evaluation procedure and determining performance grades and a Commission deciding on objections of judges and court presidents to the performance evaluation and appraisal procedure.

Question 077

Kosovo*

(General Comment): Every three years .

Question 078

Bosnia and Herzegovina

(General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets

(2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota

Question 079

Bosnia and Herzegovina

(General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its

Kosovo*

(2019): Kosovo Prosecutorial Council has adopted the administrative instruction which determines the orientation norm for state prosecutors which sets the annual guidelines for the execution of cases for Prosecutors of the General Department, the Department of Juveniles and the Serious Crimes Department of all Basic Prosecutions, the General Department and the Serious Crimes Department of the Appellate

Question 079-1

Bosnia and Herzegovina

(General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the

Kosovo*

(General Comment): If targets are not met, a negative evaluation will follow by the Commission on performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a

Question 080

Bosnia and Herzegovina

(General Comment): Other: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina

(2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance

evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable

Montenegro

(General Comment): The Prosecutorial Council adopts the Rules for evaluation of state prosecutors and

Serbia

(2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years. One-year evaluation exists for deputy public prosecutors elected first time for the period of three years. More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on

Question 080-1

Albania

(General Comment): The criteria for the qualitative assessment of the public prosecutor's work are set in the Part IV, Chapter II, of the Law "On the status of judges and prosecutors", as amended.

Bosnia and Herzegovina

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

North Macedonia

Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA

Article 37

The evaluation criteria for the performance of public prosecutors shall be the following:

- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Question 081

Albania

Article 107 of the Law on the Organization and Work of the Public Prosecution Office, provides for the ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

Bosnia and Herzegovina

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.

Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The analytical evaluation is evaluated based on the following elements:

a)Fulfilment of statutory requirements in prosecutorial decisions; b)Ability to establish decisive facts for

Montenegro

(General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as

(2019): "Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers

North Macedonia

(2020): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.

The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.

If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.

The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.

The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public

(2019): THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

(1) The Public Prosecutor's Council shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.

(2) The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.

(3) The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the State.

Serbia

(2019): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years. One-year evaluation exists for deputy public prosecutors elected first time for the period of three years. More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on

Kosovo*

(General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-

(2019): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of

Question 082-0

Bosnia and Herzegovina

(2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the

Montenegro

(2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases that would go in

Serbia

(2020): IT Development Guidelines in Justice Sector are in force (available in English at the following link:https://www.mpravde.gov.rs/files/IT%20Development%20Guidelines%20in%20Justice%20Sector_ENG.pdf) . The procedure for awarding contracts for drafting an IT strategy based on public procurement is underway.

Kosovo*

(2020): There has been an IT strategy 2012-2017. For now, there is not specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

Question 082

Serbia

(2020): (Software used for registering judicial proceedings and their management)

(2019): Early warnings for cases at risk of falling under Statute of limitations. In the case of Serbia, the answer for civil and commercial is different because systems of courts of general jurisdiction are in 2019

Question 082-1

Bosnia and Herzegovina

(2020): Currently there are two running versions of the CMS : - CMS v1 developed more than 10 years ago, - CMS v2 developed between 2 and 5 years ago. Both versions are used on the same database.

Kosovo*

(2020): It has just recently been developed.

Question 082-2**Albania**

(2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on the necessity to develop a new system. Because of the substantive financial efforts it requires, in 2020 HJC commissioned a total of 84 upgrades to the system which functionalities have improved since, but still a

Bosnia and Herzegovina

(2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and

Montenegro

(2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System

North Macedonia

(2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a

Serbia

(2020): Tender for contract for implementation of a Centralized Case Management System (CCMS) for the Serbian courts of general jurisdiction, Administrative court/s and commercial courts is available at <https://etendering.ted.europa.eu/cft/cft-display.html?cftId=7703> .

The scope of the contract covers the necessary hardware and software infrastructure, software solution, training, maintenance and support to migrate from and replace two software systems currently in use in the Judiciary.

Planned contract length is 36 months but more detailed timeline will be part of the offer.

After contract award timeline will be part of project implementation plan.

Question 084**Albania**

(2020): Please note that data are anonymized only for first and second instance courts. The High court still

Question 085**Albania**

(2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two

(2019): the website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al

Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICNIS, which is

Bosnia and Herzegovina

(2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECtHR Network). Through the same project, HJPC initiated development of the database

(2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from

Serbia

(2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

(2019): Court for administrative disputes is Administrative court, which is the only instance for the Republic of Serbia. For judgements in administrative disputes there is no 3rd level instance of decisions, only 2nd level

Kosovo*

(General Comment): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the

(2019): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link

Indicator 3 List

List of the tables presented in this indicator

3.Efficiency

Table 3.1.1 First instance courts: number of other than criminal law cases in 2020 (Q35)

Table 3.1.2 First instance courts: percentage variation of number of other than criminal law cases between 2019 and 2020 (Q35)

Table 3.1.3 First instance courts: number of other than criminal law cases per 100 inhabitants in 2020 (Q35)

Table 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q35)

Table 3.1.5 First instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.6 First instance courts: number of criminal law cases in 2020 (Q38)

Table 3.1.7 First instance courts: percentage variation of the number of criminal law cases between 2019 and 2020 (Q38)

Table 3.1.8 First instance courts: number of criminal law cases per 100 inhabitants in 2020 (Q38)

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q38)

Table 3.1.10 First instance Criminal Law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.11 Second instance courts (appeal): Number of "other than criminal law" cases in 2020 (Q39)

Table 3.1.12 Second instance courts (appeal): percentage variation of the number of "other than criminal law" cases between 2019 and 2020 (Q39)

Table 3.1.13 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2020 (Q39)

Table 3.1.14 Second instance courts (appeal): Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2020 (Q39)

Table 3.1.15 Second instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q39)

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2020 (Q40)

Table 3.1.17 Second instance courts (appeal): percentage variation in number of criminal law cases between 2019 and 2020 (Q40)

Table 3.1.18 Second instance courts (appeal): Number of criminal law cases per 100 inhabitants in 2020 (Q40)

Table 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2020 (Q40)

Table 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.21 Average length of proceedings in days for Civil and commercial litigious cases and Litigious divorce cases in 2020 (Q41)

Table 3.1.22 Average length of proceedings in days for Employment dismissal cases and Insolvency cases in 2020 (Q41)

Table 3.1.23 Average length of proceedings in days for Robbery cases and Intentional homicide cases in 2020 (Q41)

Table 3.1.24 Average length of proceedings in days for Bribery cases and Trading in influence cases in 2020 (Q41)

Table 3.1.25 Variation of average length of proceedings (percentage change and percentage points) for Civil and commercial litigious cases and Litigious divorce cases between 2019 and 2020 (Q41)

Table 3.1.26 Variation of average length of proceedings (percentage change and percentage points) for Employment dismissal cases and Insolvency cases between 2019 and 2020 (Q41)

Table 3.1.27 Variation of average length of proceedings (percentage change and percentage points) for Robbery cases and Intentional homicide cases between 2019 and 2020 (Q41)

Table 3.1.28 Open questions in Indicator 3.1 (Q36 and Q37)

Table 3.2.1 National policies applied in courts and public prosecution services and personnel entrusted in 2020 (Q42 and Q43)

Table 3.2.2 Performance and quality objectives at court level in 2020 (Q44 and Q45)

Table 3.2.3 Performance and quality objectives at public prosecution services level in 2020 (Q46 and Q47)

Table 3.2.4 Evaluation of performance at court level in 2020 (Q48, Q49, Q50, Q51 and Q56)

Table 3.2.5 Evaluation of performance at public prosecution services level in 2020 (Q52, Q53, Q54, Q55 and Q57)

Table 3.2.6 Measuring courts' activity in 2020 (Q58)

Table 3.2.7 Measuring public prosecution services' activity in 2020 (Q59)

Table 3.2.8 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2020 (Q60 and Q61)

Table 3.2.9 Information regarding courts and public prosecution services' activity in 2020 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Table 3.2.10 Courts administration in 2020 (Q72 and Q73)

Table 3.2.11 Performance and evaluation of judges in 2020 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.2.12 Performance and evaluation of public prosecutors in 2020 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Table 3.3.1 IT Strategy and Case management system in 2020 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.3.2 CMS Index in 2020 (Q83)

Table 3.3.3 Centralised national database of court decisions in 2020 (Q84, Q85)

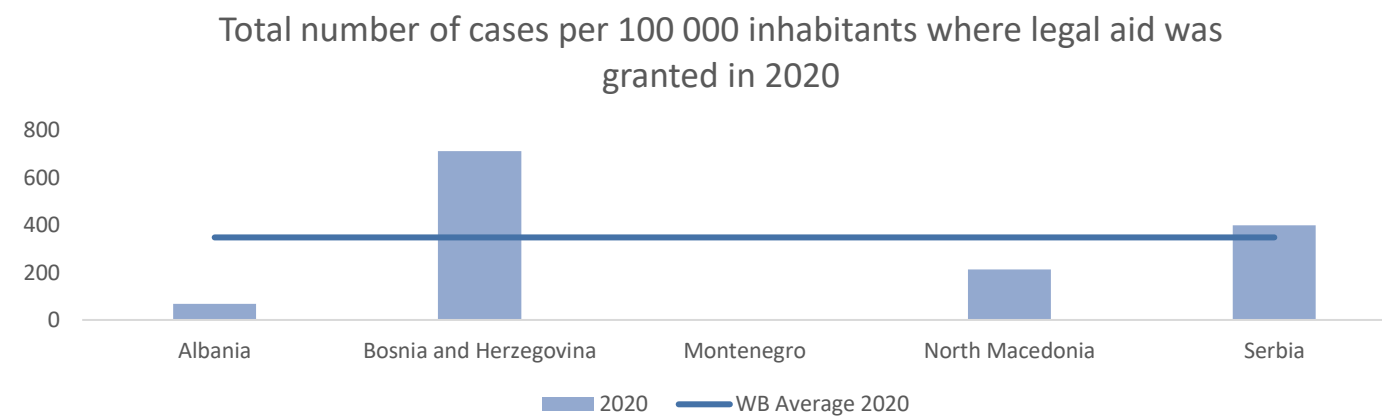
Indicator 3 - Efficiency and productivity

Indicator 3 - Efficiency and productivity

4. Access to justice - legal aid

Total number of cases per 100 000 inhabitants where legal aid was granted between 2018 and 2020

Beneficiaries	2018			2019			2020		
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
Albania	NA	NA	NA	9,5	8,6	0,9	67,7	3,4	64,3
Bosnia and Herzegovina	876,1	259,5	616,6	832,9	268,1	564,8	711,8	223,5	488,4
Montenegro	90,8	NA	NA	NA	67,3	NA	NA	NA	NA
North Macedonia	NA	46,3	NA	NA	71,4	NA	213,6	84,0	129,5
Serbia	NA	NA	NA	NA	NA	NA	398,4	48,0	350,4
Kosovo*	NA	NA	NA	310,8	159,3	151,5	443,9	182,2	261,7
WB Average	483,4	152,9	616,6	421,2	103,9	282,8	347,9	89,7	258,1



Albania: 2019 data are for the period of May 2019 to December 2019 only.

Kosovo*: 2019 data are for civil cases only.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the summary statistics.*

CEPEJ report - Dashboard Western Balkan

Table 4.1.1 Access to justice - Number of cases where legal aid was granted in 2020 (Q86)

Beneficiaries	Number of cases for which legal aid has been granted								
	Total			In criminal cases			In other than criminal cases		
	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court	Total	Cases brought to court	Cases not brought to court
Albania	1 926	97	1 829	337	5	332	1 589	92	1 497
Bosnia and Herzegovina	24 850	7 801	17 049	4 577	3 753	824	20 273	4 048	16 225
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	4 434	1 745	2 689	1 588	1 588	NA	2 846	157	2 689
Serbia	27 695	3 340	24 355	NA	NA	NA	NA	NA	NA
Kosovo*	7911	3247	4664	2316	1438	878	5595	1809	3786
Average	14726	3246	11481	2167	1782	NA	8236	1432	6804
Median	14642	2543	9869	1588	1588	NA	2846	157	2689
Minimum	1926	97	1829	337	5	NA	1589	92	1497
Maximum	27695	7801	24355	4577	3753	NA	20273	4048	16225
Nb of values	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	40%	40%	60%	40%	40%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 4.1.2 Income and assets evaluation for granting full or partial legal aid in 2020 (Q87, Q88)

Beneficiaries	Income and assets evaluation for granting full or partial legal aid	Full legal aid				Partial legal aid			
		criminal cases		other than criminal cases		criminal cases		other than criminal cases	
		Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value	Annual income value	Assets value
Albania		NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina		1 400 €	NA	1 400 €	NA	NAP	NAP	NAP	NAP
Montenegro		NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia		NAP	NAP	242 €	NA	NAP	NAP	NAP	NAP
Serbia		3 063 €	NA	3 063 €	NA	NAP	NAP	NAP	NAP
Kosovo*		NA	NAP	NA	NAP	NA	NAP	NA	NAP
Average		NA	NA	1 568 €	NA	NA	NA	NA	NA
Median		NA	NA	1 400 €	NA	NA	NA	NA	NA
Minimum		NA	NA	242 €	NA	NA	NA	NA	NA
Maximum		NA	NA	3 063 €	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	60%	20%	80%	20%	20%	20%	20%
% of NAP	0%	40%	40%	20%	20%	80%	80%	80%	80%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Indicator 4. Access to justice-legal aid

by country

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Albania

Q086 (2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of

- Primary Legal Aid (“out of court support”)
- Secondary Legal Aid (representation by an advocate in a court procedure) and the
- Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises - providing of information regarding the legal system and legal acts, - the delivery of counselling, - the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions, - the delivery of assistance in drafting and establishing of documentation to - representation before administration bodies, - the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

- Specially trained officers in primary legal aid service centers (or other premises) (Article 14)
- NPOs providing primary legal aid (Article 15)
- Legal clinics (Article 3 (ë)) providing legal aid (Article 16).

Secondary legal aid is (Article 18)

- provided by advocates included in the list approved by the National Chamber of Advocates, • upon the request (according to the form) of • the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates
- Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data” determines that:

Q086 (2019): Notes:

Law no. 111/2017, "On State-Guaranteed Legal Aid", entered into force on June 1-st 2018. This law, part of the legal package of the judicial reform in Albania, provided the termination of the existence of the State Commission of Legal Aid (existing institution of the time) and the establishment of the Free Legal Aid Directorate, as the responsible institution for administering free legal aid system.

The establishment of the Free Legal Aid Directorate was accomplished by the Prime Minister order no. 59, date 25.03.2019, about 1 year after the entry into force of the law.

Consequently, during this transitional period until the establishment of the Free Legal Aid Directorate we have no treatment of free legal aid cases.

Consequently, the data represented in the table regards the period of May 2019 to December 2019

-Cases brought to court,

Law 111/2017, unlike the repealed law, provides as a form of legal aid even the:

a) exemption from the payment of general and special fees (as provided by the law on court fees of the Republic of Albania); b) payment of court expenses (costs for witnesses, experts, translators, examinations of places and items etc)

The decision to provide the aforementioned services, together with the request to provide counseling and representation before the court, is given by a decision of the competent court under the procedural law.

Every court decision is communicated to the Free Legal Aid Directorate together with the respective fee which is held in the account of the Directorate's budget.

-Cases not brought to court.

For the cases not brought to court that the law classifies as "primary legal aid", should be stressed that the low level of these cases came as a result of the short period of functioning of the Free Legal Aid Directorate.

The law provides that primary legal aid is accorded by: a) Primary legal aid service centers; b) Authorized non-profit organizations; c) Legal clinics at higher education institutions.

Currently, the Free Legal Aid Directorate administers only one Primary legal Aid service center in the city of

Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". In a given case, all three forms can be granted to an individual, as long as it fulfills the criteria. There are two categories that benefit legal aid: (a) special categories of individual (b) legal aid in case of insufficient income and property.

(a) special categories of individuals

Legal aid shall be granted to the following persons, regardless of their income and their property:

- a) victims of domestic violence;
- b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
- c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
- ç) children living in social care institutions;
- d) children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
- dh) persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
- e) persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
- ë) persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
- f) persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;
- g) persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian.
- gj) persons who are beneficiaries of social protection programs.
- h) persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.

Q087 (2019): The classification of full and partial legal aid is not a classification provided by 111/2017, law. According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order.

It is unclear whether all forms of legal aid can be considered as "full legal aid" or we will maintain the view that this system (full and partial legal aid) is not provided for by 111/2017 law, and fill the table with NAP. It is also impossible to determine an exact amount of the annual income and assets spent on a free legal

Bosnia and Herzegovina

Q086 (General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given through legal advice only by the government founded free legal aid institutions.

Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal

Q086 (2020): Legal aid institutions reported that their caseload was reduced in 2020 following the

Q086 (2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings. Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Q087 (2020): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are

Q087 (2019): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries

Montenegro

able to provide other data under question 86.

Q086 (2019): In 2019, number of filed requests for free legal aid was 487. With five requests from previous year, there were total 492 cases. Number of accepted - 417

on Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :

1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.

2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,

accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by: a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties. The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount, whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are:

- 1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
- 2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,

North Macedonia

Q086 (2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 2 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 20 civil cases referred to the court for which court granted free legal aid and 137 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid. According to the new Legal aid which start with implementation in October 2019, in

Q086 (2019): In 2019 there were 1372 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 19 civil cases referred to the court for which

to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

The new Law on free legal aid was adopted.

According to the Article 15 of the new Law on free legal aid, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID

Article 17

General criteria for approving secondary legal aid

(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.

(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.

(3) The applicant shall be approved secondary legal aid if:

- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing

Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

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(3) The applicant shall be approved secondary legal aid if:

- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing of their family members in the written statement on their financial standing for the purpose of having

Serbia

Q086 (General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the Constitution of RS provides that everyone shall be guaranteed the right to legal aid under conditions stipulated by the law. Legal aid is provided by lawyers, as an independent and autonomous service, and legal aid offices established in the units of local self-government in accordance with **Q086 (2020):** The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the

Q086 (2019): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data is not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid. Most local governments have submitted these initial reports covering the period from October 1st 2019 to January 31st 2020, and the results are as follows:

Number of free legal aid applications submitted: 1287

Number of approved claims: 1096

Bearing in mind that this is incomplete report and that local governments are still submitting data, the regular report of the Ministry of Justice will be completed at a later date, in accordance with the Law on Free Legal Aid.

Of course, the system of legal aid existed even prior to the introduction of the modern law in 2018.

However, it will be only with the full implementation of this law that complete gathering of statistics will be possible. The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid.

Q087 (General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the

Q087 (2019): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry. The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8)

Kosovo*

Q086 (2020): This year we have been able to generate the complete data for this category. Considering that the budget for Legal Aid is divided between three institutions, data on number of cases is also divided. So, this year we were able to obtain data on the number of cases when Ex officio Lawyers were paid by Kosovo

Q086 (2019): In Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases). However regarding the number of cases for which legal aid

Q087 (General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for

Q087 (2020): We do not have official data regarding the average family incomes for 2020.

Q087 (2019): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for

Indicator 4. Access to justice-legal aid

by question No.

Question 86. Please indicate the number of cases for which legal aid has been granted:

Question 87. Does your country have an income and assets evaluation for granting full or partial legal aid?

Question 88. If yes, please specify in the table:

Question 086

Albania

(2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of

- Primary Legal Aid (“out of court support”)

- Secondary Legal Aid (representation by an advocate in a court procedure) and the

- Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises

- providing of information regarding the legal system and legal acts,
- the delivery of counselling,
- the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,
- the delivery of assistance in drafting and establishing of documentation to
- representation before administration bodies,
- the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

- Specially trained officers in primary legal aid service centers (or other premises) (Article 14)

- NPOs providing primary legal aid (Article 15)

- Legal clinics (Article 3 (ë)) providing legal aid (Article 16).

Secondary legal aid is (Article 18)

- provided by advocates included in the list approved by the National Chamber of Advocates,
- upon the request (according to the form) of
- the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates

Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data” determines that:

(2019): Notes:

Law no. 111/2017, "On State-Guaranteed Legal Aid", entered into force on June 1-st 2018. This law, part of the legal package of the judicial reform in Albania, provided the termination of the existence of the State Commission of Legal Aid (existing institution of the time) and the establishment of the Free Legal Aid Directorate, as the responsible institution for administering free legal aid system.

The establishment of the Free Legal Aid Directorate was accomplished by the Prime Minister order no. 59, date 25.03.2019, about 1 year after the entry into force of the law.

Consequently, during this transitional period until the establishment of the Free Legal Aid Directorate we have no treatment of free legal aid cases.

Consequently, the data represented in the table regards the period of May 2019 to December 2019

-Cases brought to court,

Law 111/2017, unlike the repealed law, provides as a form of legal aid even the:

a) exemption from the payment of general and special fees (as provided by the law on court fees of the Republic of Albania); b) payment of court expenses (costs for witnesses, experts, translators, examinations of places and items etc)

The decision to provide the aforementioned services, together with the request to provide counseling and representation before the court, is given by a decision of the competent court under the procedural law.

Every court decision is communicated to the Free Legal Aid Directorate together with the respective fee which is held in the account of the Directorate's budget.

-Cases not brought to court.

For the cases not brought to court that the law classifies as "primary legal aid", should be stressed that the low level of these cases came as a result of the short period of functioning of the Free Legal Aid Directorate.

The law provides that primary legal aid is accorded by: a) Primary legal aid service centers; b) Authorized non-profit organizations; c) Legal clinics at higher education institutions.

Currently, the Free Legal Aid Directorate administers only one Primary Legal Aid service center in the city of

Bosnia and Herzegovina

(General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given through legal advice only by the government founded free legal aid institutions.

Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal

(2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of n

(2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Montenegro

provide other data under question 86.

(2019): In 2019, number of filed requests for free legal aid was 487. With five requests from previous year, there were total 492 cases. Number of accepted - 417

North Macedonia

(2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (cc

(2019): In 2019 there were 1372 criminal cases referred to the court for which court granted free legal aid (cc

Serbia

(General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, r

(2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete r

(2019): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data is not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid. Most local governments have submitted these initial reports covering the period from October 1st 2019 to January 31st 2020, and the results are as follows:
Number of free legal aid applications submitted: 1287

Number of approved claims: 1096

Bearing in mind that this is incomplete report and that local governments are still submitting data, the regular report of the Ministry of Justice will be completed at a later date, in accordance with the Law on Free Legal Aid.

Of course, the system of legal aid existed even prior to the introduction of the modern law in 2018.

However, it will be only with the full implementation of this law that complete gathering of statistics will be possible. The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the

Kosovo*

(2020): This year we have been able to generate the complete data for this category. Considering that the bu

(2019): In Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civi

Question 087

Albania

Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". In a given case, all three forms can be granted to an individual, as long as it fulfills the criteria. There are two categories that benefit legal aid: (a) special categories of individual (b) legal aid in case of insufficient income and property.

(a) special categories of individuals

Legal aid shall be granted to the following persons, regardless of their income and their property:

- a) victims of domestic violence;
- b) sexually abused victims and human trafficking victims, at any stage of a criminal proceeding;
- c) minor victims and minors in conflict with the law, at any stage of a criminal proceeding;
- c) children living in social care institutions;
- d) children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian;
- dh) persons that benefit from the payment for disability in compliance with the provisions of the law on social aid and services, including also persons that benefit from the status of blindness;
- e) persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health;
- ë) persons undergoing voluntary treatment in mental health service institutions for serious mental diseases;
- f) persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding;
- g) persons with removed or restricted capacity to act who request to initiate a proceeding against their legal guardian, for regaining the capacity to act without the approval of the legal guardian.
- gj) persons who are beneficiaries of social protection programs.
- h) persons to whom the right has been infringed through an action or inaction that constitutes discrimination on the basis of the decision of the competent organ, according to the legislation in force for protection from discrimination.

(2019): The classification of full and partial legal aid is not a classification provided by 111/2017, law. According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order.

It is unclear whether all forms of legal aid can be considered as "full legal aid" or we will maintain the view that this system (full and partial legal aid) is not provided for by 111/2017 law, and fill the table with NAP. It is also impossible to determine an exact amount of the annual income and assets spent on a free legal

Bosnia and Herzegovina

(2020): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are

(2019): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are not intended to be expressed through monetary amounts. The examples of the assets criteria: beneficiaries

Montenegro

Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :

- 1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
- 2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,

accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by: a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties. The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

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The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount, whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are:

- 1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
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The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,

North Macedonia

Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

The new Law on free legal aid was adopted.

According to the Article 15 of the new Law on free legal aid, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID

Article 17

General criteria for approving secondary legal aid

(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.

(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.

(3) The applicant shall be approved secondary legal aid if:

- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing

Serbia

(General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the

(2019): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

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Kosovo*

(General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for

(2020): We do not have official data regarding the average family incomes for 2020.

(2019): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

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Question 088

North Macedonia

according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID

Article 17

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(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.

(3) The applicant shall be approved secondary legal aid if:

- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing of their family members in the written statement on their financial standing for the purpose of having

Indicator 4 List

List of the tables presented in this indicator

4. Access to justice - legal aid

Table 4.1.1 Access to justice - Number of cases where legal aid was granted in 2020 (Q86)

Table 4.1.2 Income and assets evaluation for granting full or partial legal aid in 2020 (Q87, Q88)

Indicator 4. Access to justice-legal aid

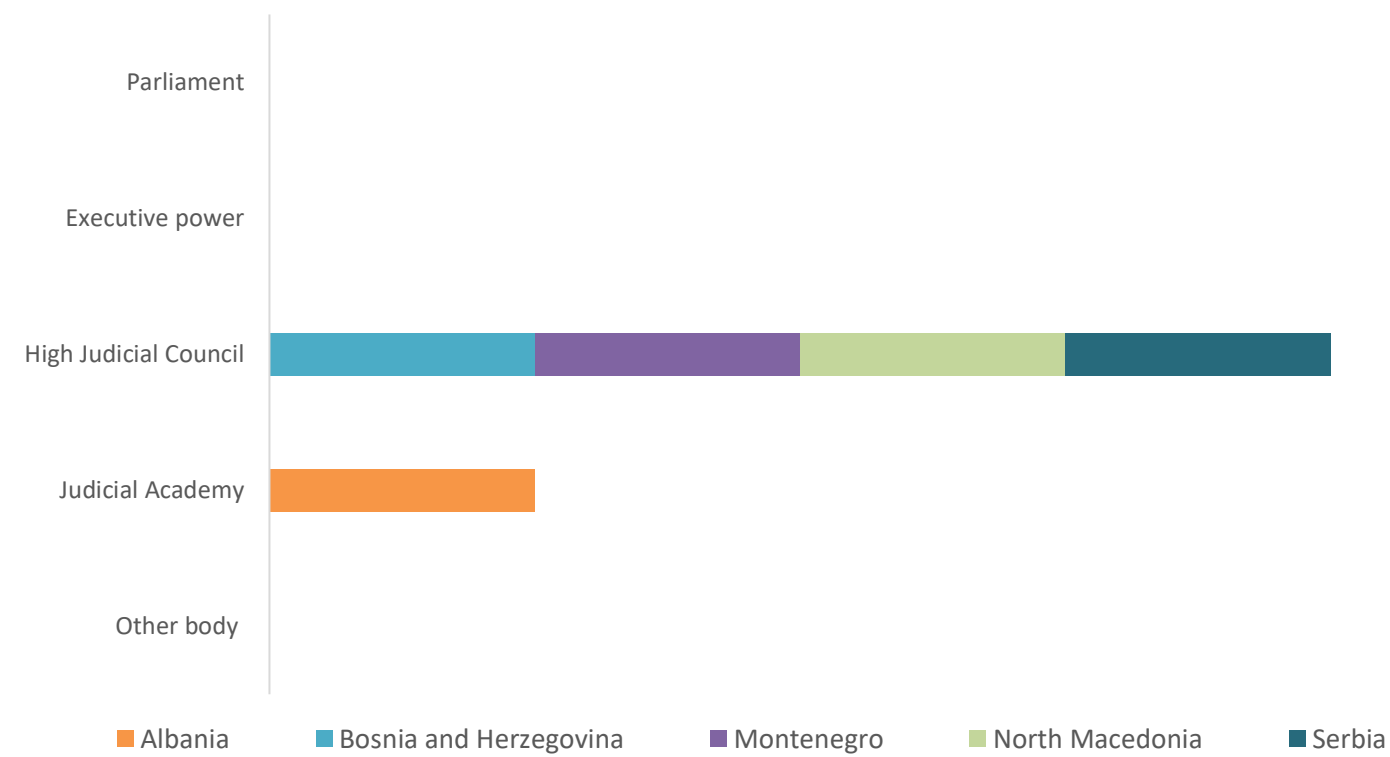
Indicator 4. Access to justice-legal aid

5 Appointment / recruitment / mandate of judges and prosecutors

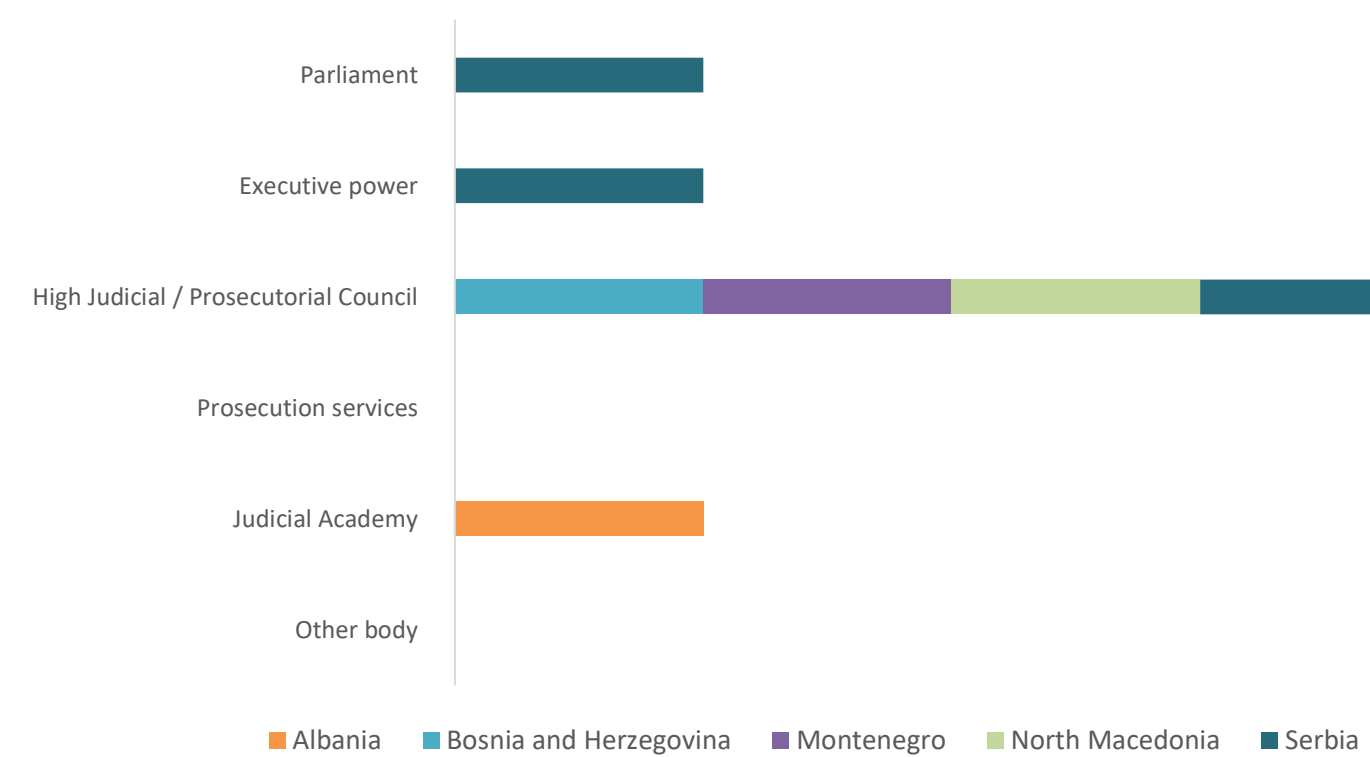
Authority competent for selection of judges and prosecutors in 2020 (Table no. 5.1.10)

Beneficiaries	Authority competent for the selection of judges in 2020					Authority competent for the selection prosecutors in 2020					
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											
									Yes		
									No		

Authority competent for the selection of judges in 2020



Authority competent for the selection of prosecutors in 2020



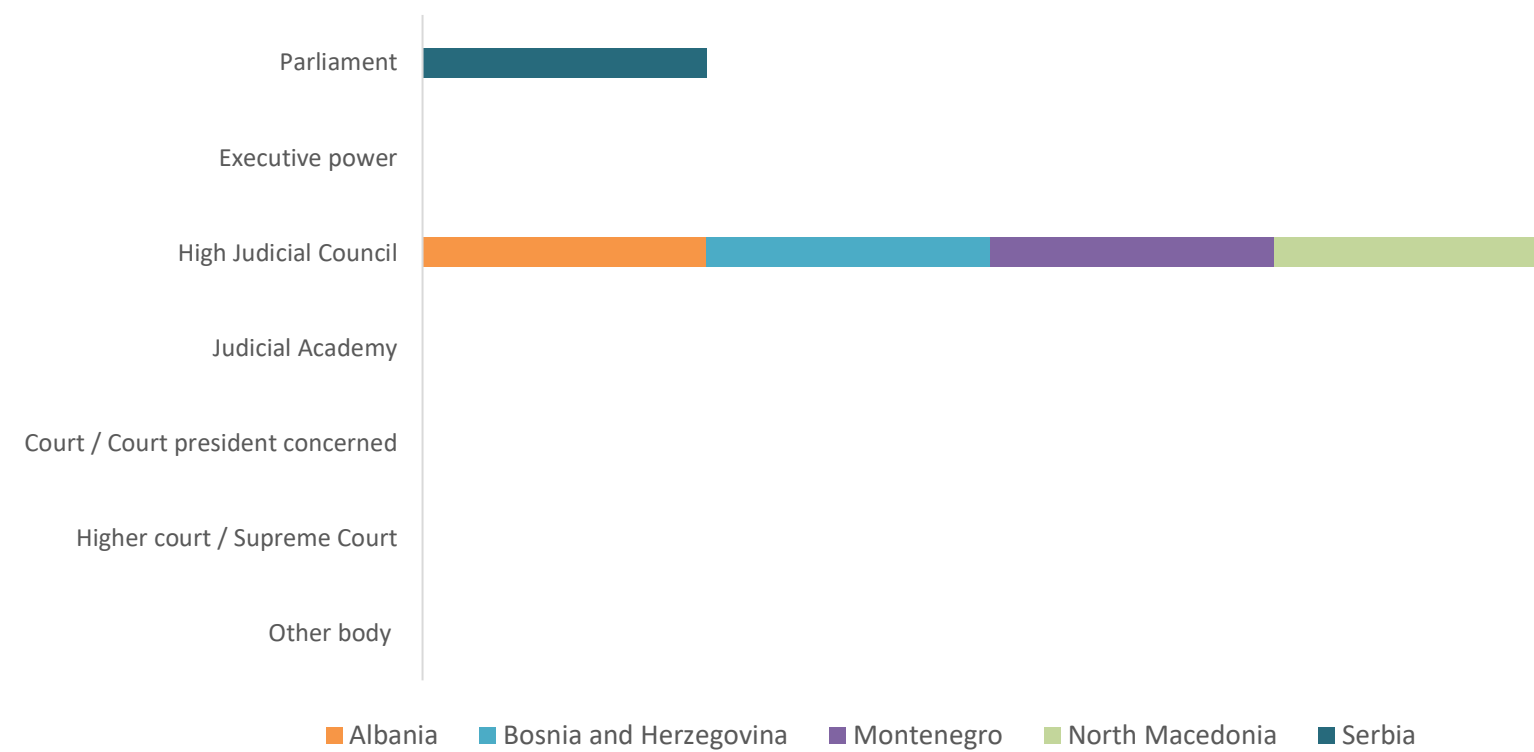
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Authority competent for the final appointment of judges in 2020 (Table no. 5.1.11)

Beneficiaries	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Authority's competences in the final appointment procedure
Albania								Has the right to appoint some and reject some among the selected (proposed) candidates
Bosnia and Herzegovina								Has the right to appoint some and reject some among the selected (proposed) candidates / Has the right to appoint candidates that were not selected (proposed) by the competent authority
Montenegro								Only confirms all the selected (proposed) candidates
North Macedonia								Has the right to appoint some and reject some among the selected (proposed) candidates
Serbia								Has the right to appoint some and reject some among the selected (proposed) candidates
Kosovo*								Only confirms all the selected (proposed) candidates

Yes
No


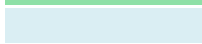
Authority competent for the final appointment of judges in 2020 (Table no. 5.1.11)



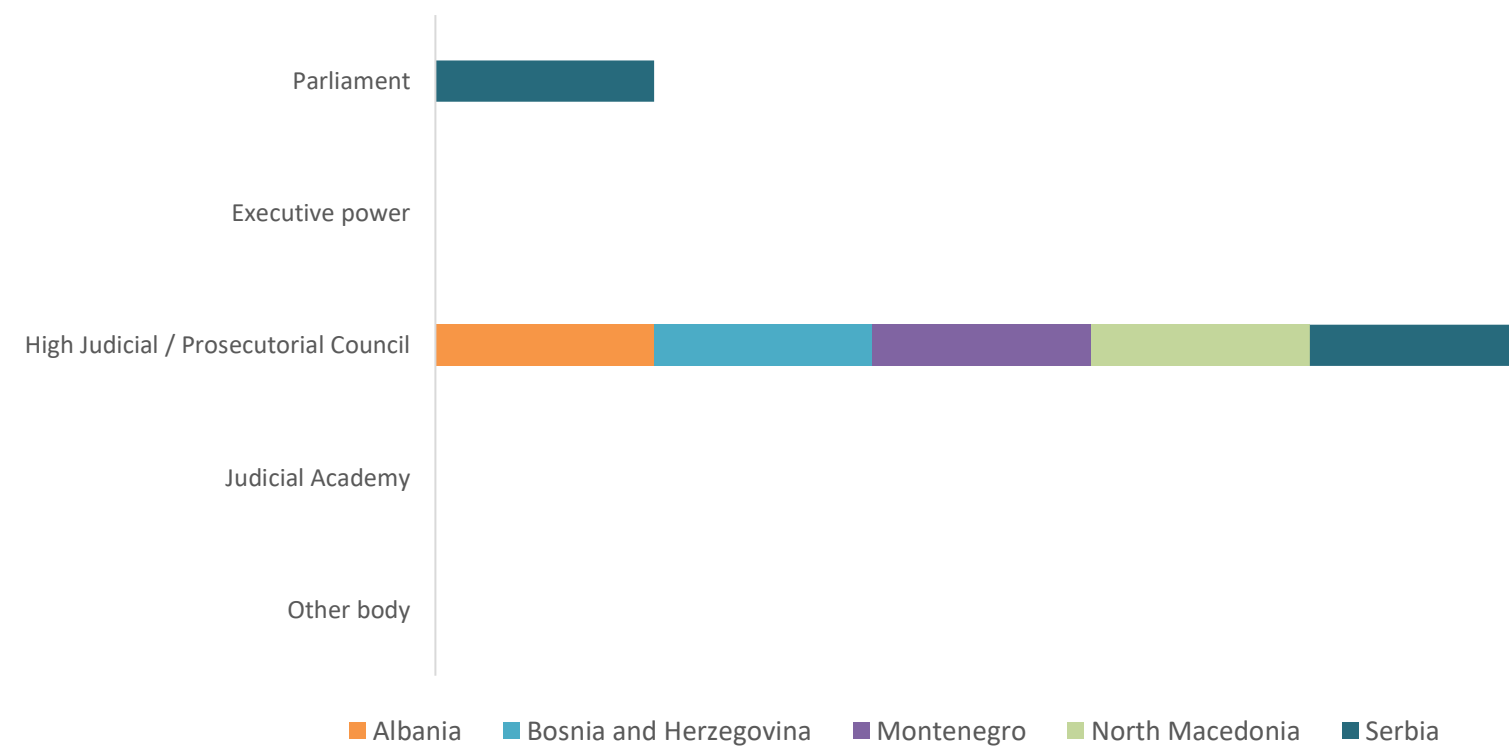
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Authority competent for the final appointment of prosecutors in 2020 (Table no. 5.1.12)

Beneficiaries	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Authority's competences in the final appointment procedure
Albania						Has the right to appoint some and reject some among the selected (proposed) candidates
Bosnia and Herzegovina						Has the right to appoint some and reject some among the selected (proposed) candidates / Has the right to appoint candidates that were not selected (proposed) by the competent authority
Montenegro						Only confirms all the selected (proposed) candidates
North Macedonia						Has the right to appoint some and reject some among the selected (proposed) candidates
Serbia						Has the right to appoint some and reject some among the selected (proposed) candidates
Kosovo*						Only confirms all the selected (proposed) candidates

Yes 
 No 




Authority competent for the final appointment of prosecutors in 2020 (Table no. 5.1.12)



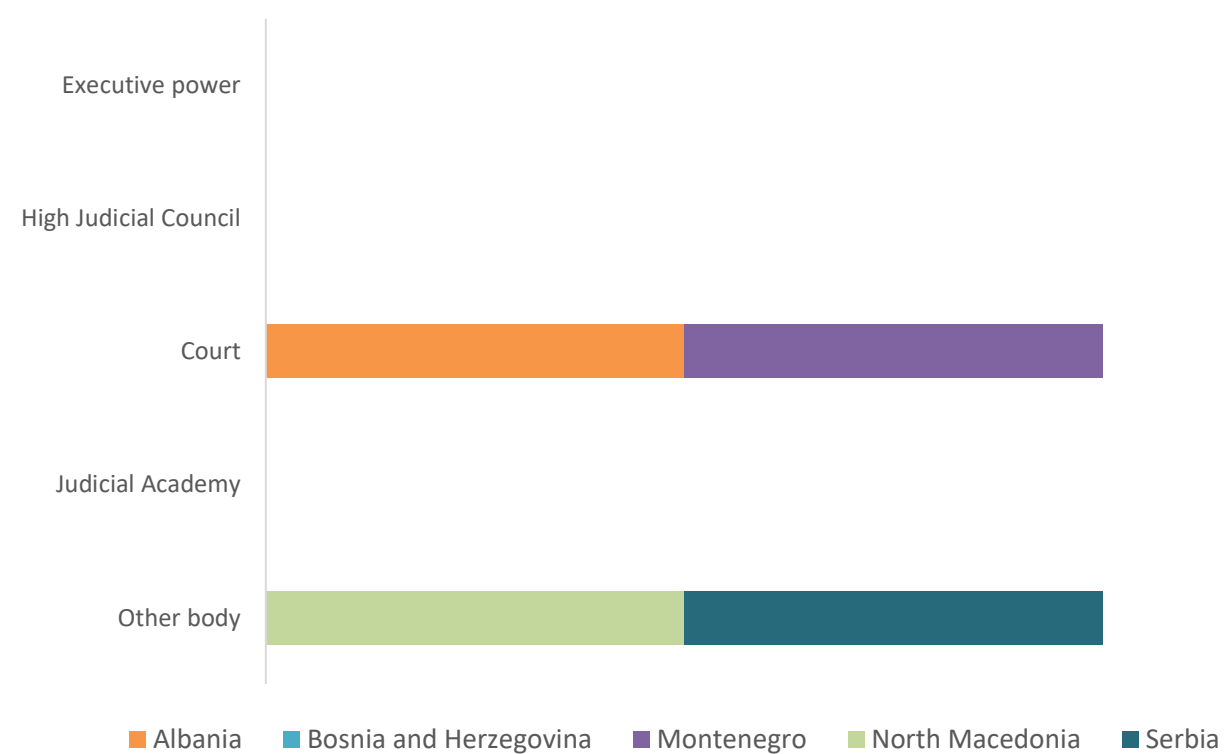
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Tables no. 5.1.13 and 5.1.14)

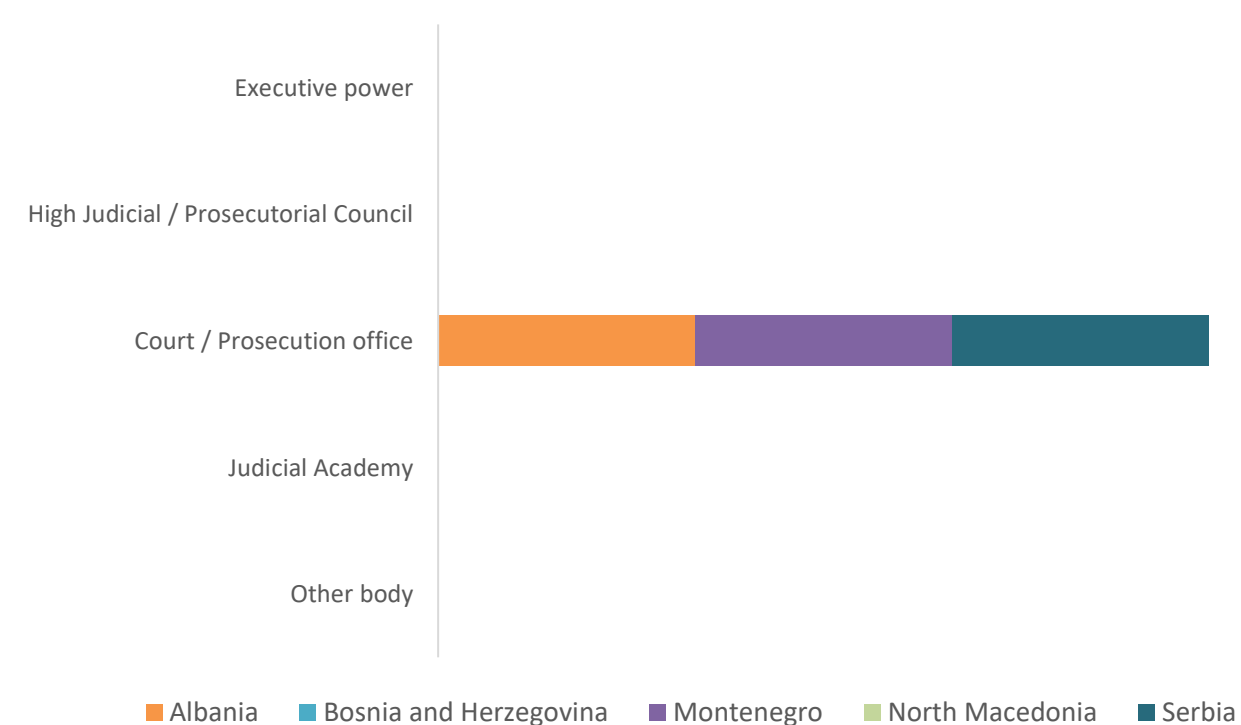
Beneficiaries	JUDGES							PROSECUTORS						
	Possibility for non-selected candidates to appeal against the decision of appointment	Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	Possibility for non-selected candidates to appeal against the decision of appointment	Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	No	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	Yes	No	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
North Macedonia	Yes	No	No	No	No	No	Yes	No	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	Yes	No	No	No	No	No	Yes	Yes	No	No	No	Yes	No	No
Kosovo*	Yes	No	No	Yes	No	No	No	No	NAP	NAP	NAP	NAP	NAP	NAP

Yes 
 No 
 NAP 

JUDGES



PROSECUTORS



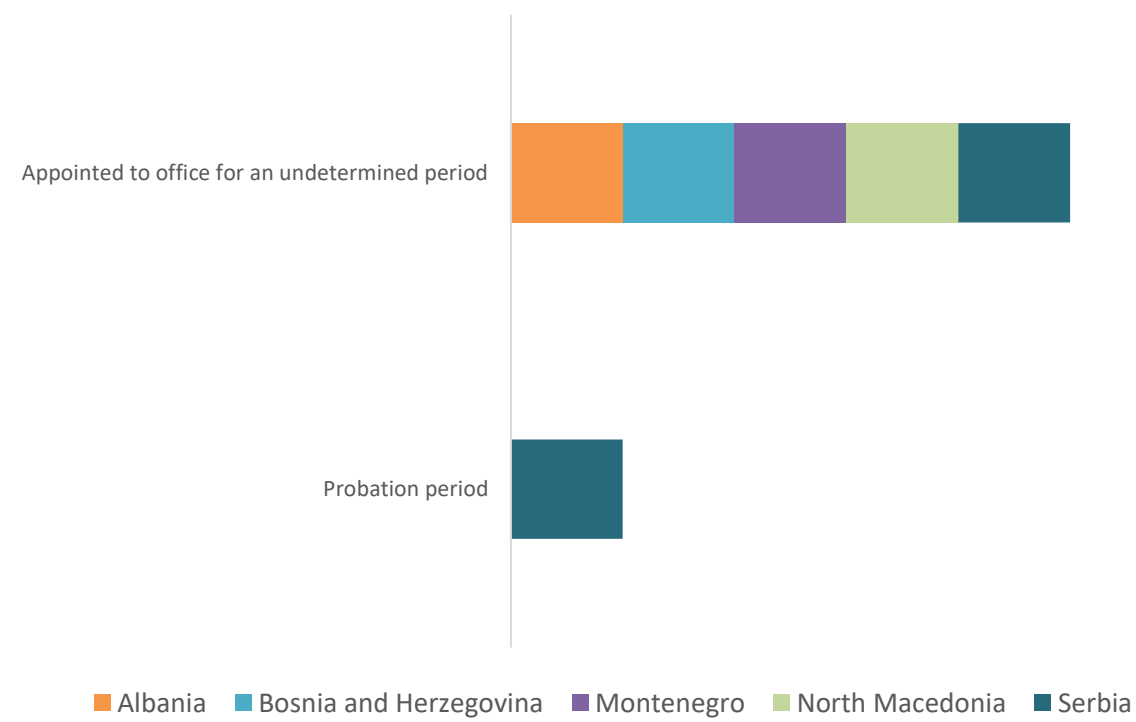
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Mandate of judges and prosecutors in 2020 (Tables no. 5.1.15 and 5.1.16)

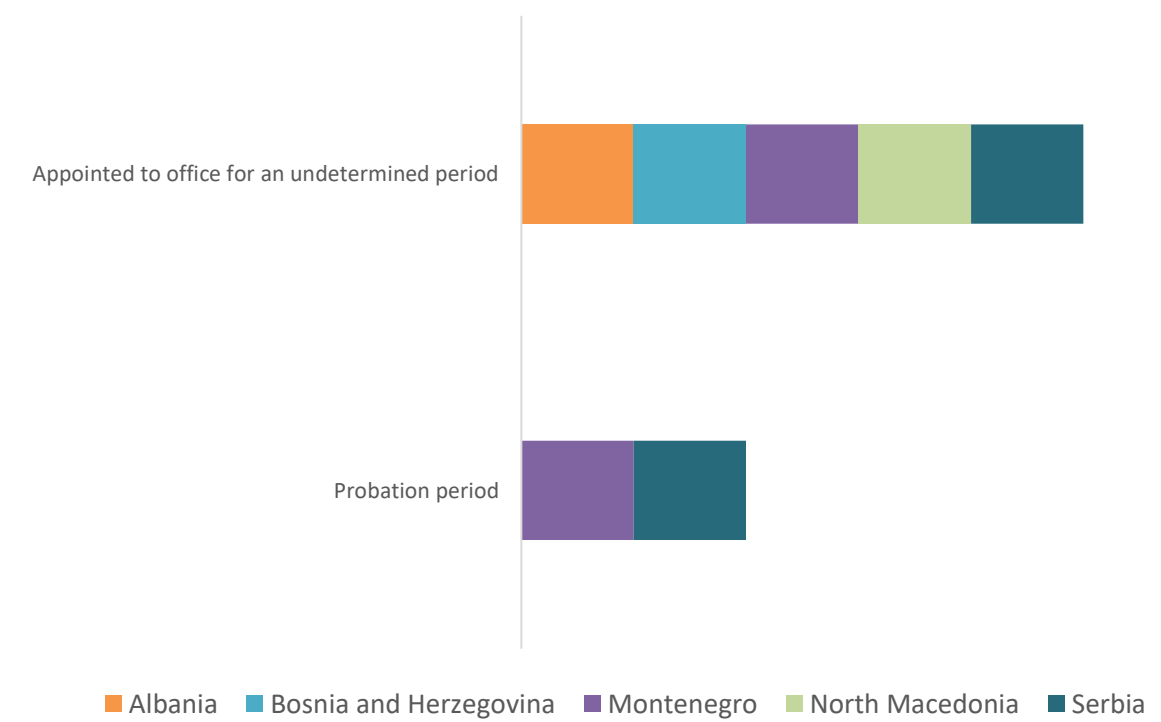
Beneficiaries	JUDGES		PROSECUTORS	
	Appointed to office for an undetermined period	Probation period	Appointed to office for an undetermined period	Probation period
Albania	Yes	No	Yes	No
Bosnia and Herzegovina	Yes	No	Yes	No
Montenegro	Yes	No	Yes	Yes
North Macedonia	Yes	No	Yes	No
Serbia	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	Yes

Yes ■
 No ■

JUDGES



PROSECUTORS



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 5.1.1 Recruitment of judges and prosecutors in 2020 (Q89 and Q111)

Beneficiaries	JUDGES				PROSECUTORS			
	Competitive exam	Recruitment procedure for experienced legal professionals	Combination of both	Other	Competitive exam	Recruitment procedure for experienced legal professionals	Combination of both	Other
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								
Nb of Yes	1	0	3	2	0	0	3	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
No

Table 5.1.2 Entry criteria to become a judge in 2020 (Q90)

Beneficiaries	JUDGES									
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Clean criminal record	Foreign language knowledge	Entry test	Other
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.3 Entry criteria to become a prosecutor in 2020 (Q112)

Beneficiaries	PROSECUTORS									
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Clean criminal record	Foreign language knowledge	Entry test	Other
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.4 Authority competent during the entry selection and appeal after the selection for judges in 2020 (Q91, Q95 and Q96)

Beneficiaries	JUDGES												
	Authority competent during the entry selection					Possibility for non pre-selected candidates to appeal		Body competent for appeal					
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body	Yes	No	Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Albania			Without Judicial Academy	Via Judicial Academy		Yes							Court
Bosnia and Herzegovina			Without Judicial Academy				No						
Montenegro			Without Judicial Academy			Yes							Court
North Macedonia				Via Judicial Academy		Yes							Other body
Serbia			Both - Via & without Judicial Academy			Yes				High Judicial Council			Other body
Kosovo*			Without Judicial Academy			Yes				High Judicial Council			

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

Table 5.1.5 Authority competent during the entry selection and appeal after selection for prosecutors in 2020 (Q113, Q117 and Q118)

Beneficiaries	PROSECUTORS														
	Authority competent during the entry selection						Possibility for non pre-selected candidates to appeal		Body competent for appeal						
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body	Yes	No	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

Table 5.1.6 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2020 (Q92, Q93 and Q94)

Beneficiaries	JUDGES								
	Public call available for candidates	Entry criteria publicly available				Public list of pre-selected candidates			
		Yes, announced as part of the public call	Yes, announced separately	No	Other	Yes, published on the internet	No, sent only to participants in the competition	No	Other
Albania	None	None	None	None	None	None	None	None	None
Bosnia and Herzegovina	Without Judicial Academy	None	None	None	None	None	Without Judicial Academy	None	None
Montenegro	None	None	None	None	None	None	None	Without Judicial Academy	None
North Macedonia	None	None	None	None	None	None	None	None	None
Serbia	Both - Via & without Judicial Academy	None	None	None	None	None	None	None	None
Kosovo*	Without Judicial Academy	None	None	None	None	Without Judicial Academy	None	None	None

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

None	None
Via Judicial Academy	Via Judicial Academy
Without Judicial Academy	Without Judicial Academy
Both - Via & without Judicial Academy	Both - Via & without Judicial Academy

Table 5.1.7 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2020 (Q114, Q115 and Q116)

Beneficiaries	PROSECUTORS								
	Public call available for candidates	Entry criteria publicly available				Public list of pre-selected candidates			
		Yes, announced as part of the public call	Yes, announced separately	No	Other	Yes, published on the internet	No, sent only to participants in the competition	No	Other
Albania	None	None	None	None	None	None	None	None	None
Bosnia and Herzegovina	Without Judicial Academy	None	None	None	None	None	Without Judicial Academy	None	None
Montenegro	None	None	None	None	None	None	None	None	None
North Macedonia	None	None	None	None	None	None	None	None	None
Serbia	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	None	None	Without Judicial Academy	Both - Via & without Judicial Academy	None	None	None
Kosovo*	Without Judicial Academy	Without Judicial Academy	None	None	None	Without Judicial Academy	None	None	None

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

None	None
Via Judicial Academy	None
Without Judicial Academy	None
Both - Via & without Judicial Academy	None

Table 5.1.8 Criteria in selection procedure (after exam/interview, etc) for judges in 2020 (Q97)

Beneficiaries	JUDGES							
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Age	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.9 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2020 (Q119)

Beneficiaries	PROSECUTORS							
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Age	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

	None
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

Table 5.1.10 Authority competent for selection of judges and prosecutors in 2020 (Q98 and Q120)

Beneficiaries	JUDGES					PROSECUTORS					
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Albania				None						None	
Bosnia and Herzegovina			None					None			
Montenegro			None					None			
North Macedonia			None					None			
Serbia			Both - Via & without Judicial Academy			Both - Via & without Judicial Academy	Both - Via & without Judicial Academy	Both - Via & without Judicial Academy			
Kosovo*			None					None			

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Legend:

- None
- None
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

Table 5.1.11 Authority competent for the final appointment of judges in 2020 (Q99 and Q100)

Beneficiaries	JUDGES										
	Authority competent for the final appointment							Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Albania			Yes						Yes		
Bosnia and Herzegovina			Yes						Yes	Yes	
Montenegro			Yes					Yes			
North Macedonia			Yes						Yes		
Serbia	Yes								Yes		
Kosovo*							Yes	Yes			
Nb of Yes	1	0	4	0	0	0	0	1	4	1	0
										Yes	Yes
										No	No

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 5.1.12 Authority competent for the final appointment of prosecutors in 2020 (Q121 and Q121-1)

Beneficiaries	PROSECUTORS								
	Authority competent for the final appointment					Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the right to appoint some and reject some among the selected (proposed) candidates	Has the right to appoint candidates that were not selected (proposed) by the competent authority	Other
Albania			Yes				Yes		
Bosnia and Herzegovina			Yes				Yes	Yes	
Montenegro			Yes			Yes			
North Macedonia			Yes				Yes		
Serbia	Yes		Yes				Yes		
Kosovo*					Yes	Yes			
Nb of Yes	1	0	5	0	0	1	4	1	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
No

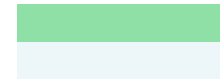


Table 5.1.13 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q101 and Q102)

Beneficiaries	JUDGES							Comment on Other body
	Possibility for non-selected candidates to appeal against the decision of appointment	Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	
Albania	Yes	No	No	No	Yes	No	No	-
Bosnia and Herzegovina	No	No	No	No	No	No	No	-
Montenegro	Yes	No	No	No	Yes	No	No	-
North Macedonia	Yes	No	No	No	No	No	Yes	Appeal Council at the Supreme Court
Serbia	Yes	No	No	No	No	No	Yes	The Constitutional Court
Kosovo*	Yes	No	No	Yes	No	No	No	-
Nb of Yes	4	0	0	0	2	0	2	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
No
NAP

Table 5.1.14 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q122 and Q123)

Beneficiaries	PROSECUTORS						
	Possibility for non-selected candidates to appeal against the decision of appointment	Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	No	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	No	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	Yes	No	No	No	Yes	No	No
Kosovo*	No	NAP	NAP	NAP	NAP	NAP	NAP
Nb of Yes	3	0	0	0	3	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
No
NAP

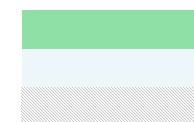


Table 5.1.15 Mandate of judges in 2020 (Q104, Q108 and Q109)

Beneficiaries	JUDGES			
	Appointed to office for an undetermined period	Compulsory retirement age	Length of the mandate (if it is not undetermined)	Renewable mandate
Albania		67/70		
Bosnia and Herzegovina		70		
Montenegro		67		
North Macedonia		64 for men and 62 for women		
Serbia		65		
Kosovo*		65		
Nb of Yes	5			

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes

No

NAP

Table 5.1.16 Mandate of prosecutors in 2020 (Q125, Q129 and Q130)

Beneficiaries	PROSECUTORS			
	Appointed to office for an undetermined period	Compulsory retirement age	Length of the mandate (if it is not undetermined)	Renewable mandate
Albania		67		
Bosnia and Herzegovina		70		
Montenegro		67		
North Macedonia		62 for women and 64 for men		
Serbia		65		
Kosovo*		65		
Nb of Yes	5			0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes	
No	
NAP	

Table 5.1.17 Probation period for judges and institution responsible to decide if the probation period is successful in 2020 (Q105, Q106 and Q107)

Beneficiaries	JUDGES									
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful						Possibility to appeal against this decision	
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court		Other body
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia		3								
Kosovo*		3								
Nb of Yes	1		0	1	0	0	0	0	0	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes 
 No 
 NAP 

Table 5.1.18 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2020 (Q126, Q127 and Q128)

Beneficiaries	PROSECUTORS									
	Probation period for prosecutor	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful							Possibility to appeal against this decision
			Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution office concerned	Court / Court president concerned	Higher prosecution office / Prosecutor general (State public prosecutor)	Other body	
Albania										
Bosnia and Herzegovina										
Montenegro		4 years for the first appointment								
North Macedonia										
Serbia		3								
Kosovo*		3								
Nb of Yes	2			0	2	0	0	0	0	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes
No
NAP



Table 5.1.19 Open questions in the Indicator 5 (Q103 and Q124)

Beneficiaries	How do you check the integrity of candidate judges?	How do you check the integrity of candidate prosecutors?
Albania	<p>Integrity is part of the selection process in three moments. The first control, made by the School of Magistrates, is if the candidate fulfil the criteria for admission to initial training, two of which consist in integrity: they must have never been criminally convicted by a final decision and they must have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction.</p> <p>The second control is made with the psychological and mental health assessment, which is part of the recruitment exam. This assessment is also focused in the approach of the candidates to corruption, ethics, etc. And the third control is made by the Councils, after the applicants have successfully passed the two phases and the psychological and mental health assessment. The Councils shall request for each applicant, information from competent institutions for the verification of assets and background check regarding any other disqualifying grounds from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate.</p>	<p>According to Articles 32 and 35/1, of the Law "On the status of judges and prosecutors", as amended, the High Prosecutorial Council carries out the process of verifying the integrity of the candidates who passed successfully the entry exam before they are accepted in the initial formation programme at the School of Magistrates and of the graduated students in the School of Magistrates before they are nominated magistrate and appointed in the position of a prosecutor.</p> <p>The audit includes reporting by the institutions responsible for verifying the integrity such as the prosecution, state intelligence services, and any disciplinary body that has overseen discipline in the candidate's previous employment relations (above mentioned).</p>
Bosnia and Herzegovina	<p>The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.</p>	<p>The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.</p>
Montenegro	<p>This type of test for candidates for judges is not prescribed by Law on the Judicial Council and Judges.</p>	<p>The verification is carried out by examining the documentation submitted by the candidate who applied to the advertisement and the documentation obtained ex officio in accordance with applicable legal regulations.</p>
North Macedonia	<p>The integrity of candidate judge is checked with a conducting on a psychological and integrity test by the Judicial Council according to the article 45-a from the Law on courts.</p> <p>Article 45-a</p> <p>(1) The psychological test, conducted by the Judicial Council of the Republic of Macedonia, shall aim at affirming the candidates for exercising the judicial office by checking their social skills.</p> <p>(2) The integrity test that is conducted by the Judicial Council of the Republic of Macedonia shall be founded on the existing ethical and professional codes for exercising the judicial office and shall aim at checking the ethical and moral values of the candidate for exercising the judicial office, and shall consist of:</p> <p>- test that is conducted in a written form and anonymously, based on the standardized list of questions, and the abolished</p> <p>(3) The Judicial Council of the Republic of Macedonia, when conducting the psychological test and the integrity test, shall be obliged to take into account the protection of the personal data, reputation and dignity of the candidate in accordance with the law.</p> <p>(4) The Judicial Council of the Republic of Macedonia shall engage experts from an independent and fully accredited professional institution for conducting the psychological test and the first part of the integrity test.</p> <p>(5) The psychological test shall be conducted on the basis of internationally recognized psychological tests for exercising the judicial office that are applied in at least one of the member states of the European Union and the OECD.</p>	<p>The integrity is not checked in the process of election of the candidates for prosecutors. Only there is integrity test as a part of the entering exam on the Academy for judges and public prosecutors for election on the initial training participants.</p>
Serbia	<p>Opinions on candidates and judges are required and criminal records are checked.</p>	<p>Article 19 of the Rulebook on the Criteria and Criteria for Assessing the Proficiency, Competence and Dignity of Candidates in the Procedure of Proposing and Electing Public Prosecutors Holds the Presentation of the Program of Organization and Advancement of Public Prosecutor's Office. Candidates for election of public prosecutor represent the program of organization and promotion of the work of the public prosecutor's office, on the basis of which the candidate's ability to organize work, knowledge of the affairs of the public prosecutor's office, advocacy for preserving the reputation of the public prosecutor's office in the public and other measures of importance for the work of the public prosecutor's office for which is running.</p>
Kosovo*	<p>The integrity of candidate judges is checked as described in Article 27 of the Law on Judicial Council which requires to gather information regarding candidate profile and its past from relevant institutions, including Kosovo Intelligence Agency.</p>	<p>Kosovo Prosecutorial Council, in accordance with the Constitution and applicable law, develops and implements procedures for the recruitment, proposal and nomination of candidates for state prosecutor.</p> <p>All candidates for prosecutors who have passed the relevant tests by verifying the information provided by the candidate and any other relevant information, including work experience and performance, professional and academic documents, information on disciplinary measures and off-duty conduct as well as criminal background history are subject to the process of assessing personal integrity and professional skills.</p> <p>This process is conducted in accordance with the legal provisions protecting human rights and freedoms and in order to provide relevant information for revealing the candidates' personality, professional and personal experience.</p> <p>Candidates have the right to be informed and to view all documentation collected prior to the interview.</p>

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors by country

Question 89. How are judges recruited?

Question 90. What are the entry criteria to become a judge?

Question 91. Which authority is competent during the entry selection procedure?

Question 92. Is there a public call for candidates to become a judge?

Question 93. Are the entry criteria to become a judge publicly available?

Question 94. Is there a list of pre-selected candidates which is public?

Question 95. Is there a possibility for non pre-selected candidates to appeal?

Question 96. If yes, what body is competent to decide on appeal?

Question 97. What are the criteria for the selection of judges?

Question 98. Which authority is competent to select judges?

Question 99. Which authority is competent for the final appointment of a judge?

Question 100. Which competences has this authority in the final appointment procedure (it is possible to

Question 101. May non-selected candidates appeal against the decision of appointment?

Question 102. If yes, what body is competent to decide on appeal?

Question 103. How do you check the integrity of candidate judges?

Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long

Question 106. If yes, which authority is competent to decide if the probation period is successful?

Question 107. Is there a possibility to appeal against this decision?

Question 108. If the mandate for judges is not for an undetermined period (see question 104), what is the

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria to become a prosecutor?

Question 113. Which authority is competent during the entry selection procedure?

Question 114. Is there a public call for candidates to become a prosecutor?

Question 115. Are the entry criteria to become a prosecutor publicly available?

Question 116. Is there a list of pre-selected candidates which is public?

Question 117. Is there a possibility for non pre-selected candidates to appeal?

Question 118. If yes, what body is competent to decide on appeal?

Question 119. What are the criteria of selection of public prosecutor?

Question 120. Which authority is competent during the selection procedure of a public prosecutor?

Question 121. Which authority is competent for the final appointment of a prosecutor?

Question 121-1. Which competences has this authority in the final appointment procedure ? (it is possible to

Question 122. May non-selected candidates appeal against the decision of appointment?

Question 123. If yes, what body is competent to decide on appeal?

Question 124. How do you check the integrity of candidate prosecutors?

Question 125. Are public prosecutors appointed for an undetermined period (i.e. "for life" = until the official

Question 126. Is there a probation period for public prosecutors? If yes, how long is this period?

Question 127. If yes, which authority is competent to decide if the probation period is successful?

Question 128. Is there a possibility to appeal against this decision?

Question 129. If the mandate for public prosecutors is not for an undetermined period (see question 123

(CEPEJ questionnaire)), what is the length of the mandate (in years)?

Question 130. Is it renewable?

Albania

Q089 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

Q089 (2019): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a

apply for the admission exam to become magistrates. In addition an asset evaluation is performed by the High Inspectorate for the Audit of Asset Declaration and Conflict of Interest.

Please note that based on article 136/a of the Constitution, a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates (judicial academy) and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. However, please note that One-fifth of the judges in the High Court shall be selected from among those prominent jurists with not less than 15 years of experience as advocates, law professors or lecturers, high level lawyers in the public administration or other fields of law. Hence, these judges do not go to the judicial academy. However, this is a number of 4 judges in every 9 years. Hence, for the purposes of this reporting, this number (4 judges every 9 years) has not been considered as becoming a judge without judicial academy.

In any case, article 49 of the status law provides the following:

Article 49

Appointment of Non-Judge Candidates to the High Court

1. One fifth of the judges at the High Court may be renowned jurists, having a scientific degree in law, with not less than 15 years' experience as advocates, law professors or lecturers, senior jurists in the public administration or other fields of law.

2. The non-judge candidates for positions at the High Court must:

a) Fulfil the criteria as set out in letter "a", "b", "d", "dh", "ë" and "f" of Article 28 of this Law;

b) Not have held political functions at the public administration or leadership positions in political parties during the last ten years before the candidacy;

3. The candidate who speaks the language of a Member State of the European Union shall have priority in evaluation.

4. The High Judicial Council shall publish the call for submission of applications, in accordance with the provisions of Article 48 paragraphs 4 and 5 of this Law.

5. The Council shall assess the fulfilment of the criteria as set out in paragraph 2 of this Article and

Q090 (2019): All the applicants must have a clean criminal record in the moment that they apply for the

Q095 (General Comment): Please see the explanation on question 90. Appointments at the high court, from non judges, have a right to appeal, after their application has been reviewed and assessed by the council.

The law provides that: The High Judicial Council shall establish a written proposal on the appointment of candidates. The proposal shall be reasoned in relation to the fulfilment of legal requirements and shall rank the candidates in accordance with the criteria provided in paragraph 8 of this Article. The decision on proposal for appointment is appealable. The rules contained in Article 41

paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall make public the final decision on proposal for appointment on its official website.

Q096 (2020): Administrative Court of First Instance of Tirana Judicial District

Q096 (2019): Administrative Court of First Instance of Tirana Judicial District

Q100 (General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:

1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three

Q100 (2019): 1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the

Q104 (General Comment): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her ineffectuality and incompatibility in exercising the function;
- c) Reaching the retirement age 67 years old;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70,

Q104 (2020): Retirement age: 67/70

Q104 (2019): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her ineffectuality and incompatibility in exercising the function;
- c) Reaching the retirement age;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the

Q111 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The

applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general

Q112 (General Comment): In addition to the above criteria, in the Law “On the status of judges and prosecutors”, as amended, it is stipulated that candidates must meet other criteria such as:

- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent.

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- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent

Q113 (2019): .

Q115 (General Comment): According to Article 29, of the Law “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of

Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for

Q116 (General Comment): According to Article 30/4, of the Law “On the status of judges and prosecutors”, as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected

Q117 (General Comment): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of

Q117 (2019): The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal

Q118 (2020): Administrative Court of First Instance of Tirana

Q118 (2019): Administrative Court of First Instance of Tirana Judicial District

Q119 (General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors:

All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:

- a) Have full capacity to act;
- b) Be an Albanian citizen;
- c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of “Master of Science” and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
- ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
- d) Have never been criminally convicted by a final decision;
- dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
- e) Not to be a member of political parties at the time of application;
- ë) Have not been a member, collaborator or favoured by the State Security before 1990;
- f) Have not been a collaborator, informant, or agent of any secret service.

Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are

Q120 (General Comment): According to Article 32/2, of the “On the status of judges and prosecutors”, as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax

Q120 (2019): During January of each calendar year, both Councils, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year. The School of Magistrates receives applications for admission to the initial training by end of February of each year. By 15 March each year, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria. The School of Magistrates submits to the Councils (Judicial and Prosecutorial council depending on the preference of the applicant) the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of

Q121 (2019): Article 35 of the status law provides that the graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

Instance Administrative Court.

Q123 (2019): Decisions of the Council to reject the appointment of the can be challenged in the First

Q125 (General Comment): According to the Law "On the status of judges and prosecutors", as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

Q125 (2020): Retirement age: 67

Q125 (2019): According to the Law "On the status of judges and prosecutors", as amended, the prosecutors mandate may terminate also when:

- the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

Bosnia and Herzegovina

Q089 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Q090 (General Comment): Clean criminal record:

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

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Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of available only to the candidates who participate in the competition.

Q094 (2019): The list of pre-selected candidates is published on the internet. The list is available only to the

Q097 (General Comment): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Q097 (2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Q098 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Q099 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Q104 (General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.

Reserve judges may be appointed on a temporary basis (up to 2 years).

Q111 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the

Q112 (General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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Q113 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council

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Q116 (General Comment): The list of pre-selected candidates is published on the internet. The list is candidates who participate in the competition.

Q119 (General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q119 (2019): Other: The candidates who do not hold judicial office and who have applied for a public

Q120 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council

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Q121 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council .

The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the

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Q125 (General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign

Montenegro

Q089 (2020): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each

candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative

Q090 (General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement

Article 46 Application to a public announcement represents a standard pattern, which is an integral part of these Rules.

The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.

With a completed and signed application form a candidate submits the following documents:

- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she

Q090 (2019): RULES OF THE JUDICIAL COUNCIL

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- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for

Q092 (General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Q092 (2019): Public announcement is published on the web site of the Judicial Council, in one daily printed

Criteria for Appointment of Judges Appointed for the First Time

Article 47 -The criteria for appointment of judges appointed for the first time shall be: 1) Grade on the written test referred to in Article 48 of the present Law, or the grade on the bar exam, in accordance with the law governing the bar exam; 2) Evaluation of the interview with the candidate.

Written Testing Article 48- The Judicial Council shall conduct written testing of persons appointed as judges of Basic Court for the first time, who meet the statutory requirements and whose applications are timely and complete, through a commission consisting of three members of the Judicial Council, of which two from among the judges and one from among eminent lawyers. Written testing shall not be conducted for the persons referred to in paragraph 1 of this Article who received grades at the bar examination. The written test shall be prepared by the commission referred to in paragraph 1 of this Article, and shall include drafting of decisions in criminal and civil matters. The written test shall be answered under a code. Assessment of the written test shall be performed by a certain number of points awarded for the decision form, the application of law and the rationale of the decision, in such a manner that the maximum of 80 points may be achieved, of which up to 40 for drafting a decision in the criminal field and up to 40 for drafting a decision in the civil field. The written test shall be examined by the commission referred to in paragraph 1 of this Article, which shall submit it, along with proposed grade, to all members of the Judicial Council. The Judicial Council shall determine the grade at the written test. Implementation of the written testing shall be governed by the Rules of Procedure of the Judicial Council.

Interview Article 49 -The Judicial Council shall conduct an interview with persons who have achieved a score of more than 60 points in the written test or the bar exam. At an interview, the following shall be evaluated: - Motivation for work in court; - Communication skills;

- Ability to make decisions and resolve conflicts; - Comprehension of the role of a judge in society. Evaluation based on criteria referred to in paragraph 2 of this Article shall be exercised in such a manner that each member of the Judicial Council shall determine the number of points awarded to each person, where a person may achieve a maximum of 20 points at an interview. The final grade at an interview shall be the average number of points, which is determined based on the number of points awarded by each member of the Judicial Council. A person who, based on the interview evaluation, scores less than 15 points

Link to the Law on Judicial Council and judges- articles 47-51

Criteria for Appointment of Judges Appointed for the First Time

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Q096 (General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes

Q096 (2019): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire

Q097 (General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal

Q097 (2019): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized

Q100 (2019): In the ten years of practice so far, the Judicial council has only endorsed the proposed candidates by the Center for Training in Courts and State Prosecution Service, as they were all satisfactory in training, and the Center has never submitted a proposal of candidates other than those who received the

Q101 (General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article

Q102 (2019): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article

Q104 (General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office;

for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

Q111 (2020): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Q111 (2019): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview.

Q112 (General Comment): That no criminal proceedings are conducted; a medical certificate of fitness. "Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application. "Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

Q112 (2019): That no criminal proceedings are conducted; a medical certificate of fitness; that the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution)

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing

Q113 (2019): Prosecutorial Council

Q114 (General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed

Q114 (2019): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the

Q117 (General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants
Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of "Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

Q118 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them,

Q118 (2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law

Q119 (General Comment): That the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and

Q119 (2019): That the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the

Q120 (2019): (Prosecutorial council)

Q121 (2019): Prosecutorial Council

Additional information:

Which competences has this authority in the final appointment procedure (it is possible to select multiple options):

X Only confirms all the selected (proposed) candidates

0 Has a right to appoint some and reject some among the selected (proposed) candidates 0 Has a right to appoint candidates that were not selected (proposed) by the competent authority 0 Other, please specify

State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned,

Q121-1 (General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.

Q122 (2019): Note: the candidate has the right to file an action with the Administrative Court.

Q123 (General Comment): The candidate has the right to file an action with the Administrative Court.

Q125 (2019): The function of the state prosecutor is permanent. Exceptionally, the person who is elected for the first time as State Prosecutor is elected for a period of 4 years.

The Supreme State Prosecutor and the heads of State Prosecutors' Offices are elected for a period of five years.

The Head of the State Prosecutor's Office and the State Prosecutor shall be dismissed from office if they are sentenced by a final judgment to a unconditional prison sentence.

The dismissal is pronounced for the most serious disciplinary offences: 1) if he is convicted of an offence that makes him unworthy of performing his duties; 2) if he performs the prosecutorial office unprofessionally and unconscientiously.

State prosecutor's function ceases: 1) upon the expiry of the term of office 2) resignation; 3) fulfilment of requirements for for old-age pension; 4) termination of citizenship.

The head of the state prosecutor's office ceases when: 1) upon expiry of the term of office he/she is elected

Q127 (General Comment): Prosecutorial Council

Q127 (2019): Prosecutorial Council

Q128 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them,

Q128 (2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law

North Macedonia

Q089 (2020): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public

Q089 (2019): Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code

Prohibition on practicing profession, performing an activity or duty

Article 38-b

(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
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(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Q091 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine

Q091 (2019): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial

Q096 (General Comment): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.

(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three

Q096 (2019): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

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(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three

Q101 (General Comment): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

Q102 (2019): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

This Council is responsible to decide only about submitted appeals by the judge against decisions on the

Q104 (General Comment): There is a possibility for judges to prolong their retirement until 67.

Q104 (2019): There is a possibility for judges to prolong their retirement until 67.

Q108 (General Comment): All judges are appointed for a life.

Q108 (2019): All judges are appointed for a life.

Q111 (2020): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. Public prosecutor in a basic public prosecutor's office may be a person who has completed training

2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. In the Law on Public Prosecution the public prosecutor can be appointed among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:

- to be a citizen of the State
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in the State or a recognized diploma from abroad and - to have the Judicial exam.

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

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

For Public prosecutor in the State Public Prosecution Office can be appointed a person who besides mentioned basic conditions meets the following terms:

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

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

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

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

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

For public prosecutor in a Basic Prosecution can be appointed any person who besides basic conditions

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code

Prohibition on practicing profession, performing an activity or duty

Article 38-b

(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
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- Be able to work and have general health capability.

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(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Q113 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial

Q113 (2019): Entry selection procedure is conducted by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the

Q118 (General Comment): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.

(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.

Q118 (2019): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.

(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.

(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5

Q119 (General Comment): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors,

Q119 (2019): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of

Q121 (2019): Public Prosecutors Council has a right to appoint some and reject some among the selected

Q125 (General Comment): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility for both to be extended to 67 years.

Q125 (2019): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is

Serbia

Q089 (General Comment): According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam. Recruitment and promotion reform remains one of the main reform areas within the Action Plan for Chapter 23: judicial independence.

Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC.

Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant - As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career.

The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts (Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam "with distinction". On the other hand, the HJC approve the number of "beneficiaries of initial training" to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence

Q089 (2019): Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC. Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant -As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career. The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts ("The Official Gazette of the RS", No 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the Constitutional Court, 87/2018 and 88/2018 - decision of the Constitutional Court)(Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam "with distinction". On the other hand, the HJC approve the number of "beneficiaries of initial training" to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy("The Official Gazette of the RS ", No. 104/2009, 32/2014 - decision of the Constitutional and 106/2015)). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the

Q090 (General Comment): Law on Judges in Art 43 prescribe that a citizen of the Republic of Serbia who meets the

general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 od Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment

Q090 (2019): Law on Judges (" The Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) in Art 43 prescribes that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 of Law on Civil Servants ("The Official Gazette of the RS", No. 79/2005, 81/2005 - corrigendum, 83/2005 - corrigendum, 64/2007, 67/2007 - corrigendum, 116/2008, 104/2009, 99/2014, 94/2017 i 95/2018) a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfills other requirements prescribed by law, other legislation or

Q093 (General Comment): High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and

the daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of

Q093 (2019): Yes- High Judicial Council announces the election for judges in the "Official Gazette of the RS" and the major daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of

Q094 (2020): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time

and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Q096 (General Comment): According to Article 57 of the Law on Judges the High Judicial Council issues a decision on the termination of office, against which the judge may file an objection/complaint before the High Judicial Council within 15 days from date of the delivery of the decision (the composition of members of the HJC at the two different sessions is not necessarily - and rarely - the same; it is only important that there is a quorum for decision making).

The decision of the High Judicial Council on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

The Article 67 prescribes that the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

Therefore, the institution competent to decide on the complaint (pre-appeal procedure) is the HJC but the body competent to decide on appeal is the Constitutional Court. Please see the relevant provisions: The Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09-decision of Constitutional Court, 104/09, 101/10, 8/12- decision of Constitutional Court, 121/12, 124/12-decision of Constitutional Court, 101/13, 111/14-decision of Constitutional Court, 117/14, 40/15, 63/15-decision of Constitutional Court, 106/15, 63/16-decision of Constitutional Court and 47/17) contains the following provisions:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for

Q096 (2019): According to Article 57 of the Law on Judges the High Judicial Council issues a decision on the termination of office, against which the judge may file an objection/complaint before the High Judicial Council within 15 days from date of the delivery of the decision (the composition of members of the HJC at the two different sessions is not necessarily - and rarely - the same; it is only important that there is a quorum for decision making).

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Therefore, the institution competent to decide on the complaint (pre-appeal procedure) is the HJC but the body competent to decide on appeal is the Constitutional Court. Please see the relevant provisions: The Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09-decision of Constitutional Court, 104/09, 101/10, 8/12- decision of Constitutional Court, 121/12, 124/12-decision of Constitutional Court, 101/13, 111/14-decision of Constitutional Court, 117/14, 40/15, 63/15-decision of Constitutional Court, 106/15, 63/16-decision of Constitutional Court and 47/17) contains the following provisions:

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High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for

Q100 (General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the

Q100 (2019): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation

Q101 (General Comment): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009- decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, IF NOT ELECTED TO PERMANENT OFFICE, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

Q102 (General Comment): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the Constitutional Court, within 30 days of the delivery of the decision.

The Constitutional Court may reject the appeal, or uphold the appeal and set aside the decision on dismissal.

Q102 (2019): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, IF NOT ELECTED TO PERMANENT OFFICE, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the

Q104 (General Comment): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation.

Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years.

Following the election, a judge's function may terminate under conditions provided under the Law on Judges - a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working

Q104 (2019): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation.

Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years.

Following the election, a judge's function may terminate under conditions provided under the Law on Judges

("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court,

104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of

Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 -

decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017)- a

judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working

Q106 (General Comment): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is

assessed with performs the judicial duty with exceptional success . Rating shall be elected to

permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is

assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must

Q106 (2019): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is assessed with "performs the judicial duty with exceptional success" rating shall be elected to permanent office as mandatory.

A first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of

Q107 (General Comment): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council.

According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

Q107 (2019): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council.

According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

Q111 (General Comment): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected by the Parliament public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Juridical Examination, and is worthy of the office of a public prosecutor. In addition to the general requirements, the person must have experience in the legal profession after passing the Juridical Examination, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years

Q111 (2019): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected as a public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Bar Exam, and is worthy of the office of a public prosecutor. In addition to general requirements, the person must have experience in the legal profession after passing the Bar Exam, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Republic Prosecutor and eleven years for Deputy of Republic Prosecutor. In the process of proposing candidates for the election of deputy public prosecutors for the first time, the SPC applied the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time ("Official Gazette of the Republic of Serbia", No. 80/16. Furthermore, at the session of the State Prosecutorial Council held on 7th of September 2017 the new Rulebook on the program and rules for taking the exam for the assessment of qualifications and competencies of candidates for the first election to the position of a deputy public prosecutor was adopted ("Official Gazette of the Republic of Serbia", No. 82/2017, from 8th of September 2017). Provisions of the new Rulebook define program and rules for taking the anonymous exam, as well as criteria for assessment of qualification and competencies of a candidate. The Rulebook is in line with Article 77a of the Law on Public Prosecution Office, and it stipulates that candidates who passed initial education at the Judicial Academy do not need to take the exam, conducted by the

Q113 (General Comment): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

Q113 (2020): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

Q113 (2019): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the

Q114 (2020): The Council is making a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant.

The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to the State Prosecutorial Council within 15 days from the day of the announcement of the vacancy. Along with the application, evidence on meeting the election conditions are being submitted, if they are not already at the public prosecution office.

Q114 (2019): The State Prosecutorial Council makes a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant. The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official Gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being

Q115 (2020): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office.

The Law on the Public Prosecution Office stipulated general and special conditions for the election of public prosecutors and deputy public prosecutors.

Q115 (2019): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office ("Official Gazette of the Republic of Serbia, No 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of

Q116 (2020): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness determined by the State Prosecutorial Council, according to the Law.

The rank list is publicly available, i.e. it is being posted on the State Prosecutorial Council webpage.

Q116 (2019): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness

Q117 (2020): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in written to the Council within three days from the day of posting the rank list on the Council webpage.

Q117 (2019): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in writing to the

Q118 (General Comment): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection. A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court

Q118 (2020): Forbidden or untimely objection to the rank list is being dismissed by the Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council is determining the final rank list of candidates. When the State Prosecutorial Council makes a decision on the election, then the candidate can file a lawsuit with the Administrative Court against the decision of the Council.

Q118 (2019): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court

and

deputy public prosecutors are stipulated by the Law on Public Prosecution Office, the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders, as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor.

1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position.

Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State

public prosecutors are stipulated by the Law on Public Prosecution Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court), the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders ("Official Gazette of the RS", No 43/2015 and 80/2016 - other Rulebook), as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor (Official Gazette of the RS, No. 82/2017 and 91/2018). 1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position. Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State Prosecutorial Council. Success at the exam is being expressed by marks from 1 to 5. The candidate for a deputy public prosecutor elected for the first time for the position in a basic public prosecution office, who completed initial education at the Judicial Academy, does not have to take the exam

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council:

The election procedure encompasses:

- procedure of proposing candidates for the first election of deputy public prosecutors,
- election procedure of deputy public prosecutors,
- procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
- election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses:

- procedure of proposing candidates for the first election of deputy public prosecutors,
- election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
- election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,

Q121 (General Comment): For a deputy public prosecutor elected for the first time may be elected someone,

who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the

Q121 (2019): There is a difference in procedure for final appointment of a "first time" deputy prosecutor for a 3 year period and for a public prosecutor.

1. For a deputy public prosecutor elected for the first time to a three-year term – finally appointed by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being appointed (elected) by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected.

Q121-1 (General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the

Q123 (2019): Lawsuit before the Administrative Court.

Q125 (General Comment): The tenure of public prosecutors (heads of offices) is limited to 6 years and is re-electable. The tenure of deputy public prosecutors (who are also holders of public prosecutorial function) is permanent, until meeting conditions for retirement at the age of 65 (or on completing 40 years of pensionable years of service), but the tenure could expire earlier by dismissal, upon personal request, when labour capability is permanently lost or, on the contrary, it can be extended for two another years, i.e. until

Q125 (2020): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

If yes, are there exceptions.

Q125 (2019): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

Q126 (General Comment): The trial period is related only to deputy public prosecutors.

Q126 (2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the last three years, but there is no a probation period for Public Prosecutors. The trial period is related only to deputy public prosecutors.

Q127 (2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the

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Q129 (2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

Q129 (2019): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

Kosovo*

Q089 (General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KJC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Civic, Criminal and Administrative fields, and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KJC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases. This exam is divided in two days: the first day is dedicated to a penal exercise and the second day is reserved for a civil one. The maximum length of each exam is five hours. Each candidate is required to score at least 70 out of 100 points (each exercise has 50 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal

Q089 (2019): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KJC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Civic, Criminal and Administrative fields, and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KJC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases. This exam is divided in two days: the first day is dedicated to a penal exercise and the second day is reserved for a civil one. The maximum length of each exam is five hours. Each candidate is required to score at least 70 out of 100 points (each exercise has 50 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal

Q090 (General Comment): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

Q090 (2019): By clean criminal record is meant the subject have not been convicted of a criminal offence nor

Q096 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of

Q096 (2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9)

Q097 (General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge and respect for human rights;

2. capacity for legal justifications as evidenced by professional activities in the field of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or other professional activity;

3. the professional ability based on the result of the previous career, including participation in organized training forms where performance is assessed;

4. ability and capacity to analyze legal problems;

5. the ability to perform tasks impartially, honestly, with care and responsibility;

6. communication skills; and

7. personal integrity.

The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out

Q099 (2020): Other body: The President of Republic of Kosovo

Q102 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of

Q102 (2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9)

Q104 (2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she

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Q107 (General Comment): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from the court of Appellate, and the Supreme Court (usually the

Q107 (2019): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Q111 (General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an

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Q112 (General Comment): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two

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Q113 (General Comment): The competent authority is Kosovo Prosecutorial Council

Q115 (General Comment): The criteria are also specified in the Law on State Prosecutor which is published

Q115 (2019): The criteria are also specified in the Law on State Prosecutor which is published online

Q118 (General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.

2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in

Q118 (2019): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

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prosecutor must meet the following minimum qualifications and criteria, and shall:

1.1. be a citizen and resident of Kosovo;

1.2. possess a valid university degree in law recognized by the laws of Kosovo;

1.3. have passed the bar examination;

1.4. have passed the preparatory examination for prosecutors and judges;

1.5. have positive high professional reputation and moral integrity;

1.6. have no final convictions for criminal offenses, with the exception of minor offenses as defined by the law;

1.7. have passed the legal education exam, except the persons, that have at least seven (7) years of legal experience and lawyers that have exercised the lawyer`s profession at least five (5) years.

1.8. candidates who have exercised the judge`s or prosecutor`s job at least three (3) years, as well as candidates who have at least seven (7) years of legal experience and have passed the preparation exam during the process of appointment and re-appointment for judges and prosecutors, shall not enter the preparation exam.

For certain state Prosecutors, there are special criteria in addition to the minimum qualifications, as follows:

1. to exercise prosecutor`s function for the Serious Crimes Department of a Basic Prosecution Office, the candidate must have at least three years of legal experience as a prosecutor or a judge.

2. to exercise the function of a prosecutor at the Appellate Prosecution Office, the candidate must have at least four years of legal experience as a prosecutor or a judge;

3. to exercise the function of a prosecutor in the Special Prosecution Office, the candidate must have at least five years of legal experience in criminal law, including at least three years of experience as a prosecutor;

1.4. to exercise the function of a prosecutor for the Office of Chief State Prosecutor, the candidate must have at least six years of legal experience in criminal law, including at least four years of experience as a prosecutor;

Q120 (General Comment): The competent authority is the Kosovo Prosecutorial Council

Q121 (General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the

Q121 (2020): Other body: The President of the Republic of Kosovo

Q121 (2019): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the

Q122 (2020): It is not possible to appeal against the formal appointment by the President. The candidate can appeal any other decision throughout the selection procedure, but not the decision of appointment.

Q123 (General Comment): Non selected candidates have the right to appeal to the Basic Court.

Q123 (2019): Non selected candidates have the right to appeal to the Basic Court.

Q127 (General Comment): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
Reappointment of State Prosecutors

1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.

2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.

3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in

Q127 (2019): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

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Indicator 5. Appointment/recruitment/mandate of judges/prosecutors by question No.

Question 89. How are judges recruited?

Question 90. What are the entry criteria to become a judge?

Question 91. Which authority is competent during the entry selection procedure?

Question 92. Is there a public call for candidates to become a judge?

Question 93. Are the entry criteria to become a judge publicly available?

Question 94. Is there a list of pre-selected candidates which is public?

Question 95. Is there a possibility for non pre-selected candidates to appeal?

Question 96. If yes, what body is competent to decide on appeal?

Question 97. What are the criteria for the selection of judges?

Question 98. Which authority is competent to select judges?

Question 99. Which authority is competent for the final appointment of a judge?

Question 100. Which competences has this authority in the final appointment procedure (it is possible to

Question 101. May non-selected candidates appeal against the decision of appointment?

Question 102. If yes, what body is competent to decide on appeal?

Question 103. How do you check the integrity of candidate judges?

Question 104. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long

Question 106. If yes, which authority is competent to decide if the probation period is successful?

Question 107. Is there a possibility to appeal against this decision?

Question 108. If the mandate for judges is not for an undetermined period (see question 104), what is the

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria to become a prosecutor?

Question 113. Which authority is competent during the entry selection procedure?

Question 114. Is there a public call for candidates to become a prosecutor?

Question 115. Are the entry criteria to become a prosecutor publicly available?

Question 116. Is there a list of pre-selected candidates which is public?

Question 117. Is there a possibility for non pre-selected candidates to appeal?

Question 118. If yes, what body is competent to decide on appeal?

Question 119. What are the criteria of selection of public prosecutor?

Question 120. Which authority is competent during the selection procedure of a public prosecutor?

Question 121. Which authority is competent for the final appointment of a prosecutor?

Question 121-1. Which competences has this authority in the final appointment procedure ? (it is possible to

Question 122. May non-selected candidates appeal against the decision of appointment?

Question 123. If yes, what body is competent to decide on appeal?

Question 124. How do you check the integrity of candidate prosecutors?

Question 125. Are public prosecutors appointed for an undetermined period (i.e. "for life" = until the official

Question 126. Is there a probation period for public prosecutors? If yes, how long is this period?

Question 127. If yes, which authority is competent to decide if the probation period is successful?

Question 128. Is there a possibility to appeal against this decision?

Question 129. If the mandate for public prosecutors is not for an undetermined period (see question 123

(CEPEJ questionnaire)), what is the length of the mandate (in years)?

Question 130. Is it renewable?

Question 089

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

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Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Montenegro

(2020): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative

North Macedonia

(2020): All judges are elected by the Judicial Council. Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public

(2019): Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Serbia

(General Comment): According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam. Recruitment and promotion reform remains one of the main reform areas within the Action Plan for Chapter 23: judicial independence.

Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC.

Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant - As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career.

The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts (Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam "with distinction". On the other hand, the HJC approve the number of "beneficiaries of initial training" to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

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(2019): Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC. Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant -As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career. The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts ("The Official Gazette of the RS", No 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the Constitutional Court, 87/2018 and 88/2018 - decision of the Constitutional Court)(Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam "with distinction". On the other hand, the HJC approve the number of "beneficiaries of initial training" to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy("The Official Gazette of the RS ", No. 104/2009, 32/2014 - decision of the Constitutional and 106/2015)). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the

Kosovo*

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Question 090

Albania

the admission exam to become magistrates. In addition a asset evaluation is performed by the High Inspectorate for the Audit of Asset Declaration and Conflict of Interest.

Please note that based on article 136/a of the Constitution, a gudge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates (judicial academy) and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. However, please note that One-fifth of the judges in the High Court shall be selected from among those prominent jurists with not less than 15 years of experience as advocates, law professors or lectors, high level lawyers in the public administration or other fields of law. Hence, these judges do not go to the judicial academy. However, this is a number of 4 judges in every 9 years. Hence, for the purposes of this reporting, this number (4 judges every 9 years) has not been considered as becoming a judge without judicial academy.

In any case, article 49 of the status law provides the following:

Article 49

Appointment of Non-Judge Candidates to the High Court

1. One fifth of the judges at the High Court may be renowned jurists, having a scientific degree in law, with not less than 15 years' experience as advocates, law professors or lectors, senior jurists in the public administration or other fields of law.
2. The non-judge candidates for positions at the High Court must:
 - a) Fulfil the criteria as set out in letter "a", "b", "d", "dh", "ë" and "f" of Article 28 of this Law;
 - b) Not have held political functions at the public administration or leadership positions in political parties during the last ten years before the candidacy;
3. The candidate who speaks the language of a Member State of the European Union shall have priority in evaluation.
4. The High Judicial Council shall publish the call for submission of applications, in accordance with the provisions of Article 48 paragraphs 4 and 5 of this Law.
5. The Council shall assess the fulfilment of the criteria as set out in paragraph 2 of this Article and

(2019): All the applicants must have a clean criminal record in the moment that they apply for the admission

Bosnia and Herzegovina

(General Comment): Clean criminal record:

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

(2019): Clean criminal record:

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The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of

Montenegro

(General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement

Article 46 Application to a public announcement represents a standard pattern, which is an integral part of these Rules.

The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.

With a completed and signed application form a candidate submits the following documents:

- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she

(2019): RULES OF THE JUDICIAL COUNCIL

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- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for

North Macedonia

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code

Prohibition on practicing profession, performing an activity or duty

Article 38-b

(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

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- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
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(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Serbia

(General Comment): Law on Judges in Art 43 prescribe that a citizen of the Republic of Serbia who meets the

general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 od Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment

(2019): Law on Judges (" The Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) in Art 43 prescribes that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 of Law on Civil Servants ("The Official Gazette of the RS", No. 79/2005, 81/2005 - corrigendum, 83/2005 - corrigendum, 64/2007, 67/2007 - corrigendum, 116/2008, 104/2009, 99/2014, 94/2017 i 95/2018) a person who is legally an adult, has the nationality of the Republic of Serbia, has

Kosovo*

(General Comment): By clean criminal record is meant the subject have not been convicted of a criminal

(2019): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is

Question 091

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine

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The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial

Question 092

Montenegro

(General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

(2019): Public announcement is published on the web site of the Judicial Council, in one daily printed media

Question 093

Serbia

(General Comment): High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of

(2019): Yes- High Judicial Council announces the election for judges in the "Official Gazette of the RS" and the major daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of Serbia

Question 094

Bosnia and Herzegovina

to the candidates who participate in the competition.

(2019): The list of pre-selected candidates is published on the internet. The list is available only to the

Montenegro

Criteria for Appointment of Judges Appointed for the First Time

Article 47 -The criteria for appointment of judges appointed for the first time shall be: 1) Grade on the written test referred to in Article 48 of the present Law, or the grade on the bar exam, in accordance with the law governing the bar exam; 2) Evaluation of the interview with the candidate.

Written Testing Article 48- The Judicial Council shall conduct written testing of persons appointed as judges of Basic Court for the first time, who meet the statutory requirements and whose applications are timely and complete, through a commission consisting of three members of the Judicial Council, of which two from among the judges and one from among eminent lawyers. Written testing shall not be conducted for the persons referred to in paragraph 1 of this Article who received grades at the bar examination. The written test shall be prepared by the commission referred to in paragraph 1 of this Article, and shall include drafting of decisions in criminal and civil matters. The written test shall be answered under a code. Assessment of the written test shall be performed by a certain number of points awarded for the decision form, the application of law and the rationale of the decision, in such a manner that the maximum of 80 points may be achieved, of which up to 40 for drafting a decision in the criminal field and up to 40 for drafting a decision in the civil field. The written test shall be examined by the commission referred to in paragraph 1 of this Article, which shall submit it, along with proposed grade, to all members of the Judicial Council. The Judicial Council shall determine the grade at the written test. Implementation of the written testing shall be governed by the Rules of Procedure of the Judicial Council.

Interview Article 49 -The Judicial Council shall conduct an interview with persons who have achieved a score of more than 60 points in the written test or the bar exam. At an interview, the following shall be evaluated: - Motivation for work in court; - Communication skills; - Ability to make decisions and resolve conflicts; - Comprehension of the role of a judge in society. Evaluation based on criteria referred to in paragraph 2 of this Article shall be exercised in such a manner that each member of the Judicial Council shall determine the number of points awarded to each person, where a person may achieve a maximum of 20 points at an interview. The final grade at an interview shall be the average number of points, which is determined based on the number of points awarded by each member of the Judicial Council. A person who, based on the interview evaluation, scores less than 15 points

Link to the Law on Judicial Council and judges- articles 47-51

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Serbia

(2020): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time

time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Question 095

Albania

(General Comment): Please see the explanation on question 90. Appointments at the high court, from non judges, have a right to appeal, after their application has been reviewed and assessed by the council.

The law provides that: The High Judicial Council shall establish a written proposal on the appointment of candidates. The proposal shall be reasoned in relation to the fulfilment of legal requirements and shall rank the candidates in accordance with the criteria provided in paragraph 8 of this Article. The decision on proposal for appointment is appealable. The rules contained in Article 41 paragraphs 2 to 4 shall apply mutatis mutandis. The Council shall make public the final decision on proposal for appointment on its official website.

Question 096

Albania

(2020): Administrative Court of First Instance of Tirana Judicial District

(2019): Administrative Court of First Instance of Tirana Judicial District

Montenegro

(General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire

(2019): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

North Macedonia

(General Comment): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.

(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three

(2019): Right of appeal

Article 88

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- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three

Serbia

(General Comment): According to Article 57 of the Law on Judges the High Judicial Council issues a decision on the termination of office, against which the judge may file an objection/complaint before the High Judicial Council within 15 days from date of the delivery of the decision (the composition of members of the HJC at the two different sessions is not necessarily - and rarely - the same; it is only important that there is a quorum for decision making).

The decision of the High Judicial Council on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

The Article 67 prescribes that the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

Therefore, the institution competent to decide on the complaint (pre-appeal procedure) is the HJC but the body competent to decide on appeal is the Constitutional Court. Please see the relevant provisions: The Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09-decision of Constitutional Court, 104/09, 101/10, 8/12- decision of Constitutional Court, 121/12, 124/12-decision of Constitutional Court, 101/13, 111/14-decision of Constitutional Court, 117/14, 40/15, 63/15-decision of Constitutional Court, 106/15, 63/16-decision of Constitutional Court and 47/17) contains the following provisions:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, if not elected to permanent office, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for

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High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for

Kosovo*

(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9)

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Question 097

Bosnia and Herzegovina

(General Comment): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

(2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Montenegro

(General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal

(2019): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge and respect for human rights;

2. capacity for legal justifications as evidenced by professional activities in the field of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or other professional activity;

3. the professional ability based on the result of the previous career, including participation in organized training forms where performance is assessed;

4. ability and capacity to analyze legal problems;

5. the ability to perform tasks impartially, honestly, with care and responsibility;

6. communication skills; and

7. personal integrity.

The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out

Question 098

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Question 099

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or

Kosovo*

(2020): Other body: The President of Republic of Kosovo

Question 100

Albania

(General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:

1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three

(2019): 1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:

Montenegro

(2019): In the ten years of practice so far, the Judicial council has only endorsed the proposed candidates by the Center for Training in Courts and State Prosecution Service, as they were all satisfactory in training, and the Center has never submitted a proposal of candidates other than those who received the training,

Serbia

(General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the

(2019): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation that the

Question 101

Montenegro

(General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute. Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article

North Macedonia

(General Comment): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

Serbia

(General Comment): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009- decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, IF NOT ELECTED TO PERMANENT OFFICE, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

Question 102

Montenegro

(2019): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article

North Macedonia

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The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the

Serbia

(General Comment): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12,

121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

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High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the Constitutional Court, within 30 days of the delivery of the decision.

The Constitutional Court may reject the appeal, or uphold the appeal and set aside the decision on dismissal.

(2019): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

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The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the

Kosovo*

(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9)

(2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9)

Question 104

Albania

(General Comment): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age 67 years old;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70,

(2020): Retirement age: 67/70

(2019): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the

Bosnia and Herzegovina

(General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory

retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.

Reserve judges may be appointed on a temporary basis (up to 2 years).

Montenegro

(General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office;

entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

North Macedonia

(General Comment): There is a possibility for judges to prolong their retirement until 67.

(2019): There is a possibility for judges to prolong their retirement until 67.

Serbia

(General Comment): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation. Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges - a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working

(2019): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation. Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017)- a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working

Kosovo*

(2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a

(2019): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a

Question 106

Serbia

(General Comment): The High Judicial Council elects judges to be appointed to permanent office. A first-time elected judge whose work during the first three-year term of office is assessed with performs the judicial duty with exceptional success . Rating shall be elected to permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must

(2019): The High Judicial Council elects judges to be appointed to permanent office. A first-time elected judge whose work during the first three-year term of office is assessed with "performs the judicial duty with exceptional success" rating shall be elected to permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office. Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of

Question 107

Serbia

(General Comment): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council. According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

(2019): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council. According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

Kosovo*

(General Comment): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from the court of Appellate, and the Supreme Court (usually the head of

(2019): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court

Question 108

North Macedonia

(General Comment): All judges are appointed for a life.

(2019): All judges are appointed for a life.

Question 111

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the

Montenegro

(2020): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

(2019): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro. Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview.

North Macedonia

(2020): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. Public prosecutor in a basic public prosecutor's office may be a person who has completed training determined by

public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. In the Law on Public Prosecution the public prosecutor can be appointed among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:

- to be a citizen of the State
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in the State or a recognized diploma from abroad and - to have the Judicial exam.

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

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

For Public prosecutor in the State Public Prosecution Office can be appointed a person who besides mentioned basic conditions meets the following terms:

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

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

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

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

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

For public prosecutor in a Basic Prosecution can be appointed any person who besides basic conditions

Serbia

(General Comment): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected by the Parliament public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Juridical Examination, and is worthy of the office of a public prosecutor. In addition to the general requirements, the person must have experience in the legal profession after passing the Juridical Examination, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate

(2019): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected as a public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Bar Exam, and is worthy of the office of a public prosecutor. In addition to general requirements, the person must have experience in the legal profession after passing the Bar Exam, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Republic Prosecutor and eleven years for Deputy of Republic Prosecutor. In the process of proposing candidates for the election of deputy public prosecutors for the first time, the SPC applied the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time ("Official Gazette of the Republic of Serbia", No. 80/16. Furthermore, at the session of the State Prosecutorial Council held on 7th of September 2017 the new Rulebook on the program and rules for taking the exam for the assessment of qualifications and competencies of candidates for the first election to the position of a deputy public prosecutor was adopted ("Official Gazette of the Republic of Serbia", No. 82/2017, from 8th of September 2017). Provisions of the new Rulebook define program and rules for taking the anonymous exam, as well as criteria for assessment of qualification and competencies of a candidate. The Rulebook is in line with Article 77a of the Law on Public Prosecution Office, and it stipulates that candidates who passed initial education at the Judicial Academy do not need to take the exam, conducted by the

Kosovo*

(General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an

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Question 112

Albania

(General Comment): In addition to the above criteria, in the Law "On the status of judges and prosecutors", as amended, it is stipulated that candidates must meet other criteria such as:

- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent.

(2019): In addition to the above criteria, in the Law "On the status of judges and prosecutors", as amended, it is stipulated that candidates must meet other criteria such as:

- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent

Bosnia and Herzegovina

(General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

(2019): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of

Montenegro

(General Comment): That no criminal proceedings are conducted; a medical certificate of fitness.

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application. "Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

(2019): That no criminal proceedings are conducted; a medical certificate of fitness; that the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution)

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing

North Macedonia

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code

Prohibition on practicing profession, performing an activity or duty

Article 38-b

(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Article 57, p.1

(1) Conditions for admission of a person to initial training shall be:

- be a law graduate with a four-year higher education VII / I degree in law studies or a law graduate that has acquired 300 credits under the European credit - transfer system (ECTS)
- to have passed the bar exam,
- to have work experience of at least two years in legal affairs after passing the bar exam,
- prohibition on practicing profession, performing an activity or duty not to be pronounced,
- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
- Practical work with computers and
- Be able to work and have general health capability.

Criminal code

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(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

Kosovo*

(General Comment): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two

(2019): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations

Question 113

Albania

(2019): .

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the

Montenegro

(2019): Prosecutorial Council

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial

(2019): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the

Serbia

(General Comment): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

(2020): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

(2019): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the

Kosovo*

(General Comment): The competent authority is Kosovo Prosecutorial Council

Question 114

Montenegro

(General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the

(2019): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the

Serbia

(2020): The Council is making a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant.

The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to the State Prosecutorial Council within 15 days from the day of the announcement of the vacancy. Along with the application, evidence on meeting the election conditions are being submitted, if they are not already at the public prosecution office.

(2019): The State Prosecutorial Council makes a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant. The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official Gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to

Question 115

Albania

(General Comment): According to Article 29, of the Law "On the status of judges and prosecutors", as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for

Serbia

(2020): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office.

The Law on the Public Prosecution Office stipulated general and special conditions for the election of public prosecutors and deputy public prosecutors.

(2019): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office ("Official Gazette of the Republic of Serbia, No 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional

Kosovo*

(General Comment): The criteria are also specified in the Law on State Prosecutor which is published online

(2019): The criteria are also specified in the Law on State Prosecutor which is published online

Question 116

Albania

(General Comment): According to Article 30/4, of the Law “On the status of judges and prosecutors”, as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list

Bosnia and Herzegovina

(General Comment): The list of pre-selected candidates is published on the internet. The list is available only candidates who participate in the competition.

Serbia

(2020): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness determined by the State Prosecutorial Council, according to the Law.

The rank list is publicly available, i.e. it is being posted on the State Prosecutorial Council webpage.

(2019): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness

Question 117

Albania

(General Comment): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of

(2019): The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal

Montenegro

(General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of

"Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

Serbia

(2020): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in written to the Council within three days from the day of posting the rank list on the Council webpage.

(2019): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in writing to the Council

Question 118

Albania

(2020): Administrative Court of First Instance of Tirana

(2019): Administrative Court of First Instance of Tirana Judicial District

Montenegro

(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this

(2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law

North Macedonia

(General Comment): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.

(2019): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
- (9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5

Serbia

(General Comment): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection. A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court

(2020): Forbidden or untimely objection to the rank list is being dismissed by the Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council is determining the final rank list of candidates. When the State Prosecutorial Council makes a decision on the election, then the candidate can file a lawsuit with the Administrative Court against the decision of the Council.

(2019): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection. A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court

Kosovo*

(General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.

2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in

(2019): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.

2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in

Question 119

Albania

(General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors:

All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:

- a) Have full capacity to act;
- b) Be an Albanian citizen;
- c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of “Master of Science” and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
- ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
- d) Have never been criminally convicted by a final decision;
- dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
- e) Not to be a member of political parties at the time of application;
- ë) Have not been a member, collaborator or favoured by the State Security before 1990;
- f) Have not been a collaborator, informant, or agent of any secret service.

Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are

Bosnia and Herzegovina

(General Comment): The candidates who do not hold judicial office and who have applied for a public

(2019): Other: The candidates who do not hold judicial office and who have applied for a public prosecutor

Montenegro

(General Comment): That the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and

(2019): That the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the

North Macedonia

(General Comment): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors,

(2019): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of

Serbia

deputy public prosecutors are stipulated by the Law on Public Prosecution Office, the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders, as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor.

1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position.

Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State Prosecutorial Council. Success at the exam is being expressed by marks from 1 to 5. The

prosecutors are stipulated by the Law on Public Prosecution Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court), the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders ("Official Gazette of the RS", No 43/2015 and 80/2016 - other Rulebook), as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor (Official Gazette of the RS, No. 82/2017 and 91/2018). 1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position. Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State Prosecutorial Council. Success at the exam is being expressed by marks from 1 to 5. The candidate for a deputy public prosecutor elected for the first time for the position in a basic public prosecution office, who completed initial education at the Judicial Academy, does not have to take the exam

Kosovo*

prosecutor must meet the following minimum qualifications and criteria, and shall:

- 1.1. be a citizen and resident of Kosovo;
- 1.2. possess a valid university degree in law recognized by the laws of Kosovo;
- 1.3. have passed the bar examination;
- 1.4. have passed the preparatory examination for prosecutors and judges;
- 1.5. have positive high professional reputation and moral integrity;
- 1.6. have no final convictions for criminal offenses, with the exception of minor offenses as defined by the law;
- 1.7. have passed the legal education exam, except the persons, that have at least seven (7) years of legal experience and lawyers that have exercised the lawyer's profession at least five (5) years.
- 1.8. candidates who have exercised the judge's or prosecutor's job at least three (3) years, as well as candidates who have at least seven (7) years of legal experience and have passed the preparation exam during the process of appointment and re-appointment for judges and prosecutors, shall not enter the preparation exam.

For certain state Prosecutors, there are special criteria in addition to the minimum qualifications, as follows:

1. to exercise prosecutor's function for the Serious Crimes Department of a Basic Prosecution Office, the candidate must have at least three years of legal experience as a prosecutor or a judge.
2. to exercise the function of a prosecutor at the Appellate Prosecution Office, the candidate must have at least four years of legal experience as a prosecutor or a judge;
3. to exercise the function of a prosecutor in the Special Prosecution Office, the candidate must have at least five years of legal experience in criminal law, including at least three years of experience as a prosecutor;
- 1.4. to exercise the function of a prosecutor for the Office of Chief State Prosecutor, the candidate must have at least six years of legal experience in criminal law, including at least four years of experience as a prosecutor;

Question 120

Albania

(General Comment): According to Article 32/2, of the "On the status of judges and prosecutors", as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax

(2019): During January of each calendar year, both Councils, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year. The School of Magistrates receives applications for admission to the initial training by end of February of each year. By 15 March each year, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria. The School of Magistrates submits to the Councils (Judicial and Prosecutorial council depending on the preference of the applicant) the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the

Montenegro

(2019): (Prosecutorial council)

Serbia

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council:

The election procedure encompasses:

- procedure of proposing candidates for the first election of deputy public prosecutors,
- election procedure of deputy public prosecutors,
- procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
- election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.
3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses:
 - procedure of proposing candidates for the first election of deputy public prosecutors,
 - election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors,
 - election procedure for the permanent position of deputy public prosecutors elected for the first time.The election procedure is composed of:
 - announcing the election,
 - form and content of the announcement,
 - content of the application to the announcement,
 - inspection of the completeness of the application,
 - determination of qualification, competence and worthiness,
 - interviewing the candidates,
 - drafting the rank list,
 - objection to the rank list,
 - the Council deciding upon the objection to the rank list,

Kosovo*

(General Comment): The competent authority is the Kosovo Prosecutorial Council

Question 121

Albania

(2019): Article 35 of the status law provides that the graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council .

The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by the competent its

Montenegro

(2019): Prosecutorial Council

Additional information:

Which competences has this authority in the final appointment procedure (it is possible to select multiple options):

X Only confirms all the selected (proposed) candidates

0 Has a right to appoint some and reject some among the selected (proposed) candidates 0 Has a right to appoint candidates that were not selected (proposed) by the competent authority 0 Other, please specify

State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned,

North Macedonia

(2019): Public Prosecutors Council has a right to appoint some and reject some among the selected

Serbia

(General Comment): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

(2019): There is a difference in procedure for final appointment of a "first time" deputy prosecutor for a 3 year period and for a public prosecutor.

1. For a deputy public prosecutor elected for the first time to a three-year term – finally appointed by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being appointed (elected) by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected.

Kosovo*

(General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the

(2020): Other body: The President of the Republic of Kosovo

(2019): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2

Question 121-1

Montenegro

(General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.

Serbia

(General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the

Question 122

Montenegro

(2019): Note: the candidate has the right to file an action with the Administrative Court.

Kosovo*

(2020): It is not possible to appeal against the formal appointment by the President. The candidate can appeal any other decision throughout the selection procedure, but not the decision of appointment.

Question 123

Albania

Administrative Court.

(2019): Decisions of the Council to reject the appointment of the can be challenged in the First Instance

Montenegro

(General Comment): The candidate has the right to file an action with the Administrative Court.

Serbia

(2019): Lawsuit before the Administrative Court.

Kosovo*

(General Comment): Non selected candidates have the right to appeal to the Basic Court.

(2019): Non selected candidates have the right to appeal to the Basic Court.

Question 125

Albania

(General Comment): According to the Law "On the status of judges and prosecutors", as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

(2020): Retirement age: 67

(2019): According to the Law "On the status of judges and prosecutors", as amended, the prosecutors mandate may terminate also when:

- the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

Bosnia and Herzegovina

(General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign

Montenegro

(2019): The function of the state prosecutor is permanent. Exceptionally, the person who is elected for the first time as State Prosecutor is elected for a period of 4 years.

The Supreme State Prosecutor and the heads of State Prosecutors' Offices are elected for a period of five years.

The Head of the State Prosecutor's Office and the State Prosecutor shall be dismissed from office if they are sentenced by a final judgment to a unconditional prison sentence.

The dismissal is pronounced for the most serious disciplinary offences: 1) if he is convicted of an offence that makes him unworthy of performing his duties; 2) if he performs the prosecutorial office unprofessionally and unconscientiously.

State prosecutor's function ceases: 1) upon the expiry of the term of office 2) resignation; 3) fulfilment of requirements for for old-age pension; 4) termination of citizenship.

The head of the state prosecutor's office ceases when: 1) upon expiry of the term of office he/she is elected

North Macedonia

(General Comment): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility for both to be extended to 67 years.

(2019): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62

Serbia

(General Comment): The tenure of public prosecutors (heads of offices) is limited to 6 years and is re-electable. The tenure of deputy public prosecutors (who are also holders of public prosecutorial function) is permanent, until meeting conditions for retirement at the age of 65 (or on completing 40 years of pensionable years of service), but the tenure could expire earlier by dismissal, upon personal request, when labour capability is permanently lost or, on the contrary, it can be extended for two another years, i.e. until

(2020): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

If yes, are there exceptions.

(2019): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

Question 126

Serbia

(General Comment): The trial period is related only to deputy public prosecutors.

(2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of

three years, but there is no a probation period for Public Prosecutors. The trial period is related only to deputy public prosecutors.

Question 127

Montenegro

(General Comment): Prosecutorial Council

(2019): Prosecutorial Council

Serbia

(2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of

(2019): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of

Kosovo*

(General Comment): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment
Reappointment of State Prosecutors

- 1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
- 2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
- 3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in

(2019): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

Reappointment of State Prosecutors

- 1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
- 2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
- 3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.

Question 128

Montenegro

(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this

(2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law

Question 129

Serbia

(2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for

(2019): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for

Indicator 5 List

List of the tables presented in this indicator

5 Appointment / recruitment / mandate of judges and prosecutors

Table 5.1.1 Recruitment of judges and prosecutors in 2020 (Q89 and Q111)

Table 5.1.2 Entry criteria to become a judge in 2020 (Q90)

Table 5.1.3 Entry criteria to become a prosecutor in 2020 (Q112)

Table 5.1.4 Authority competent during the entry selection and appeal after the selection for judges in 2020 (Q91, Q95 and Q96)

Table 5.1.5 Authority competent during the entry selection and appeal after selection for prosecutors in 2020 (Q113, Q117 and Q118)

Table 5.1.6 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2020 (Q92, Q93 and Q94)

Table 5.1.7 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2020 (Q114, Q115 and Q116)

Table 5.1.8 Criteria in selection procedure (after exam/interview, etc) for judges in 2020 (Q97)

Table 5.1.9 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2020 (Q119)

Table 5.1.10 Authority competent for selection of judges and prosecutors in 2020 (Q98 and Q120)

Table 5.1.11 Authority competent for the final appointment of judges in 2020 (Q99 and Q100)

Table 5.1.12 Authority competent for the final appointment of prosecutors in 2020 (Q121 and Q121-1)

Table 5.1.13 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q101 and Q102)

Table 5.1.14 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q122 and Q123)

Table 5.1.15 Mandate of judges in 2020 (Q104, Q108 and Q109)

Table 5.1.16 Mandate of prosecutors in 2020 (Q125, Q129 and Q130)

Table 5.1.17 Probation period for judges and institution responsible to decide if the probation period is successful in 2020 (Q105, Q106 and Q107)

Table 5.1.18 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2020 (Q126, Q127 and Q128)

Table 5.1.19 Open questions in the Indicator 5 (Q103 and Q124)

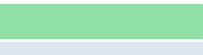
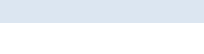
Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

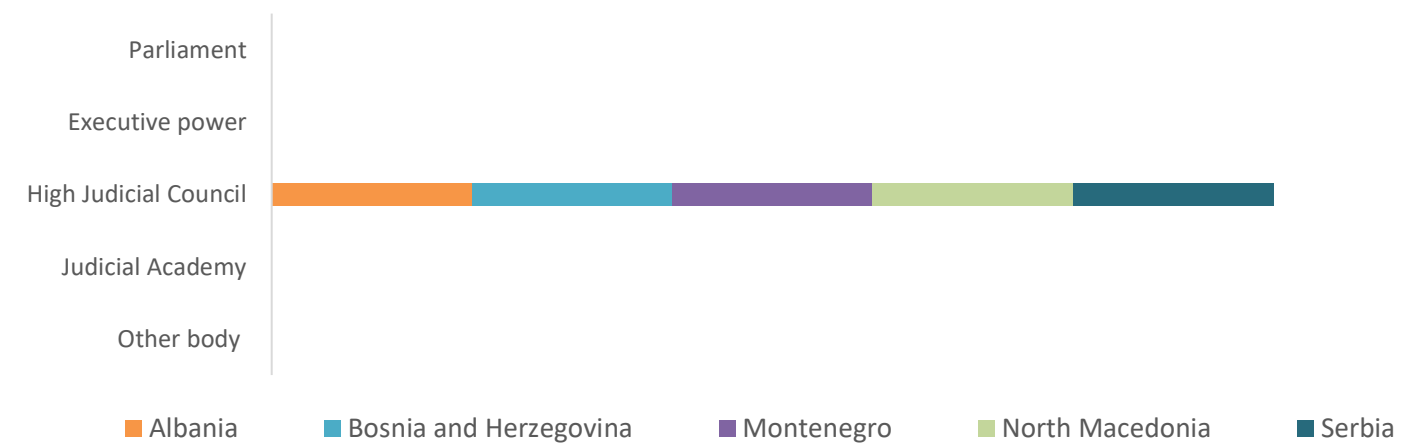
6. Promotion

Authority competent for the promotion for judges and prosecutors and possibility to appeal the decision in 2020 (Tables no. 6.1.1, 6.1.2, 6.1.3 and 6.1.4)

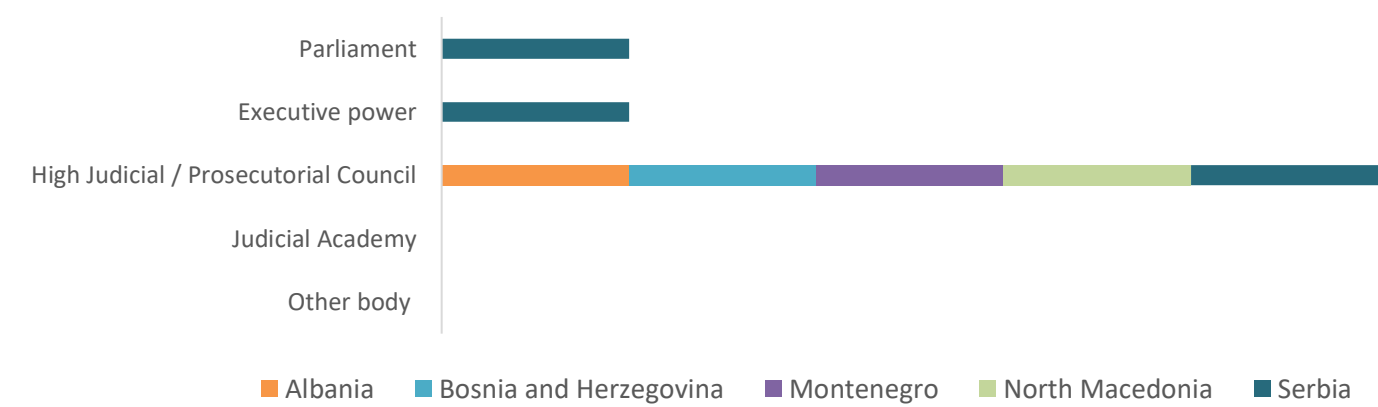
	Authority competent for the promotion of judges					Possibility to appeal the decision on the promotion	Authority competent for the promotion of prosecutors					Possibility to appeal the decision on the promotion
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body		Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												

Yes 
 No 

Authority competent for the promotion of judges



Authority competent for the promotion of prosecutors Possibility to appeal the decision on the promotion

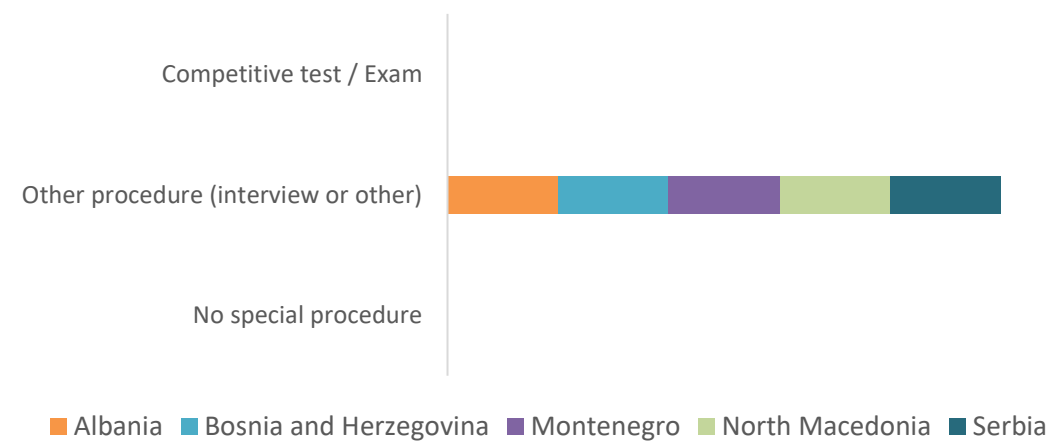


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

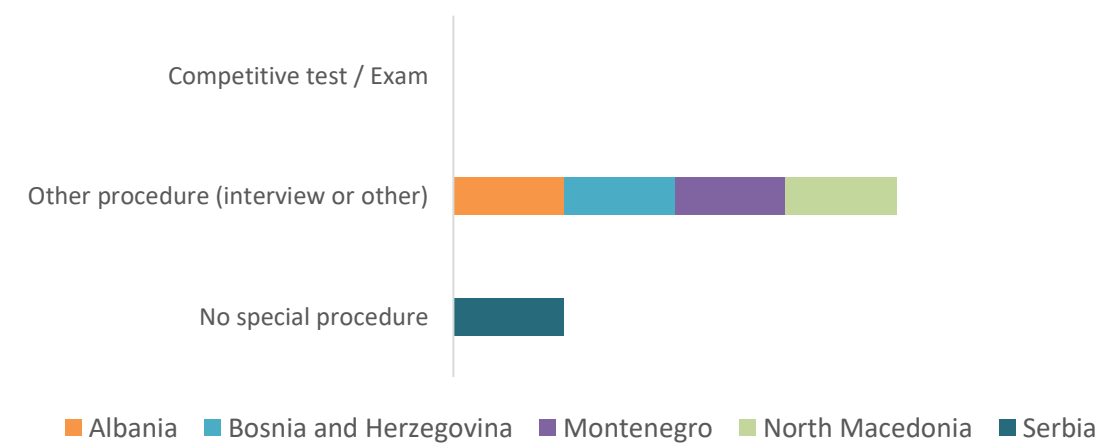
Procedure for the promotion of judges and prosecutors (Tables no. 6.1.5 and 6.1.6)

	Procedure for the promotion of judges			Procedure for the promotion of prosecutors		
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Competitive test / Exam	Other procedure (interview or other)	No special procedure
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						
				Yes		
				No		

Procedure for the promotion of judges



Procedure for the promotion of prosecutors



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 6.1.1 Authority competent for the promotion of judges in 2020 (Q132)

Beneficiaries	Authority competent for the promotion of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					
Nb of Yes	0	0	5	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes 
 No 

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2020 (Q135 and Q136)

Beneficiaries	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	Yes	No	No	No	No	No	Appeal Council in the Supreme court
Serbia	Yes	No	No	No	Yes	No	No
Kosovo*	Yes	No	No	Yes	No	No	No
Nb of Yes	4	0	0	0	3	0	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*


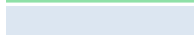

Yes 
 No 
 NAP 

Table 6.1.3 Authority competent for the promotion of prosecutors in 2020 (Q137)

Beneficiaries	Authority competent for the promotion of prosecutors				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Albania			Yes		
Bosnia and Herzegovina			Yes		
Montenegro			Yes		
North Macedonia			Yes		
Serbia	Yes	Yes	Yes		
Kosovo*			Yes		
Nb of Yes	1	1	5	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*




Yes	
No	
NAP	

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2020 (Q140 and Q141)

Beneficiaries	Possibility to appeal the decision on the promotion of prosecutors	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	Yes	No	No	No	Yes	No	No
Kosovo*	Yes	No	No	Yes	No	No	No
Nb of Yes	3	0	0	0	3	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*


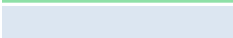
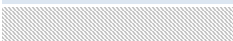
Yes	
No	
NAP	

Table 6.1.5 Procedure and criteria for the promotion of judges in 2020 (Q133 and Q134)

Beneficiaries	Procedure for the promotion of judges			Criteria used for the promotion of a judge						
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Assessment results	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										
Nb of Yes	0	5	0	5	5	5	5	5	0	0
									Yes	
									No	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2020 (Q138 and Q139)

Beneficiaries	Procedure for the promotion of prosecutors			Criteria used for the promotion of a prosecutor						
	Competitive test / Exam	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (quantitative)	Assessment results	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										
Nb of Yes	0	4	1	4	5	4	5	4	1	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes

No

Indicator 6- Promotion

by country

Question 132. Which authority is competent for the promotion of judges?

Question 133. What is the procedure for the promotion of judges? (multiple answers possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Question 135. Can a decision on the promotion of judges be appealed?

Question 136. If yes, what is the body competent to decide on appeal?

Question 137. Which authority is competent for the promotion of prosecutors?

Question 138. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors? (multiple answers possible)

Question 140. Can a decision on the promotion of prosecutors be appealed?

Question 141. If yes, what is the body competent to decide on appeal?

Albania

Q133 (General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

Q133 (2019): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant

Q134 (General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) 'Very good': in case of an above average

Q134 (2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) 'Very good': in case of an above average ethical and professional performance c) 'Good': in case of an average ethical and

Q136 (General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the

Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's

decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged

within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or

reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In

Q136 (2019): A judge has a right of appeal against a decision on promotion within 5 days from the

notification of the decision of the Council. The appeal does not suspend the implementation of the decision.

The competent court shall decide within two weeks as of the appeal day. The decision of the competent

court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final

if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided

to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision

has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter

Q138 (General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Q138 (2019): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The Council reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

Q139 (2020): With Decision no. 200, dated 23.09.2020, High Prosecutorial Council approved the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. The purpose of this regulation is to define the criteria and procedures for the promotion of

Q139 (2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

Q141 (2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter

Bosnia and Herzegovina

Q133 (General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
- c) Deciding on appointment (HJPC).

Q133 (2019): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;

Q134 (2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartial conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief

Q134 (2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

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Montenegro

Promotion of Judges Conditions for Promotion Article 72

The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.

A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.

Public Announcement

Article 73

In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate Court and the Supreme Court, in accordance with the Plan of Vacancies.

The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.

Criteria for the Judge Who Is Promoted

Article 74

The criteria for the appointment of the judge who is promoted shall be:

- 1) Work appraisal of the judge or public prosecutor;
- 2) Evaluation of the interview with the candidate.

Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment

Article 75

The Judicial Council shall conduct an interview with the applicants.

A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in

Promotion of Judges

Conditions for Promotion

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Article 75

The Judicial Council shall conduct an interview with the applicants.

Q134 (General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate.

Q136 (General Comment): Administrative Court

Q136 (2019): Administrative Court

Q137 (General Comment): Prosecutorial Council

Q137 (2019): Prosecutorial Council

Q138 (General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and

prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and

- grade in the interview.

Q139 (General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.

Professional knowledge is evaluated based on the following sub-criterion:

1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the

Q139 (2019): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

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General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the

Q140 (2019): Note: an action is filed.

On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1.

Q141 (General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State

North Macedonia

Q133 (General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1) The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(...)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council.

(5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[SEP]1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;

2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;

2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at

Q134 (2019): The Law on the courts

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:

1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;

2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a **Q136 (General Comment):** Appeal Council in the Supreme court

Q136 (2019): The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

Q138 (General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.

The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.

With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public

Q138 (2020): With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes

Q138 (2019): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

Q139 (General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years;

Serbia

and

Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS"; and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.

Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.

The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court.

The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences. Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.

Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial

Q133 (2019): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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Q134 (General Comment): The criteria and standard in the proces of election of judges to another or higher court are

prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in

Q134 (2019): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of the RS", No. 94/2016)(Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The

Q136 (2020): Administrative Court – An administrative dispute shall be initiate by a lawsuit.

Q136 (2019): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Q137 (General Comment): There is no special procedure for advancement of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the high prosecution office; he/she has to go through the regular election procedure foreseen by the law, as stated in questions 119 and 120.

Q137 (2019): There is no special procedure for promotion of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the

Q138 (2020): See answer to the previous question - 137.

Q138 (2019): See answer to the previous question - 137.

Q139 (General Comment): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors, performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the interview with the Commission, candidates are being ranked for the election (promotion). Following that, the election procedure is the same. See the question 120.

Q139 (2019): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors ("Official Gazette, No. 58/2014), performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the

Q141 (General Comment): A candidate may file charges to the Administrative Court.

Q141 (2019): A candidate may file charges to the Administrative Court.

Kosovo*

Q132 (General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level, job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed

Q134 (General Comment): These criteria are specified in the Law on courts

Q134 (2019): These criteria are specified in the Law on courts

Q136 (General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court

Q136 (2019): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court

Q138 (General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and

Q138 (2019): Upon need, KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of KPC and State Prosecutor. KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The

Q139 (General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;

4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;

4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the

Q139 (2019): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;

4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;

4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.

Q140 (General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on

Q140 (2019): The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion

Q141 (General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall

Q141 (2019): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, KPC shall publish the final decision along with the amended report. KPC shall decide with a simple

Indicator 6- Promotion

by question No.

Question 132. Which authority is competent for the promotion of judges?

Question 133. What is the procedure for the promotion of judges? (multiple answers possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

Question 135. Can a decision on the promotion of judges be appealed?

Question 136. If yes, what is the body competent to decide on appeal?

Question 137. Which authority is competent for the promotion of prosecutors?

Question 138. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors? (multiple answers possible)

Question 140. Can a decision on the promotion of prosecutors be appealed?

Question 141. If yes, what is the body competent to decide on appeal?

Question 132

Kosovo*

(General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level, job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by

Question 133

Albania

(General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

(2019): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

a) Publishing competition procedure;

b) Conducting interview with candidates;

b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);

c) Deciding on appointment (HJPC).

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The procedure includes:

a) Publishing competition procedure;

b) Conducting interview with candidates;

Montenegro

Promotion of Judges Conditions for Promotion Article 72

The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.

A judge or public prosecutor may be promoted to the Supreme Court if he / she received the excellent grade and if he / she meets the special requirement for appointment to the Supreme Court referred to in Article 38, paragraph 8 of the present Law.

Public Announcement

Article 73

In the process of promotion, vacant positions for judges shall be announced in the High Court, High Misdemeanour Court, Appellate

Court and the Supreme Court, in accordance with the Plan of Vacancies.

The procedure of public announcement, submitting applications and acting upon applications, as well as the rights of applicants, shall be appropriately governed by provisions of Articles 45, 46 and 52 of the present Law.

Criteria for the Judge Who Is Promoted

Article 74

The criteria for the appointment of the judge who is promoted shall be:

- 1) Work appraisal of the judge or public prosecutor;
- 2) Evaluation of the interview with the candidate.

Under the criterion referred to in paragraph 1, item 1 of this Article, a candidate shall be awarded 60 points for the grade of good and 80 points for the grade of excellent, whereas up to 20 points shall be awarded on the basis of an interview. Decision on Appointment

Article 75

The Judicial Council shall conduct an interview with the applicants.

A ranking list shall be prepared on the basis of the work appraisal and interview evaluation referred to in

Promotion of Judges

Conditions for Promotion

Article 72

The judges shall be entitled to be promoted through the appointment to a higher court, and the public prosecutor shall be entitled to be promoted through the appointment to a court, if their work is rated as excellent or good in accordance with the law and if they meet the specific requirements laid down for the appointment to that court.

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Article 75

The Judicial Council shall conduct an interview with the applicants.

North Macedonia

(General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1) The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(...)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council.

(5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;

2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at

Serbia

Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the ;Official Gazette of the RS; and the daily magazine ;Politika;, in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

Committee of the High Judicial Council shall provide performance evaluation grade from the Commission for the implementation of the evaluation procedure and determination of the performance evaluation grade of judges and court presidents.

Committee of the High Judicial Council shall make a list of preliminary candidates, in alphabetical order of the surnames of candidates, which shall be published on the website of the Council.

The Council, in the process of the election of judges with permanent tenure to another or higher court shall obtain the opinion of the Session of all judges of the court from which the judge has come from, as well as the opinion of the Session of all judges of immediately higher court.

The Council shall especially appreciate: participation in the trainings for judges and court personnel; participation in training programs organized by the institution responsible for judicial training; scientific and professional papers in the field of legal doctrine, which the candidate has published as author or co-author; presentations in national and international scientific and professional conferences.

Work of all judges and presidents of the courts is subject to regular evaluation. Performance evaluation involves all aspects of a judge's work and/or work of a president of the court, and represents the basis for the election, mandatory training of judges, and dismissal.

Evaluation is conducted based on publicised, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial Council and Rulebook on the criteria, standards, procedure and bodies for evaluation of performance

(2019): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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Question 134

Albania

(General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:
 - i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
 - ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist. The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:
 - a) 'Excellent': in case of an ethical and professional performance of very high qualities;
 - b) 'Very good': in case of an above average

(2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:
 - i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
 - ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist. The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:
 - a) 'Excellent': in case of an ethical and professional performance of very high qualities;
 - b) 'Very good': in case of an above average ethical and professional performance
 - c) 'Good': in case of an average ethical and

Bosnia and Herzegovina

(2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

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The assessment procedure is carried out every year by the head of institution (i.e. court president or chief

Montenegro

(General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

1) the performance of the judge or the state prosecutor;

higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

1) the performance of the judge or the state prosecutor;

2) ratings of the interview with the candidate.

North Macedonia

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]^[SEP]1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;

2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;

5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a basic court up to the moment of the application for election may be elected as a judge of the Administrative Court, who is evaluated by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;

2. As a judge of the Higher Administrative Court may be elected a person who has working experience of at

(2019): The Law on the courts

Article 46

(1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:

1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a

Serbia

(General Comment): The criteria and standard in the proces of election of judges to another or higher court are

prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in

(2019): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of the RS", No. 94/2016)(Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The

Kosovo*

(General Comment): These criteria are specified in the Law on courts

(2019): These criteria are specified in the Law on courts

Question 136

Albania

(General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In

(2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall,

Montenegro

(General Comment): Administrative Court

(2019): Administrative Court

North Macedonia

(General Comment): Appeal Council in the Supreme court

(2019): The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law. The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

Serbia

(2020): Administrative Court – An administrative dispute shall be initiate by a lawsuit.

(2019): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Kosovo*

(General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court

(2019): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court

Question 137

Montenegro

(General Comment): Prosecutorial Council

(2019): Prosecutorial Council

Serbia

(General Comment): There is no special procedure for advancement of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the high prosecution office; he/she has to go through the regular election procedure foreseen by the law, as stated in questions 119 and 120.

(2019): There is no special procedure for promotion of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the high prosecution office

Question 138

Albania

(General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

(2019): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The Council reviews the applications and ranks eligible candidates by reference to the following indicators:

- a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;
ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;
- b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
- c) Deciding on appointment (HJPC).

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The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;

Montenegro

(General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and

(2019): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and
- grade in the interview.

North Macedonia

(General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office. The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.

With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public

(2020): With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes

(2019): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

Serbia

(2020): See answer to the previous question - 137.

(2019): See answer to the previous question - 137.

Kosovo*

(General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and

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Question 139

Albania

(2020): With Decision no. 200, dated 23.09.2020, High Prosecutorial Council approved the Regulation "On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction". The purpose of this regulation is to define the criteria and procedures for the promotion of prosecutors in

(2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:
 - i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
 - ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

Bosnia and Herzegovina

(2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

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Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

Montenegro

(General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.

Professional knowledge is evaluated based on the following sub-criterion:

1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the

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1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the

North Macedonia

(General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years;

Serbia

(General Comment): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors, performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the interview with the Commission, candidates are being ranked for the election (promotion). Following that, the election procedure is the same. See the question 120.

(2019): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors ("Official Gazette, No. 58/2014), performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the

Kosovo*

(General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

- 4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
- 4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
- 4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the

(2019): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

- 4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
- 4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
- 4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.

Question 140

Montenegro

(2019): Note: an action is filed.

On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1.

Kosovo*

(General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on

(2019): The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion

Question 141

Albania

(2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall,

Montenegro

(General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State

Serbia

(General Comment): A candidate may file charges to the Administrative Court.

(2019): A candidate may file charges to the Administrative Court.

Kosovo*

(General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall

(2019): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an

Indicator 6 List

List of the tables presented in this indicator

6. Promotion

Table 6.1.1 Authority competent for the promotion of judges in 2020 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2020 (Q135 and Q136)

Table 6.1.3 Authority competent for the promotion of prosecutors in 2020 (Q137)

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2020 (Q140 and Q141)

Table 6.1.5 Procedure and criteria for the promotion of judges in 2020 (Q133 and Q134)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2020 (Q138 and Q139)

Indicator 6- Promotion

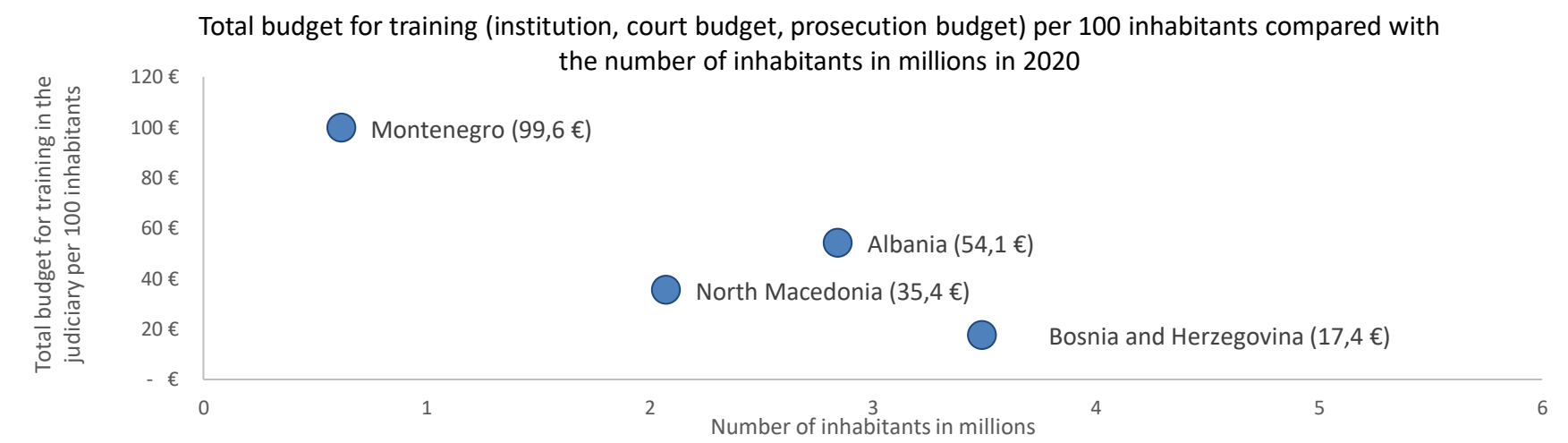
Indicator 6- Promotion

7. Training

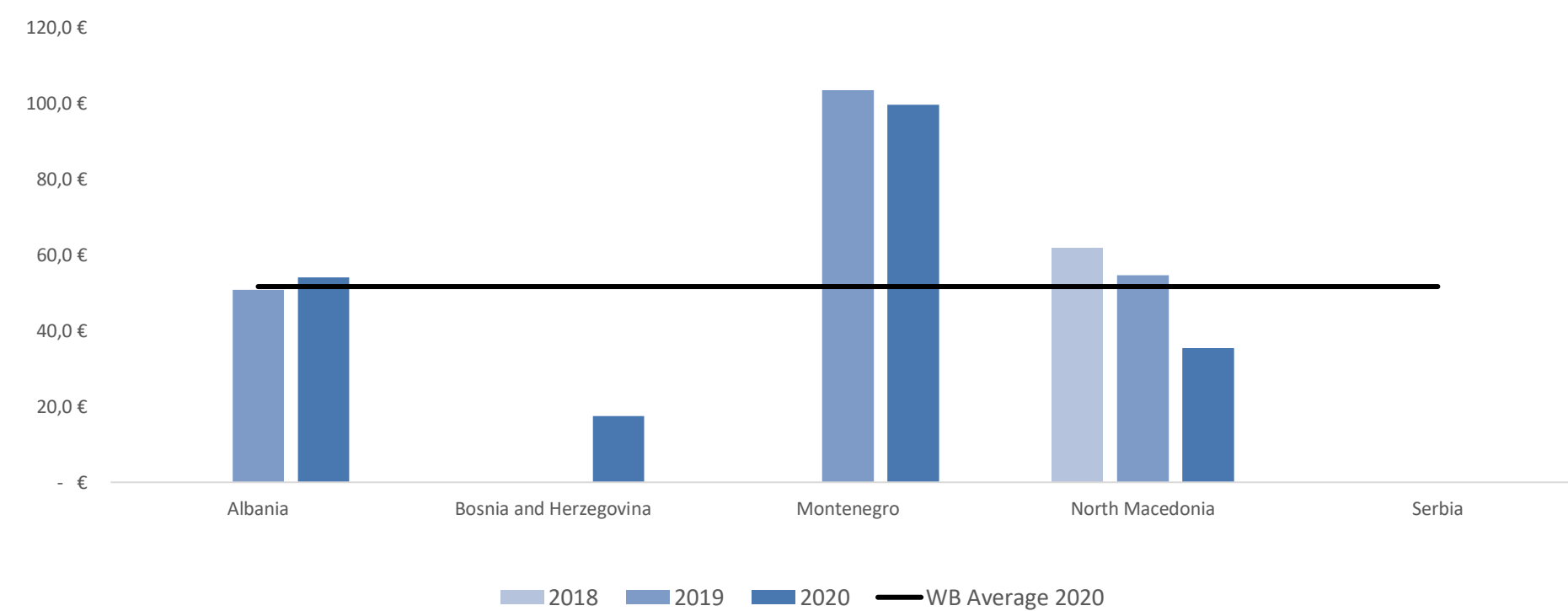
7.1 Training

Total budget for training (institution, court budget, prosecution budget) (Table no. 7.1.1)

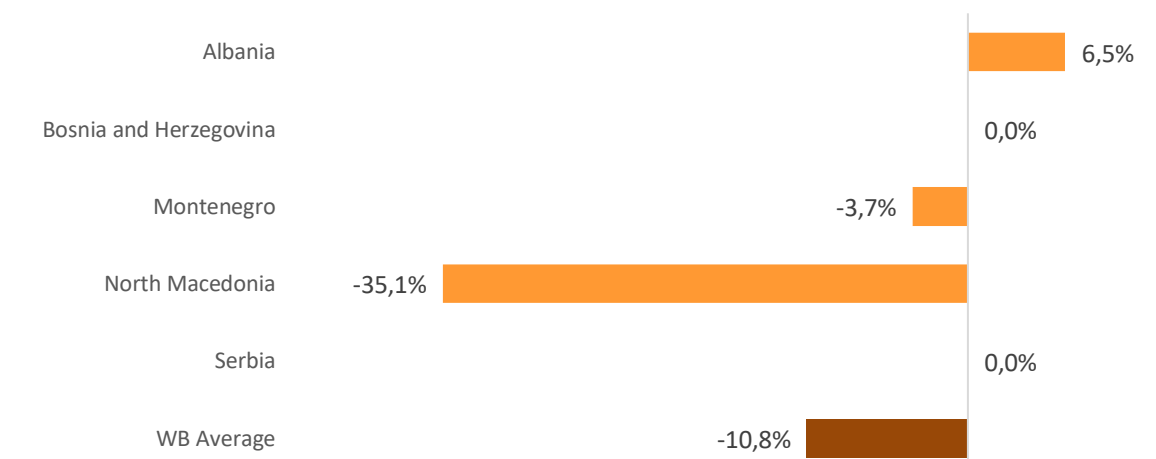
Beneficiaries	Total budget for training in the judiciary per 100 inhabitants				
	2018	2019	2020	Variation 2018-2020 (%)	Variation 2019-2020 (%)
Albania	NA	50,8 €	54,1 €	NA	6,5%
Bosnia and Herzegovina	NA	NA	17,4 €	NA	NA
Montenegro	NA	103,4 €	99,6 €	NA	-3,7%
North Macedonia	61,7 €	54,6 €	35,4 €	-42,6%	-35,1%
Serbia	NA	NA	NA	NA	NA
Kosovo*	-	67,5 €	30,5 €	-	-54,8%
WB Average	61,7 €	69,6 €	51,6 €	NA	-10,8%



Total budget for training in the judiciary per 100 inhabitants

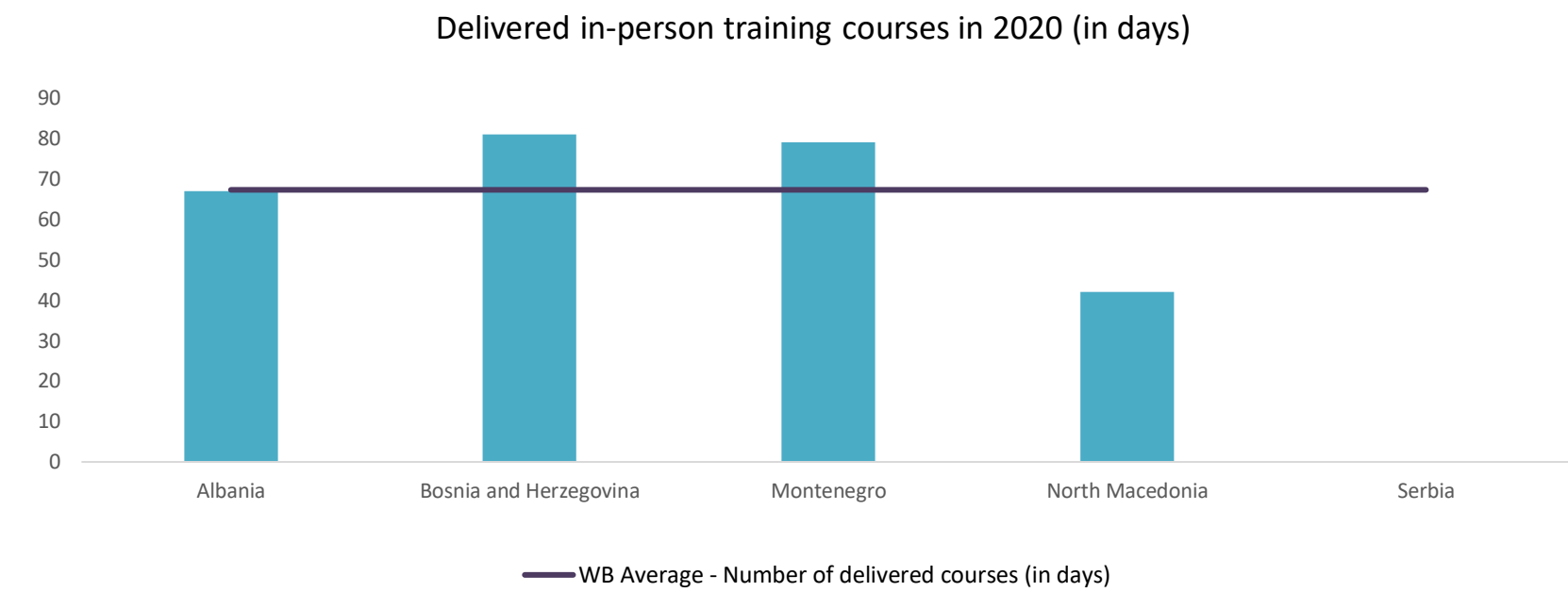


Variation of Total budget for training in the judiciary between 2019 and 2020 (%)

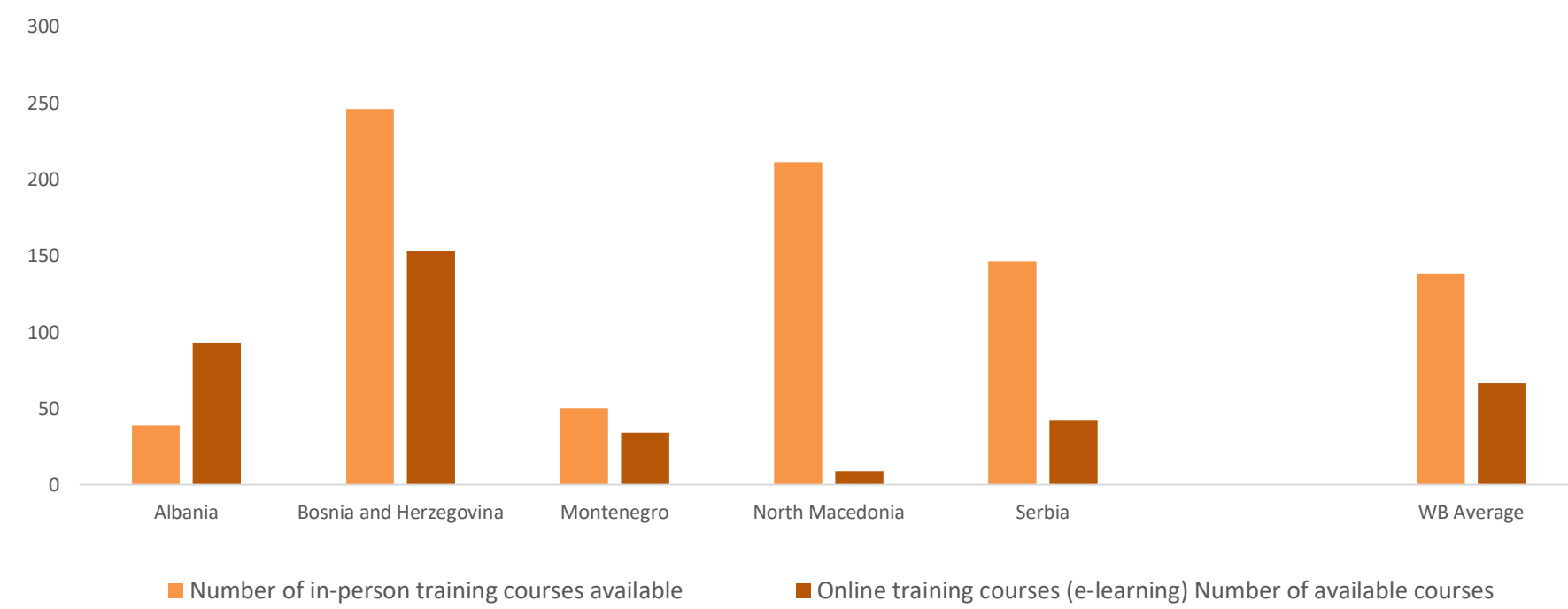


Number of in-service training courses available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Tables no. 7.1.4 and 7.1.5)

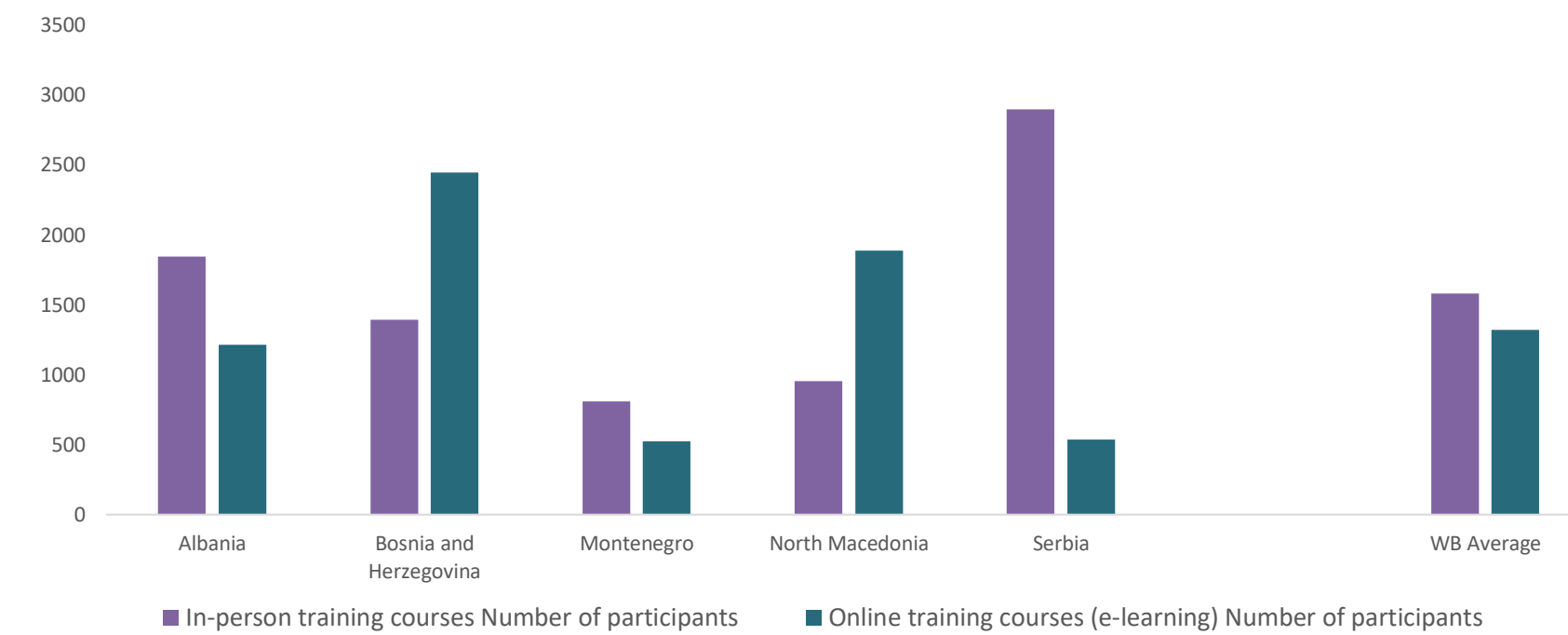
Beneficiaries	Number of in-person training courses available	In-person training courses		Online training courses (e-learning)	
		Number of delivered courses (in days)	Number of participants	Number of available courses	Number of participants
Albania	39	67	1846	93	1214
Bosnia and Herzegovina	246	81	1394	153	2444
Montenegro	50	79	811	34	525
North Macedonia	211	42	953	9	1888
Serbia	146	NA	2898	42	538
Kosovo*	103	23	998	19	759
WB Average	138	67	1580	66	1322



Number of available training courses in 2020



Number of participants in training courses in 2020



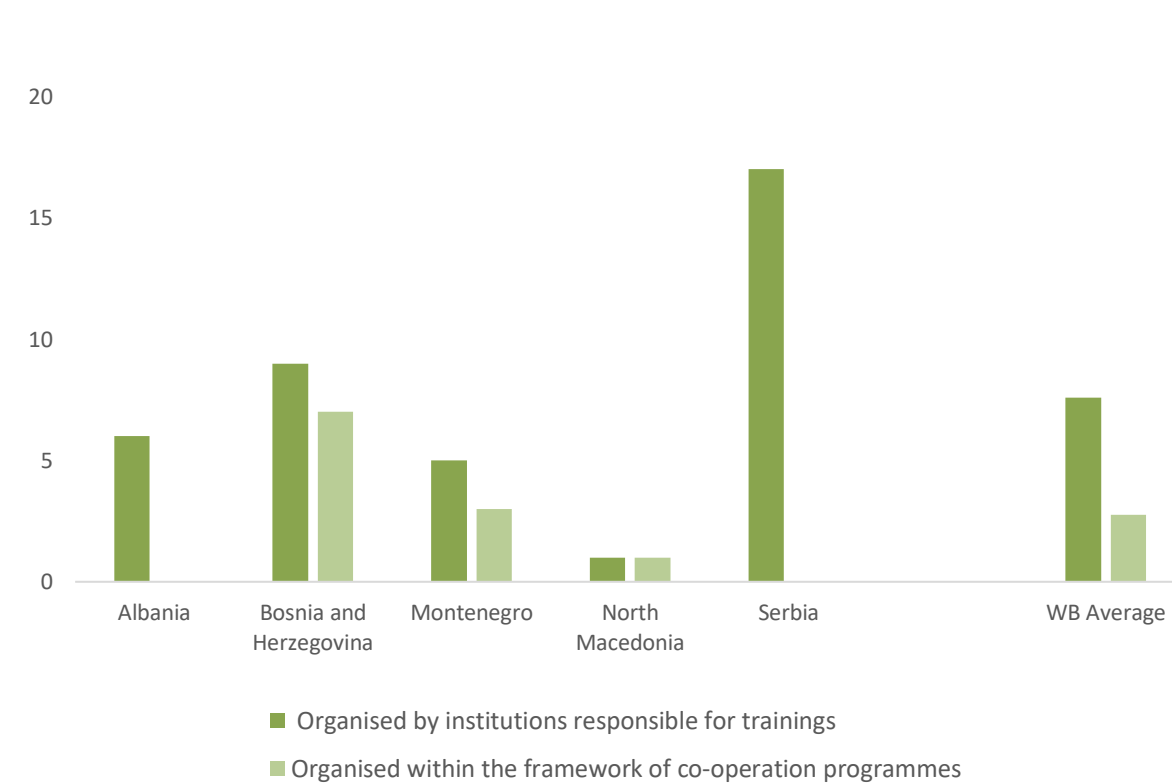
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.
Kosovo* is not included in summary statistics
CEPEJ report - Dashboard Western Balkan

7.2 Training in EU Law

Number of training courses (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	EU LAW					
	Number of in-person training courses available		Number of delivered in-person training courses in days		Number of online training courses (e-learning) available	
	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes
Albania	6	0	3	0	7	0
Bosnia and Herzegovina	9	7	2	1	12	6
Montenegro	5	3	9	6	0	0
North Macedonia	1	1	1	1	5	5
Serbia	17	NA	1	NA	0	NA
Kosovo*	0	0	0	0	0	0
WB Average	8	3	3	2	5	3

Number of in-person training courses available



Number of delivered in-person training courses in days



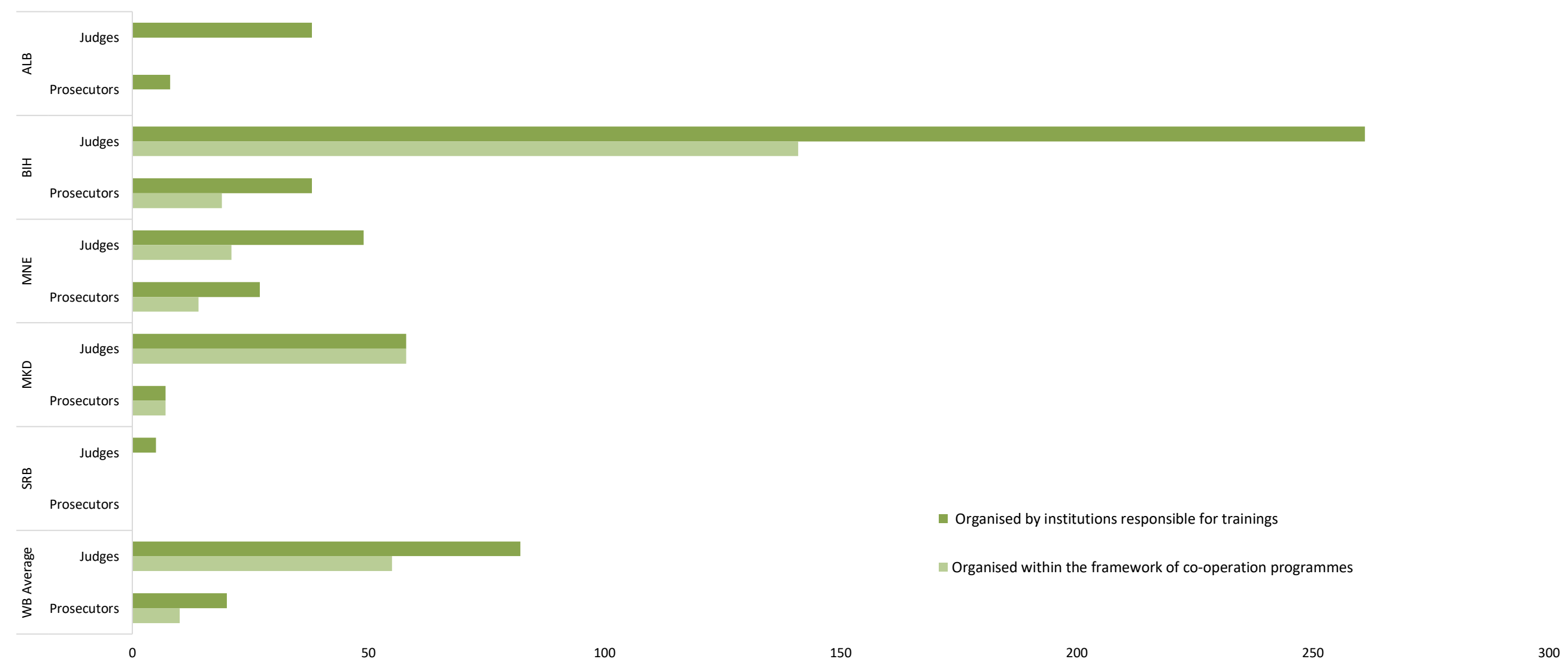
Number of online training courses (e-learning) available



Number of participants (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	EU LAW							
	Judges				Prosecutors			
	Organised by institutions responsible for trainings		Organised within the framework of co-operation programmes		Organised by institutions responsible for trainings		Organised within the framework of co-operation programmes	
	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)
Albania	38	-70%	0	NA	8	-76%	0	NA
Bosnia and Herzegovina	261	358%	141	188%	38	217%	19	171%
Montenegro	49	-70%	21	-87%	27	-56%	14	-77%
North Macedonia	58	7%	58	132%	7	-22%	7	-22%
Serbia	5	NA	NA	NA	NA	NA	NA	NA
Kosovo*	0	-100%	0	NA	0	NA	0	NA
WB Average	82	56,2%	55	77,5%	20	15,4%	10	23,9%

Number of participants to the trainings on EU Law in 2020

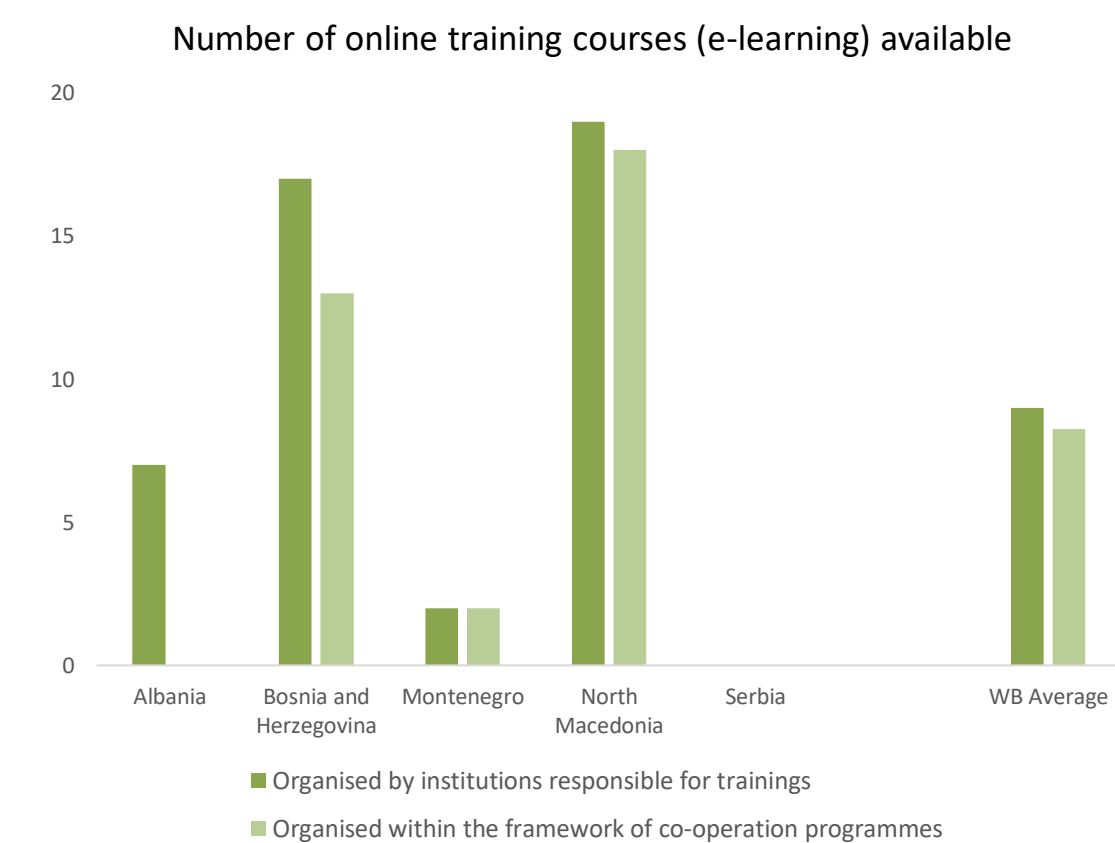


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.
Kosovo* is not included in summary statistics
CEPEJ report - Dashboard Western Balkan

7.2 Training on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of training courses (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

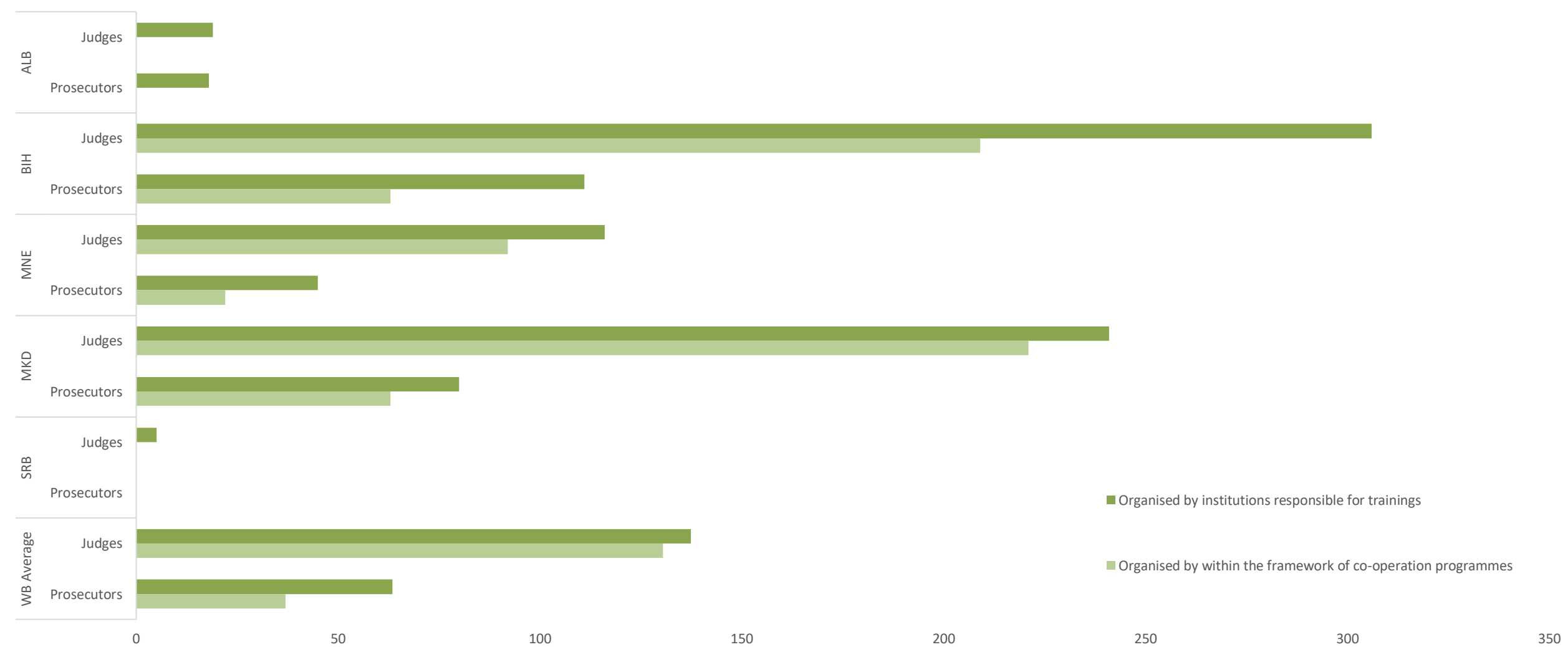
Beneficiaries	Training on the EU Charter of Fundamental Rights/European Convention on Human Rights					
	Number of in-person training courses available		Number of delivered in-person training courses in days		Number of online training courses (e-learning) available	
	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes	Organised by institutions responsible for trainings	Organised within the framework of co-operation programmes
Albania	6	0	2	0	7	0
Bosnia and Herzegovina	10	9	4	3	17	13
Montenegro	14	7	19	9	2	2
North Macedonia	2	2	2	2	19	18
Serbia	9	NA	4	NA	0	NA
Kosovo*	4	3	4	3	6	4
WB Average	8	5	6	4	9	8



Number of participants to the trainings (Tables no. 7.2.1, 7.2.2, 7.2.3 and 7.2.4)

Beneficiaries	EU Charter of Fundamental Rights/European Convention on Human Rights							
	Judges				Prosecutors			
	Organised by institutions responsible for trainings		Organised by within the framework of co-operation programmes		Organised by institutions responsible for trainings		Organised by within the framework of co-operation programmes	
	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)	2020	Variation 2020-2019 (%)
Albania	19	-77%	0	-100%	18	-22%	0	-100%
Bosnia and Herzegovina	306	727%	209	553%	111	122%	63	31%
Montenegro	116	-23%	92	5%	45	13%	22	-27%
North Macedonia	241	-16%	221	60%	80	100%	63	294%
Serbia	5	-81%	NA	NA	NA	NA	NA	NA
Kosovo*	118	79%	35	NA	10	43%	3	NA
WB Average	137	106,0%	131	129,5%	64	53,2%	37	49,6%

Number of participants to the trainings on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2020



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 7.1.1 Budget of the training institutions and training budget of court and prosecution services in 2018, 2019 and 2020 (Q4, Q6, Q142)

Beneficiaries	2020					2018	2019	2020	Variation of Total training budget for judiciary 2018-2020 (%)	Variation of Total training budget for judiciary 2019-2020 (%)
	Training budget of the institution, in €			Implemented court budget allocated to training (2)	Implemented prosecution budget allocated to training (3)	Total training budget for judiciary (1 + 2 + 3)	Total training budget for judiciary (1 + 2 + 3)	Total training budget for judiciary (1 + 2 + 3)		
	One institution for judges	One institution for prosecutors	One single institution for both (1)							
Albania	NAP	NAP	1 538 461 €	NAP	NAP	NA	1 444 436 €	1 538 461 €	NA	6,5%
Bosnia and Herzegovina	NAP	NAP	540 244 €	56 518 €	12 077 €	NA	NA	608 839 €	NA	NA
Montenegro	NAP	NAP	615 593 €	2 038 €	NAP	NA	641 289 €	617 631 €	NA	-3,7%
North Macedonia	NAP	NAP	735 500 €	NAP	NAP	1 280 894 €	1 134 195 €	735 500 €	-42,6%	-35,2%
Serbia	NA	NA	NA	NAP	NA	NA	NA	NA	NA	NA
Kosovo*	NAP	NAP	519 903 €	11 835 €	11 063 €	NA	1 202 046 €	542 801 €	NA	-54,8%
Average	NA	NA	857 450 €	NA	NA	NA	1 073 307 €	875 108 €	NA	-10,8%
Median	NA	NA	675 547 €	NA	NA	NA	1 134 195 €	676 566 €	NA	-3,7%
Minimum	NA	NA	540 244 €	NA	NA	NA	641 289 €	608 839 €	NA	-35,2%
Maximum	NA	NA	1 538 461 €	NA	NA	NA	1 444 436 €	1 538 461 €	NA	6,5%
Nb of values	5	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	0%	20%	80%	40%	20%	80%	40%
% of NAP	80%	80%	0%	60%	60%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.1.2 Types and frequency of training courses for judges (Q143 and Q145)

Beneficiaries	Initial training for judges	In-service training for judges									
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											
Nb of values	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Type of training	Frequency
Compulsory	Regularly
Optional	Occasional
No training	

Table 7.1.3 Types and frequency of training courses for prosecutors (Q144 and Q146)

Beneficiaries	Initial training for prosecutors	In-service training for prosecutors									
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics	
		Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency	Type of training	Frequency
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											
Nb of values	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Type of training	Frequency
Compulsory	Regularly
Optional	Occasional
No training	

Table 7.1.4 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Beneficiaries	Number of in-person training courses available						In-person training courses											
							Number of delivered courses (in days)						Number of participants					
							Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals
Albania	39	34	17	0	0	1	67	56	27	0	0	2	1846	667	549	NA	NA	NA
Bosnia and Herzegovina	246	216	167	67	67	NA	81	121	67	12	12	NA	1394	644	257	198	159	136
Montenegro	50	33	30	31	24	17	79	57	56	46	40	28	811	286	174	162	56	105
North Macedonia	211	168	94	12	12	16	42	36	20	2	2	1	953	384	150	NA	NA	211
Serbia	146	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	2898	NA	NA	NA	NA	NA
Kosovo*	103	85	61	10	10	NAP	23	17	12	2	2	NAP	998	330	168	195	195	110
Average	138	113	77	28	26	11	67	68	43	15	14	10	1580	495	283	NA	NA	151
Median	146	101	62	22	18	16	73	57	42	7	7	2	1394	514	216	NA	NA	136
Minimum	39	33	17	0	0	1	42	36	20	0	0	1	811	286	150	NA	NA	105
Maximum	246	216	167	67	67	17	81	121	67	46	40	28	2898	667	549	NA	NA	211
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	20%	20%	20%	40%	20%	20%	20%	20%	20%	40%	0%	20%	20%	60%	60%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 7.1.5 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Beneficiaries	Online training courses (e-learning)											
	Number of available courses						Number of participants					
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals
Albania	93	82	54	1	1	2	1214	458	419	NA	NA	NA
Bosnia and Herzegovina	153	143	82	34	34	NA	2444	1606	680	89	69	0
Montenegro	34	25	18	13	9	13	525	233	105	61	16	99
North Macedonia	9	8	7	9	9	NA	1888	1008	497	NA	NA	235
Serbia	42	NA	NA	NA	NA	NA	538	NA	NA	NA	NA	NA
Kosovo*	19	18	18	18	18	NAP	759	295	162	136	136	30
Average	66	65	40	14	13	NA	1322	826	425	NA	NA	111
Median	42	54	36	11	9	NA	1214	733	458	NA	NA	99
Minimum	9	8	7	1	1	NA	525	233	105	NA	NA	0
Maximum	153	143	82	34	34	NA	2444	1606	680	NA	NA	235
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	20%	20%	20%	60%	0%	20%	20%	60%	60%	40%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without

Kosovo is not included in the calculation of summary statistics*

Table 7.1.6 In-service trainings for judges and prosecutors in 2020 (Q148 and Q149)

Beneficiaries	Domestic violence and sexual violence training for prosecutors	Sanctions for not attending compulsory in-service training	
		Judges	Prosecutors
Albania			
Bosnia and Herzegovina			
Montenegro			
North Macedonia			
Serbia			
Kosovo*			
Nb of Yes	4	4	4
	Yes	Yes	Yes
	No	No	No

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.1.7 In-service trainings for judges and prosecutors in 2020 (Q150, Q151, Q152 and Q153)

Beneficiaries	Special trained prosecutors in domestic violence and sexual violence	Trainings solely dedicated on ethics, corruption and conflict of interest				
		Compulsory in-service training			Frequency during their career	
		Judges	Prosecutors	Duration of the training	Judges	Prosecutors
Albania				Longer than 3 days	More than once on an ad hoc basis	More than once on an ad hoc basis
Bosnia and Herzegovina				NAP	NAP	NAP
Montenegro				NAP	NAP	NAP
North Macedonia				Up to 1 day	More than once on an ad hoc basis	More than once on an ad hoc basis
Serbia				2-3 days	More than once on a regular basis	More than once on a regular basis
Kosovo*				2-3 days	More than once on a regular basis	NAP

Nb of Yes 4 3 3

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes
 No

Table 7.2.1 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Beneficiaries	Training in EU Law									
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants						
				Judges			Prosecutors			
				2019	2020	Variation 2019-2020 (%)	2019	2020	Variation 2019-2020 (%)	
Albania	6	3	7	128	38	-70,3%	34	8	-76,5%	
Bosnia and Herzegovina	9	2	12	57	261	357,9%	12	38	216,7%	
Montenegro	5	9	0	164	49	-70,1%	62	27	-56,5%	
North Macedonia	1	1	5	54	58	7,4%	9	7	-22,2%	
Serbia	17	1	0	NA	5	NA	NA	NA	NA	
Kosovo*	0	0	0	17	0	-100%	0	0	0%	
Average	8	3	5	101	82	56,2%	29	20	15,4%	
Median	6	2	5	93	49	-31,4%	23	18	-39,3%	
Minimum	1	1	0	54	5	-70,3%	9	7	-76,5%	
Maximum	17	9	12	164	261	357,9%	62	38	216,7%	
Nb of values	5	5	5	5	5	5	5	5	5	
% of NA	0%	0%	0%	20%	0%	20%	20%	20%	20%	
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 7.2.2 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Beneficiaries	Training in EU Charter of Fundamental Rights/European Convention on Human Rights									
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants						
				Judges			Prosecutors			
				2019	2020	Variation 2019-2020 (%)	2019	2020	Variation 2019-2020 (%)	
Albania	6	2	7	84	19	-77,4%	23	18	-21,7%	
Bosnia and Herzegovina	10	4	17	37	306	727,0%	50	111	122,0%	
Montenegro	14	19	2	150	116	-22,7%	40	45	12,5%	
North Macedonia	2	2	19	286	241	-15,7%	40	80	100,0%	
Serbia	9	4	0	27	5	-81,5%	25	NA	NA	
Kosovo*	4	4	6	66	118	78,8%	7	10	42,9%	
Average	8	6	9	117	137	106,0%	36	64	53,2%	
Median	9	4	7	84	116	-22,7%	40	63	56,3%	
Minimum	2	2	0	27	5	-81,5%	23	18	-21,7%	
Maximum	14	19	19	286	306	727,0%	50	111	122,0%	
Nb of values	5	5	5	5	5	5	5	5	5	
% of NA	0%	0%	0%	0%	0%	0%	0%	20%	20%	
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	

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Kosovo is not included in the calculation of summary statistics*

Table 7.2.3 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Beneficiaries	Training in EU Law / European Convention on Human Rights									
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants						
				Judges			Prosecutors			
				2019	2020	Variation 2019-2020 %	2019	2020	Variation 2019-2020 %	
Albania	0	0	0	0	0	0,0%	0	0	0,0%	
Bosnia and Herzegovina	7	1	6	49	141	187,8%	7	19	171,4%	
Montenegro	3	6	0	164	21	-87,2%	62	14	-77,4%	
North Macedonia	1	1	5	25	58	132,0%	9	7	-22,2%	
Serbia	NA	NA	NA	45	NA	NA	45	NA	NA	
Kosovo*	0	0	0	NA	0	NA	NA	0	NA	
Average	3	2	3	57	55	58,1%	25	10	17,9%	
Median	2	1	3	45	40	66,0%	9	11	-11,1%	
Minimum	0	0	0	0	0	-87,2%	0	0	-77,4%	
Maximum	7	6	6	164	141	187,8%	62	19	171,4%	
Nb of values	5	5	5	5	5	5	5	5	5	
% of NA	20%	20%	20%	0%	20%	20%	0%	20%	20%	
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	

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Kosovo* is not included in the calculation of summary statistics

Table 7.2.4 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Beneficiaries	Training in EU Charter of Fundamental Rights/European Convention on Human Rights								
	Number of in-person training courses available	Number of delivered in-person training courses in days	Number of online training courses (e-learning) available	Number of participants					
				Judges			Prosecutors		
				2019	2020	Variation 2019-2020 %	2019	2020	Variation 2019-2020 %
Albania	0	0	0	100	0	-100,0%	66	0	-100,0%
Bosnia and Herzegovina	9	3	13	32	209	553,1%	48	63	31,3%
Montenegro	7	9	2	88	92	4,5%	30	22	-26,7%
North Macedonia	2	2	18	138	221	60,1%	16	63	293,8%
Serbia	NA	NA	NA	NA	NA	NA	62	NA	NA
Kosovo*	3	3	4	NA	35	NA	NA	3	NA
Average	5	4	8	90	131	129,5%	44	37	50%
Median	5	3	8	94	151	32,3%	48	43	2%
Minimum	0	0	0	32	0	-100,0%	16	0	-100%
Maximum	9	9	18	138	221	553,1%	66	63	294%
Nb of values	5	5	5	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Indicator 7- Training

by country

Question 142. What is the budget of the training institution(s)?

Question 143. Training of judges - types of training:

Question 144. Training of public prosecutors - types of training:

Question 145. Frequency of the in-service training of judges by types of training:

Question 146. Frequency of the in-service training of public prosecutors by types of training:

Question 147. Number of in-service training courses available and delivered by the public institution(s)

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest?

Question 151. If yes, what is the duration of this training in total?

Question 152. If yes, how often during their career do they need to participate on this training?

Question 153. Do prosecution offices have specially trained prosecutors in domestic violence and sexual

Question 154. Number of training courses organised by the institutions responsible for training and number of participating judges and prosecutors concerning the following categories:

Question 155. Number of these training courses organised/financed by other stakeholders in the framework

Albania

Q142 (2019): Please note that under the justice reform laws, namely the law on the governance organs of the justice system, adopted at the end of 2016, the school of magistrates is in charge of initial training of not only judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors. STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years

Q143 (2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during

Q144 (General Comment): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments. The continuous training

Q144 (2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during

Q145 (General Comment): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a judge has to undergo continuous training at least 5 days per year. The training should be

Q145 (2019): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a

Q146 (General Comment): According to Article 5, point 3, of the Law “On the status of judges and prosecutors”, as amended, the period of continuous formation of a prosecutor should be:

a) not less than 5 full days per year and not less than 30 full days during five years;
b) not more than 40 days a year and 200 days during five years.

Q147-1 (2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337

Q147 (2020): The decrease in the number of in-person training course in days is due to Covid-19 related

Q150 (General Comment): According to Article 83 and 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council and High Judicial

Q150 (2019): According to Article 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the

Q152 (General Comment): A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30

Q152 (2019): 2. A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days during five

Q154 (2020): To answer to the question on the decrease of number of judges and prosecutors:

The needs-based methodology of drafting the training calendar makes it mandatory for the School of Magistrates to plan and hold the training activities as requested by judges and prosecutors in service.

Because last year a considerable part of judges and prosecutors in service participated in specific trainings on EU Law and because there have been a lot of changes in the domestic legislation, including basic laws (e.g.

Q154 (2019): Training is organised by the School of Magistrates

Q155 (2020): The reason is with the coming of the pandemic, the training activities we had planned with our international partners, due to suspension of international travel, were cancelled. This is why there were no

Q155 (2019): Partner organisations of the School of Magistrates that have conducted these training are Euralius (2 days), Council of Europe (6 days), IRZ (4 days), European Center (4 days) = 16 days overall.

Bosnia and Herzegovina

Q142 (2020): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2020 were:

The Judicial and Prosecutorial Training Centre of Republika Srpska - 227320. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 312924; the Parliament of the Federation of

Q142 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows:

The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial

Q143 (General Comment): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in

Q143 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be

Q144 (General Comment): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal

Q144 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be

Q145 (General Comment): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The

judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial

Q145 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within

Q146 (General Comment): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The

judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial

Q146 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within

Q147 (2020): Number of delivered in-person training courses plummeted in 2020 as a result of the measures taken against the spread of coronavirus.

Q147 (2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and

Q150 (General Comment): In-service training on ethics, the prevention of corruption and conflicts of interest is included in the annual training program, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the

Q150 (2019): In-service training on ethics, the prevention of corruption and conflicts of interest is offered yearly by training institutions, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the training on

Q153 (General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for

Q153 (2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of

Q154 (General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The official titles of the training institutions are as follows: The

Q154 (2020): The statistics provided for this question include the number of the training courses organised or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 2020, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2020. The training institutions in Bosnia and Herzegovina

Q154 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training

Q155 (2020): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, 2. Gender (Non)equality,

3. Recent trends in the European Court of Human Rights case law,

4. Article 10. Right on freedom of expression.

Q155 (2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on

Montenegro

Q142 (2020): NOTE. Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service.

Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The budget allocated to the Centre for Training in Judiciary and State Prosecution still remains below the statutory minimum of 2% of the budget allocated to the judiciary and prosecution.

In addition to the amount allocated from the public budget for training activities, the Centre obtained financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on

Q142 (2019): In addition to the amount allocated from the public budget for training activities, the Centre obtained significant financial support from international partners for implementation of training activities.

However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the

Q143 (2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were

Q143 (2019): The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court

Presidents and Heads of State Prosecutor’s Offices in Montenegro, which was adopted in 2019 and which
Q144 (2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were

implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor’s
Q144 (2019): The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor’s Offices in Montenegro, which was adopted in 2019 and which contains the following training modules: human resource management, financial management and acquisition of managerial skills. 90% of heads of state prosecutor’s offices participated in so-far ad hoc trainings. When it comes to training activities for the use of computers in state prosecution offices, these training activities are conducted by the Prosecutorial Council and Human Resource Management Authority.

Q145 (2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are

Q145 (2019): Around 97% of judges participate in in-service training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

Q146 (2019): Around 97% of state prosecutors participate in training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the

Q147-1 (2020): Note: Additional to above numbers in non-prosecutor and non-judge staff we did not count trainees/ interns in courts and state prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/ interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no.55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2020, the Centre organised 24

Q147 (2020): Note: Total - online training courses available (e learning) - 40 training days

For judges - online training courses available (e learning) - 33 training days

For prosecutors - online training courses available (e learning) - 25 training days

For non judge staff - online training courses available (e learning) - 18 training days

For non-prosecutor staff - online training courses available (e learning) - 15 training days

Training for other professionals - online training courses available (e learning) - 15 training days

Note: The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 10 training activities of this kind in 2020 and these lasted for 13 days. Advisors from courts and State prosecution also have the right to participate in trainings intended for judges and state prosecutors (they are allowed to participate in continuous training in case that judges and state prosecutors are prevented to attend the trainings) From the number of 34 online only 2 training activities planned to be online (CE HELP program e-learning courses). The rest of the number are training that were planned to be in-person but due the situation which is caused by covid pandemic we organized it online. The training that were supposed to be in-person we adapted to the online format-shorter lecture time, encourage participants to use online platforms for training. In 2020, due to the situation caused by the corona virus, 11 trainings planned by the Program for Continuous Training of Judges and State Prosecutors were not implemented.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and State prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts

Q147 (2019): NOTE: The data on the total number of training days for all the abovementioned categories (455) have been collected from the Annual Report of the Centre for Training in Judiciary and State

Prosecution, which can be found on the website of the Centre: www.cosdt.me. The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 19 training activities of this kind in 2019 and these lasted for 18 days in total. Advisors from courts and state prosecution offices also have the right to participate in trainings intended for judges and state prosecutors.

When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 203 days of initial training activities. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees in courts and state prosecution offices, in accordance with the Law on

Q150 (2020): No, training activities are not compulsory.

Q150 (2019): Reply from Centre for Training in Judiciary and State Prosecution Office - No, training activities are not compulsory.

When it comes to prosecutors, additional information from the Prosecutorial Council - State prosecutors'

Q151 (2020): As mentioned above, trainings on topics related to question 150 are not compulsory, but the Center offers training on this topic to judges and state prosecutors in an annual program that lasts 2-3 days.

Q153 (2020): Note: The Centre continuously, every years, organizes trainings for judges and state prosecutors on these specific topics. The mentioned trainings are conducted at least twice a year.

Q154 (2020): Between 2019 and 2020 there has been a decrease of the number of trainings in EU Law due to the Covid-19 pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this

Q154 (2019): NOTE: Total number of participants is actually much larger since advisors in courts and state prosecution offices, trainees, lawyers, police officers and representatives of other state bodies and institutions also participate in the training activities organised by the Centre.

Regarding trainings on EU Charter of Fundamental Rights/European Convention on Human Rights, there

Q155 (2020): In 2020, the Center organized trainings in cooperation with the international partners and projects as follows:

- European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro;

- HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals);

Q155 (2019): NOTE: All training activities on the EU law were implemented in cooperation and with financial support of the Institute of Public Administration of Luxembourg (EIPA) and EUROL II project. The Centre co-funded implementation of all training activities on the EU law and these activities were a part of the Annual Training Programme of the Centre (that is why these activities have been presented within the answer to the question no. 154). NOTE:When it comes to the second part of the answer, which is related to the training on the EU Charter of Fundamental Rights/European Convention on Human Rights (Number of training courses in days): besides 6 days of training, there were 2 online courses. The exact number of days for 2 HELP online courses had not been provided since these courses lasted for several months and therefore it was not

North Macedonia

Q142 (2020): The approved budget of the Academy of judges and public prosecutors decreased because in 2019, were planed more money for seventh generation of candidates on the Academy, but at the end it was concluded that less money are enough for the number of candidates that enter in the seventh generation.

Because of that on the end of 2019, implementation of the budget was 757.941 euros. Approximately,

Q142 (2019): Budget is lower in comparison with the budget from 2018 because in that budget were planed money for new generation on the Academy for judges and public prosecutors from the court and

Q143 (2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q144 (2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q145 (2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public

Q146 (2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public

Q147-1 (2020): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as "NA". 370 non-differentiated non-judge and non-prosecutor staffs participated on trainings (208 with physical presence and 162 participated online). In 2020, only 2 separate trainings were realized for the non-judge and non-prosecutor staff with physical

Q147 (2020): In 2020, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on line. From a total of 121 delivered trainings, 79 were delivered online (74 trainings for judges, 49 trainings for prosecutors, 0 for non-judge staff and non prosecutor staff and 6 for other categories).

Because we don't have separate row for common trainings, in the total number of 211 available trainings in 2020, are included 79 which were planned to be common trainings for judges and public prosecutors.

According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories. In the column on line training courses available in 2020, by the Academy were organized a total of 9 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 9 trainings, on 8

Q147 (2019): In other common training are included common trainings on which participate all judiciary professionals together: judges, public prosecutors, non-judge staff, non-prosecutor staff and other legal professionals (attorneys, bailiffs etc.). There was an increase in common trainings in 2019, due to the new multidisciplinary approach of the new management of the Academy.

Regarding online trainings, in 2019, three trainings were organized by the Academy in cooperation with KPMG in frame of the project for training on judges for implementation on the Law on tax in Albania, North Macedonia and Kosovo. Also, Academy on their website has online trainings for all steps of the criminal procedure. E-learning system has been developed in the frame of the project IPA 2008 „Further strengthening of the institutional capacities of the Academy for the training of judges and prosecutors“. On this system several different courses are developed (Initial training for the e-learning system, Interactive course for Outline EU Law e-Course pilot training; Interactive course for application on article 8 from the ECHR; Interactive course for application on article 10 from the ECHR; Interactive Course - Bribery through the Concept of an Official - Corruption; Interactive course - Confiscation of illegal property; Interactive Course - Juvenile Justice). Academy is currently working on improving and upgrading the existing E-learning platform,

Q150 (2019): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their

Q151 (2019): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can

Q152 (2019): As stated in the clarification of the question above, it depends on the interest of judges and

Q153 (2019): In the Academy for judges and prosecutors are organised a lot of training activities in the field

Q154 (2019): Training institution is Academy for judges and public prosecutors.

Q155 (2020): EU Law Number of participants: 16 judges with physical presence, 42 judges on line and 7 public prosecutors online.

EU Charter of Fundamental Rights/European Convention on Human Rights Number of participants: 21 judge and 7 public prosecutors with physical presence. 200 judges and 56 public prosecutors online. All trainings are delivered in cooperation between Academy for judges and public prosecutors and their foreign partners: EU Law trainings: TAIEX – 1 training, EIPA/Luxembourg – 1 training, EJTN – 4 trainings.

EU Charter of Fundamental Rights/European Convention on Human Rights trainings: OPDAT/USA-1 training, TAIEX/EU - 1 training, Council of Europe - 1 training, Council of Europe/JUFREX programme - 1 training,

Q155 (2019): Trainings were organized in cooperation with TAIEX instrument of European Commission for technical support and information exchange, European Institute of Public Administration and EU Financed

Serbia

Q143 (General Comment): A Constitutional Court decision was passed regarding the Act on Judicial Academy provision related to election of the Academy candidates. Therefore, initial training is no longer compulsory prerequisite for election.

The candidates who successfully pass the admission exam to the JA become the users of the initial training. Beneficiaries of initial training, in accordance to the article 40 of the Law on Judicial Academy are employed for a fixed time of 30 months, in the Academy. The beneficiaries of initial training are paid 70% of elementary earnings of a basic court judge, during the fixed time employment in the Academy. Attendance to initial training is being considered as working experience in legal profession. The initial training is composed of practical and theoretical education, with knowledge and skill testing. Since 2012, when the first generation finished the Judicial Academy and until February 2019 (ending with VII generation that took exit test), 99 candidates were proposed for the first time election to a judicial or prosecutorial function.

Judges and prosecutors appointed for the first time who have not attended initial training (i.e. from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous training

Q143 (2020): We've increased the number of practices this year.

Q143 (2019): Based on decisions of the High Court Council (HCC), certain types of training which is regularly organised as optional by the JA becomes compulsory. For example, since the 2016-2018 evaluation cycle, the HCC has enacted decisions whereby presidents of courts and acting presidents must undergo training for management functions. Moreover, while ethics training is organised as optional training, based on a decision of the HCC an, project plan funded by IPA, supporting the HCC, training on ethics has become compulsory, organised through this project. Moreover, certain laws enacted in the recent period have provided that judges and pp's acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training.

In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen "optional" for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level,

Q144 (2020): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the

decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization,

significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in

the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2020 training programme covered the

Q144 (2019): In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen “optional” for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

Certain laws enacted in the recent period have provided that judges and pp’s acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training, which is why In-service training for specialised functions is now selected as compulsory.

In-service training for management functions, training for the use of computer facilities in office and on ethics are now being organised by the JA.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were

Q145 (2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted through evaluation of their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by the Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanour law, human rights

Q146 (2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of prosecutors is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area. Article 165 of the Law on Juvenile Offenders and Criminal Legal Protection of Juveniles stipulates that the Judicial Academy, in cooperation with the Ministry of Justice, scholar institutions, professional associations and non-governmental organizations, has competence for providing special training and professional advancement to persons working in the area of rights of the child, juvenile offences and criminal legal protection of juveniles. The Academy is regularly organizing professional counselling, tests of knowledge and other forms of additional professional advancements and continuous training of judges for juveniles, public prosecutors for juveniles, judges and public prosecutors proceeding in criminal cases for criminal offences upon Article 150 of the Law, police officers, professional employees within the institutions of social protection, institutes and

Q147 (General Comment): The fact that in Serbia there still exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate is relevant also to the question of the number and type of in-service training courses. Judges and prosecutors appointed for the first time who have not attended initial training (i.e. appointed from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous programme. According to the Law on Judges, Article 9, there is a possibility that the HJC assign a judge to mandatory training as a result of the evaluation procedure; until present date, it never happened that someone came to training on this basis.

The continuous training is prepared and conducted for judges and prosecutors, judicial and prosecutorial staff and other legal professionals. Therefore, even though the initial training is not obligatory, judges and prosecutors who are already in the functions are trained through the continuous training organized by the Judicial Academy.

Q147 (2019): Trainings are as a rule organised as common, which is why it is difficult to distinguish training for judges, prosecutors and staff. Currently, accurate statistics on the number of training courses delivered, expressed in days, do not exist. There were 358 training courses organised in 2019, with 8,934 participants

Q150 (2019): Judges and prosecutors working in specialized departments for suppression of corruption have to undergo specialization on all relevant topics concerning fighting corruption, i.e. there are numerous

Q151 (2019): The average length of training dedicated to ethics is 1 day, the prevention of corruption 2 days

Q153 (2020): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special

competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public

prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by

the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with

Q155 (2019): EU LAW: EU Info Center

EU Charter of Fundamental Rights/European Convention on Human Rights : OSCE; UN

Kosovo*

Q142 (2020): The initial budget of the Academy of Justice has been 964,342, however, because of the budgetary cuts by government the the final budget for 2020 has been 519903. When we refer to budgetary

Q145 (General Comment): There are on-going trainings throughout the year, with the exception of July and

Q145 (2019): There are on-going trainings throughout the year, with the exception of July and August

Q146 (General Comment): There are on-going trainings throughout the year, with the exception of July and

Q146 (2019): There are on-going trainings throughout the year, with the exception of July and August

Q147 (2020): With regard to online courses, because of the pandemic situation, during 2020 have been organized a higher number of online training courses for judges and prosecutors compared to the number of online training courses available: 68 training courses for Judges(111 days), 48 training courses for

Q150 (General Comment): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings

are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their

Q150 (2019): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not

mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their

Q153 (General Comment): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo

Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to

Q153 (2019): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to the Academy of

Q154 (General Comment): All trainings are organized by Academy of Justice

Q154 (2019): All trainings are organized by Academy of Justice

Indicator 7- Training

by question No.

Question 142. What is the budget of the training institution(s)?

Question 143. Training of judges - types of training:

Question 144. Training of public prosecutors - types of training:

Question 145. Frequency of the in-service training of judges by types of training:

Question 146. Frequency of the in-service training of public prosecutors by types of training:

Question 147. Number of in-service training courses available and delivered by the public institution(s)

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest?

Question 151. If yes, what is the duration of this training in total?

Question 152. If yes, how often during their career do they need to participate on this training?

Question 153. Do prosecution offices have specially trained prosecutors in domestic violence and sexual

Question 154. Number of training courses organised by the institutions responsible for training and number of participating judges and prosecutors concerning the following categories:

Question 155. Number of these training courses organised/financed by other stakeholders in the framework

Question 142

Albania

(2019): Please note that under the justice reform laws, namely the law on the governance organs of the justice system, adopted at the end of 2016, the school of magistrates is in charge of initial training of not only judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors.

Bosnia and Herzegovina

(2020): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2020 were:

The Judicial and Prosecutorial Training Centre of Republika Srpska - 227320. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 312924; the Parliament of the Federation of

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows:

The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial

Montenegro

(2020): NOTE. Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The budget allocated to the Centre for Training in Judiciary and State Prosecution still remains below the statutory minimum of 2% of the budget allocated to the judiciary and prosecution.

In addition to the amount allocated from the public budget for training activities, the Centre obtained financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre. Anyway,

(2019): In addition to the amount allocated from the public budget for training activities, the Centre obtained significant financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the

North Macedonia

(2020): The approved budget of the Academy of judges and public prosecutors decreased because in 2019, were planed more money for seventh generation of candidates on the Academy, but at the end it was concluded that less money are enough for the number of candidates that enter in the seventh generation. Because of that on the end of 2019, implementation of the budget was 757.941 euros. Approximately,

(2019): Budget is lower in comparison with the budget from 2018 because in that budget were planed money for new generation on the Academy for judges and public prosecutors from the court and

Kosovo*

(2020): The initial budget of the Academy of Justice has been 964,342, however, because of the budgetary cuts by government the the final budget for 2020 has been 519903. When we refer to budgetary cuts, we

Question 143

Albania

OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years

(2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during

Bosnia and Herzegovina

(General Comment): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in

(2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to

Montenegro

(2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were

(2019): The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor’s Offices in Montenegro, which was adopted in 2019 and which contains the following training

North Macedonia

(2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Serbia

(General Comment): A Constitutional Court decision was passed regarding the Act on Judicial Academy provision related to election of the Academy candidates. Therefore, initial training is no longer compulsory prerequisite for election.

The candidates who successfully pass the admission exam to the JA become the users of the initial training. Beneficiaries of initial training, in accordance to the article 40 of the Law on Judicial Academy are employed for a fixed time of 30 months, in the Academy. The beneficiaries of initial training are paid 70% of elementary earnings of a basic court judge, during the fixed time employment in the Academy. Attendance to initial training is being considered as working experience in legal profession. The initial training is composed of practical and theoretical education, with knowledge and skill testing. Since 2012, when the first generation finished the Judicial Academy and until February 2019 (ending with VII generation that took exit test), 99 candidates were proposed for the first time election to a judicial or prosecutorial function.

Judges and prosecutors appointed for the first time who have not attended initial training (i.e. from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous training

(2020): We've increased the number of practices this year.

(2019): Based on decisions of the High Court Council (HCC), certain types of training which is regularly organised as optional by the JA becomes compulsory. For example, since the 2016-2018 evaluation cycle, the HCC has enacted decisions whereby presidents of courts and acting presidents must undergo training for management functions. Moreover, while ethics training is organised as optional training, based on a decision of the HCC an, project plan funded by IPA, supporting the HCC, training on ethics has become compulsory, organised through this project. Moreover, certain laws enacted in the recent period have provided that judges and pp's acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training.

In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen "optional" for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level,

Question 144

Albania

(General Comment): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments. The continuous training period is: a) Not less

(2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during

Bosnia and Herzegovina

(General Comment): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal

(2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to

Montenegro

(2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's

(2019): The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's Offices in Montenegro, which was adopted in 2019 and which contains the following training modules: human resource management, financial management and acquisition of managerial skills. 90% of heads of state prosecutor's offices participated in so-far ad hoc trainings. When it comes to training activities for the use of computers in state prosecution offices, these training activities are conducted by the Prosecutorial Council and Human Resource Management Authority.

North Macedonia

(2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Serbia

(2020): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. The continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2020 training programme covered the

(2019): In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen "optional" for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

Certain laws enacted in the recent period have provided that judges and pp's acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training, which is why In-service training for specialised functions is now selected as compulsory.

In-service training for management functions, training for the use of computer facilities in office and on ethics are now being organised by the JA.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were

Question 145

Albania

(General Comment): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a judge has to undergo continuous training at least 5 days per year. The training should be relevant to

(2019): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a

Bosnia and Herzegovina

(General Comment): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within

Montenegro

(2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are

(2019): Around 97% of judges participate in in-service training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at

North Macedonia

(2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public

Serbia

(2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted through evaluation of their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by the Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanour law, human rights

Kosovo*

(General Comment): There are on-going trainings throughout the year, with the exception of July and

(2019): There are on-going trainings throughout the year, with the exception of July and August

Question 146

Albania

(General Comment): According to Article 5, point 3, of the Law “On the status of judges and prosecutors”, as amended, the period of continuous formation of a prosecutor should be:

- a) not less than 5 full days per year and not less than 30 full days during five years;
- b) not more than 40 days a year and 200 days during five years.

Bosnia and Herzegovina

(General Comment): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The

judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within

Montenegro

their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

(2019): Around 97% of state prosecutors participate in training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the

North Macedonia

(2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public

Serbia

(2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of prosecutors is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area. Article 165 of the Law on Juvenile Offenders and Criminal Legal Protection of Juveniles stipulates that the Judicial Academy, in cooperation with the Ministry of Justice, scholar institutions, professional associations and non-governmental organizations, has competence for providing special training and professional advancement to persons working in the area of rights of the child, juvenile offences and criminal legal protection of juveniles. The Academy is regularly organizing professional counselling, tests of knowledge and other forms of additional professional advancements and continuous training of judges for juveniles, public prosecutors for juveniles, judges and public prosecutors proceeding in criminal cases for criminal offences upon Article 150 of the Law, police officers, professional employees within the institutions of social protection, institutes and

Kosovo*

(General Comment): There are on-going trainings throughout the year, with the exception of July and

(2019): There are on-going trainings throughout the year, with the exception of July and August

Question 147-1

Albania

(2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337

Montenegro

(2020): Note: Additional to above numbers in non-prosecutor and non-judge staff we did not count trainees/ interns in courts and state prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/ interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no.55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2020, the Centre organised 24

North Macedonia

(2020): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as "NA". 370 non-differentiated non-judge and non-prosecutor staffs participated on trainings (208 with physical presence and 162 participated online). In 2020, only 2 separate trainings were realized for the non-judge and non-prosecutor staff with physical

Question 147

Albania

(2020): The decrease in the number of in-person training course in days is due to Covid-19 related

Bosnia and Herzegovina

(2020): Number of delivered in-person training courses plummeted in 2020 as a result of the measures taken against the spread of coronavirus.

(2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and other

Montenegro

(2020): Note: Total - online training courses available (e learning) - 40 training days

For judges - online training courses available (e learning) - 33 training days

For prosecutors - online training courses available (e learning) - 25 training days

For non judge staff - online training courses available (e learning) - 18 training days

For non-prosecutor staff - online training courses available (e learning) - 15 training days

Training for other professionals - online training courses available (e learning) - 15 training days

Note: The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 10 training activities of this kind in 2020 and these lasted for 13 days. Advisors from courts and State prosecution also have the right to participate in trainings intended for judges and state prosecutors (they are allowed to participate in continuous training in case that judges and state prosecutors are prevented to attend the trainings) From the number of 34 online only 2 training activities planned to be online (CE HELP program e-learning courses). The rest of the number are training that were planned to be in-person but due the situation which is caused by covid pandemic we organized it online. The training that were supposed to be in-person we adapted to the online format-shorter lecture time, encourage participants to use online platforms for training. In 2020, due to the situation caused by the corona virus, 11 trainings planned by the Program for Continuous Training of Judges and State Prosecutors were not implemented.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and State prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts

(2019): NOTE: The data on the total number of training days for all the abovementioned categories (455) have been collected from the Annual Report of the Centre for Training in Judiciary and State Prosecution, which can be found on the website of the Centre: www.cosdt.me. The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 19 training activities of this kind in 2019 and these lasted for 18 days in total. Advisors from courts and state prosecution offices also have the right to participate in trainings intended for judges and state prosecutors. When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 203 days of initial training activities. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State

North Macedonia

(2020): In 2020, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on line. From a total of 121 delivered trainings, 79 were delivered online (74 trainings for judges, 49 trainings for prosecutors, 0 for non-judge staff and non prosecutor staff and 6 for other categories).

Because we don't have separate row for common trainings, in the total number of 211 available trainings in 2020, are included 79 which were planned to be common trainings for judges and public prosecutors. According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories. In the column on line training courses available in 2020, by the Academy were organized a total of 9 common

(2019): In other common training are included common trainings on which participate all judiciary professionals together: judges, public prosecutors, non-judge staff, non-prosecutor staff and other legal professionals (attorneys, bailiffs etc.). There was an increase in common trainings in 2019, due to the new multidisciplinary approach of the new management of the Academy.

Regarding online trainings, in 2019, three trainings were organized by the Academy in cooperation with KPMG in frame of the project for training on judges for implementation on the Law on tax in Albania, North Macedonia and Kosovo. Also, Academy on their website has online trainings for all steps of the criminal procedure. E-learning system has been developed in the frame of the project IPA 2008 „Further strengthening of the institutional capacities of the Academy for the training of judges and prosecutors“. On this system several different courses are developed (Initial training for the e-learning system, Interactive course for Outline EU Law e-Course pilot training; Interactive course for application on article 8 from the ECHR; Interactive course for application on article 10 from the ECHR; Interactive Course - Bribery through the Concept of an Official - Corruption; Interactive course - Confiscation of illegal property; Interactive Course - Juvenile Justice). Academy is currently working on improving and upgrading the existing E-learning platform,

Serbia

(General Comment): The fact that in Serbia there still exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate is relevant also to the question of the number and type of in-service training courses. Judges and prosecutors appointed for the first time who have not attended initial training (i.e. appointed from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous programme. According to the Law on Judges, Article 9, there is a possibility that the HJC assign a judge to mandatory training as a result of the evaluation procedure; until present date, it never happened that someone came to training on this basis.

The continuous training is prepared and conducted for judges and prosecutors, judicial and prosecutorial staff and other legal professionals. Therefore, even though the initial training is not obligatory, judges and prosecutors who are already in the functions are trained through the continuous training organized by the Judicial Academy.

(2019): Trainings are as a rule organised as common, which is why it is difficult to distinguish training for judges, prosecutors and staff. Currently, accurate statistics on the number of training courses delivered, expressed in days, do not exist. There were 358 training courses organised in 2019, with 8,934 participants

Kosovo*

(2020): With regard to online courses, because of the pandemic situation, during 2020 have been organized a higher number of online training courses for judges and prosecutors compared to the number of online training courses available: 68 training courses for Judges(111 days), 48 training courses for prosecutors (86

Question 150

Albania

(General Comment): According to Article 83 and 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council and High Judicial Council,

(2019): According to Article 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the

Bosnia and Herzegovina

(General Comment): In-service training on ethics, the prevention of corruption and conflicts of interest is included in the annual training program, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the

(2019): In-service training on ethics, the prevention of corruption and conflicts of interest is offered yearly by training institutions, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the training on

Montenegro

(2020): No, training activities are not compulsory.

(2019): Reply from Centre for Training in Judiciary and State Prosecution Office - No, training activities are not compulsory.

When it comes to prosecutors, additional information from the Prosecutorial Council - State prosecutors'

North Macedonia

(2019): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their

Serbia

(2019): Judges and prosecutors working in specialized departments for suppression of corruption have to undergo specialization on all relevant topics concerning fighting corruption, i.e. there are numerous courses

Kosovo*

(General Comment): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their

(2019): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory

Question 151

Montenegro

(2020): As mentioned above, trainings on topics related to question 150 are not compulsory, but the Center offers training on this topic to judges and state prosecutors in an annual program that lasts 2-3 days.

North Macedonia

(2019): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as

Serbia

(2019): The average length of training dedicated to ethics is 1 day, the prevention of corruption 2 days and

Question 152

Albania

(General Comment): A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days

(2019): 2. A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days during five

North Macedonia

(2019): As stated in the clarification of the question above, it depends on the interest of judges and

Question 153

Bosnia and Herzegovina

(General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for

(2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of

Montenegro

(2020): Note: The Centre continuously, every years, organizes trainings for judges and state prosecutors on these specific topics. The mentioned trainings are conducted at least twice a year.

North Macedonia

(2019): In the Academy for judges and prosecutors are organised a lot of training activities in the field of

Serbia

(2020): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by

Kosovo*

(General Comment): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to the Academy

(2019): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to the Academy of Justice where

Question 154

Albania

(2020): To answer to the question on the decrease of number of judges and prosecutors: The needs-based methodology of drafting the training calendar makes it mandatory for the School of Magistrates to plan and hold the training activities as requested by judges and prosecutors in service. Because last year a considerable part of judges and prosecutors in service participated in specific trainings on EU Law and because there have been a lot of changes in the domestic legislation, including basic laws (e.g.

(2019): Training is organised by the School of Magistrates

Bosnia and Herzegovina

(General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The official titles of the training institutions are as follows: The Judicial and

(2020): The statistics provided for this question include the number of the training courses organised or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 2020, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2020. The training institutions in Bosnia and Herzegovina

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training

Montenegro

(2020): Between 2019 and 2020 there has been a decrease of the number of trainings in EU Law due to the Covid-19 pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this project

(2019): NOTE: Total number of participants is actually much larger since advisors in courts and state prosecution offices, trainees, lawyers, police officers and representatives of other state bodies and institutions also participate in the training activities organised by the Centre.

Regarding trainings on EU Charter of Fundamental Rights/European Convention on Human Rights, there

North Macedonia

(2019): Training institution is Academy for judges and public prosecutors.

Kosovo*

(General Comment): All trainings are organized by Academy of Justice

(2019): All trainings are organized by Academy of Justice

Question 155

Albania

(2020): The reason is with the coming of the pandemic, the training activities we had planned with our international partners, due to suspension of international travel, were cancelled. This is why there were no

(2019): Partner organisations of the School of Magistrates that have conducted these training are Euralius (2 days), Council of Europe (6 days), IRZ (4 days), European Center (4 days) = 16 days overall.

Bosnia and Herzegovina

(2020): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, 2. Gender (Non)equality,

3. Recent trends in the European Court of Human Rights case law,

4. Article 10. Right on freedom of expression.

(2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on

Montenegro

(2020): In 2020, the Center organized trainings in cooperation with the international partners and projects as follows:

- European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro;

- HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals);

(2019): NOTE: All training activities on the EU law were implemented in cooperation and with financial support of the Institute of Public Administration of Luxembourg (EIPA) and EUroL II project. The Centre co-funded implementation of all training activities on the EU law and these activities were a part of the Annual Training Programme of the Centre (that is why these activities have been presented within the answer to the question no. 154). NOTE: When it comes to the second part of the answer, which is related to the training on the EU Charter of Fundamental Rights/European Convention on Human Rights (Number of training courses in days): besides 6 days of training, there were 2 online courses. The exact number of days for 2 HELP online courses had not been provided since these courses lasted for several months and therefore it was not

North Macedonia

(2020): EU Law Number of participants: 16 judges with physical presence, 42 judges on line and 7 public prosecutors online.

EU Charter of Fundamental Rights/European Convention on Human Rights Number of participants: 21 judge and 7 public prosecutors with physical presence. 200 judges and 56 public prosecutors online. All trainings are delivered in cooperation between Academy for judges and public prosecutors and their foreign partners: EU Law trainings: TAIEX – 1 training, EIPA/Luxembourg – 1 training, EJTN – 4 trainings.

EU Charter of Fundamental Rights/European Convention on Human Rights trainings: OPDAT/USA-1 training, TAIEX/EU - 1 training, Council of Europe - 1 training, Council of Europe/JUFREX programme - 1 training,

(2019): Trainings were organized in cooperation with TAIEX instrument of European Commission for technical support and information exchange, European Institute of Public Administration and EU Financed

Serbia

(2019): EU LAW: EU Info Center

EU Charter of Fundamental Rights/European Convention on Human Rights : OSCE; UN

Indicator 7 List

List of the tables presented in this indicator

7. Training

Table 7.1.1 Budget of the training institutions and training budget of court and prosecution services in 2018, 2019 and 2020 (Q4, Q6, Q142)

Table 7.1.2 Types and frequency of training courses for judges (Q143 and Q145)

Table 7.1.3 Types and frequency of training courses for prosecutors (Q144 and Q146)

Table 7.1.4 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.5 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.6 In-service trainings for judges and prosecutors in 2020 (Q148 and Q149)

Table 7.1.7 In-service trainings for judges and prosecutors in 2020 (Q150, Q151, Q152 and Q153)

Table 7.2.1 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.2 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.3 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Table 7.2.4 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Indicator 7- Training

Indicator 7- Training

8. Accountability and processes affecting public trust

Number of criminal cases against judges (Table no. 8.2.2)

Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NAP	0	NAP	0	NAP	0
Bosnia and Herzegovina	1	1	0	0	0	0
Montenegro	0	0	0	0	0	0
North Macedonia	15	0	5	0	0	0
Serbia	NA	1	NA	1	NA	1
Kosovo*	NA	2	NA	1	NA	1
WB Average	5	0	2	0	0	0

Number of criminal cases against prosecutors (Table no. 8.2.2)

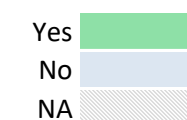
Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	1	0	1	0	1	0
Bosnia and Herzegovina	0	0	0	0	0	0
Montenegro	0	0	0	0	0	0
North Macedonia	4	1	0	1	0	1
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	9	NA	7	NA	0	NA
WB Average	1	0	0	0	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

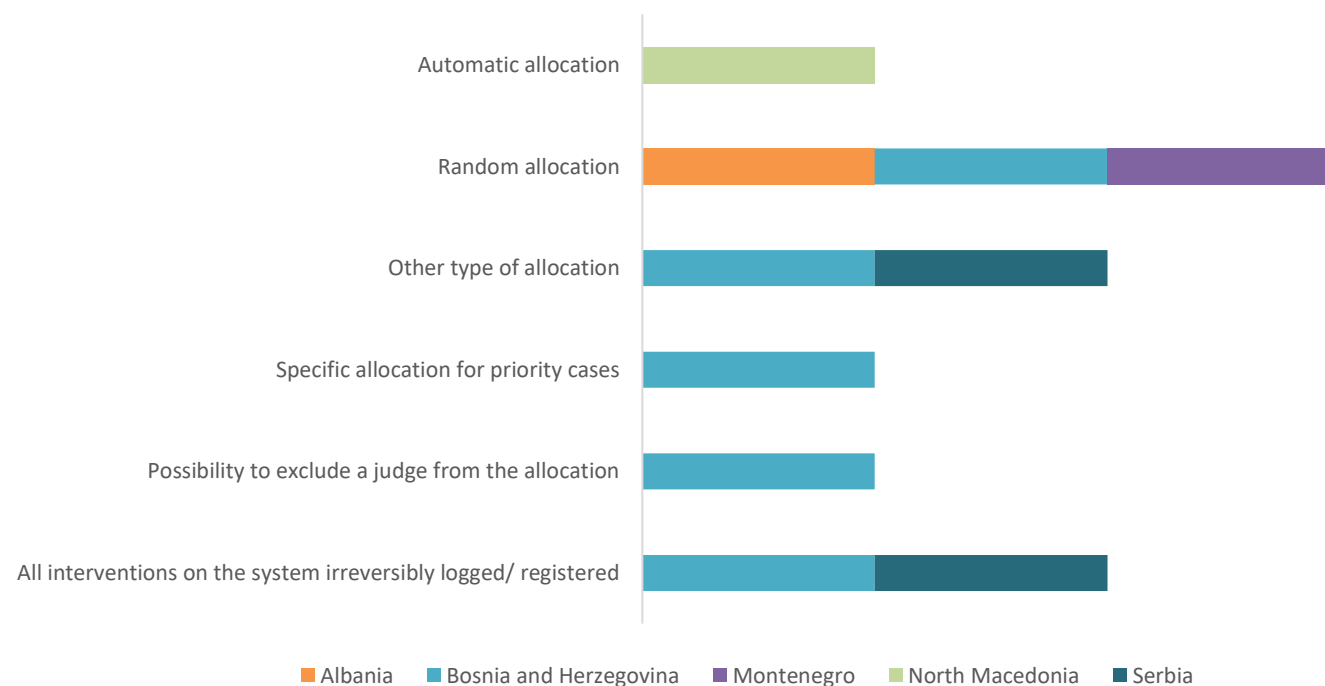
Kosovo* is not included in the summary statistics.

Transparency and organisation of distribution of court cases in 2020 (Table no. 8.2.7)

Beneficiaries	Transparency in case distribution	Organisation in distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Albania	Yes	No	Yes	No	No	No	No
Bosnia and Herzegovina	Yes	No	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	No	Yes	No	No	No	No
North Macedonia	Yes	Yes	No	No	No	No	No
Serbia	Yes	No	No	Yes	No	No	Yes
Kosovo*	Yes	No	Yes	No	No	No	No



Organisation in distribution of court cases



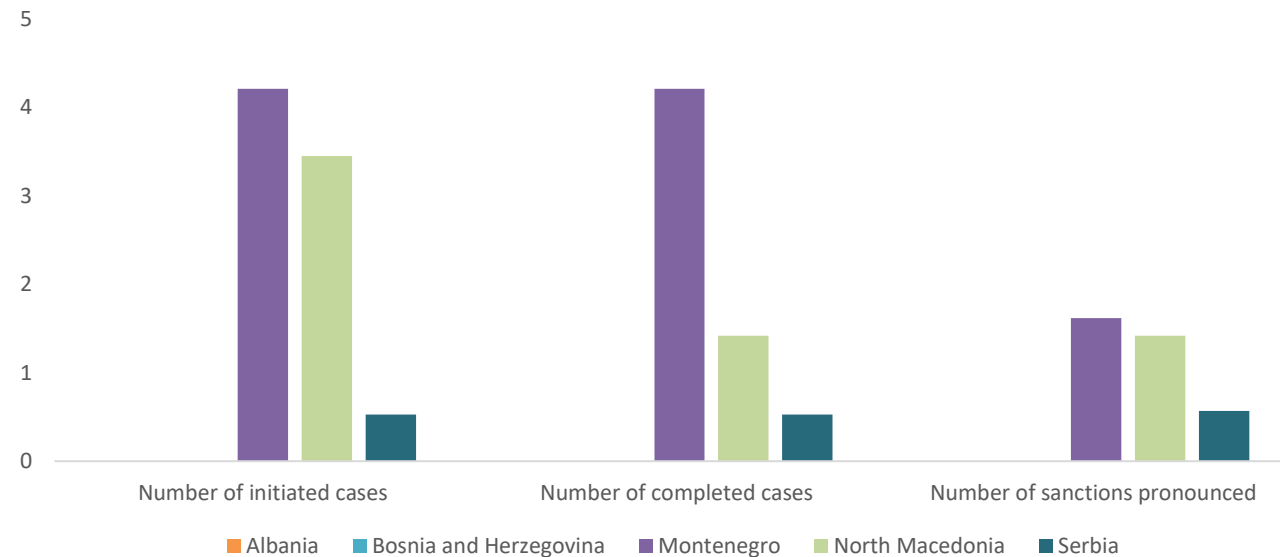
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Number of proceedings against judges due to violations/discrepancies in their declaration of assets in 2019 and 2020 (Table 8.3.9)

Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	0	0	0	0	0	0
Montenegro	0	13	0	13	0	5
North Macedonia	12	17	1	7	1	7
Serbia	32	14	27	14	24	15
Kosovo*	6	2	1	2	1	0
WB Average	11	11	7	9	6	7

Number of proceedings against judges due to violations/discrepancies in their declaration of assets in 2020 (per 100 judges)



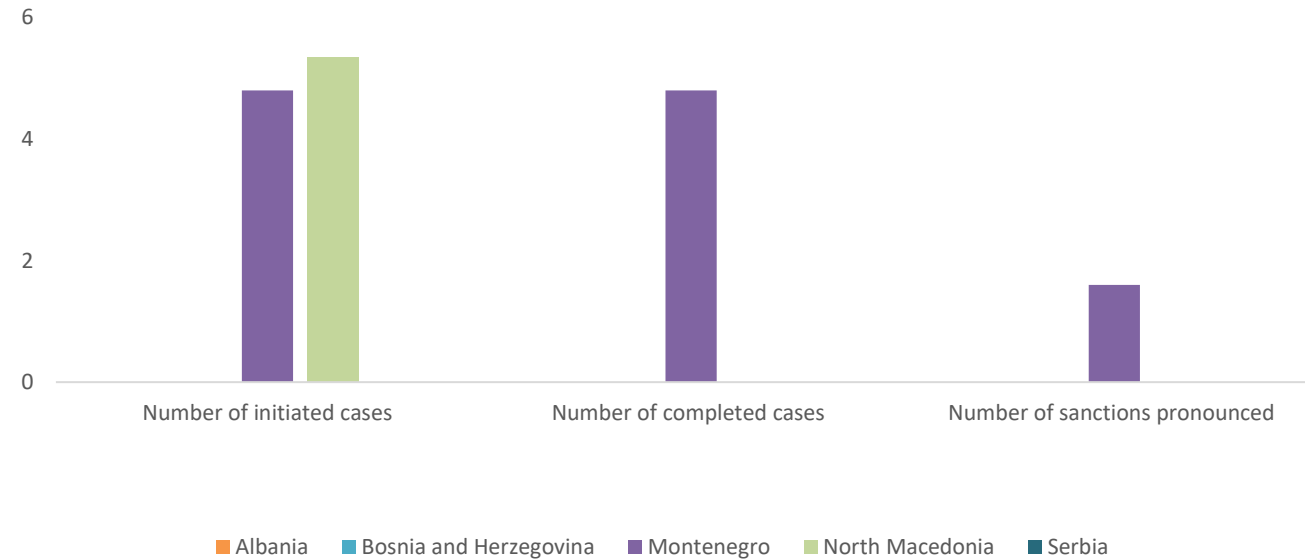
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets (Table no. 8.3.9)

Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	0	0	0	0	0	0
Montenegro	0	6	0	6	0	2
North Macedonia	1	10	0	0	0	0
Serbia	13	NA	13	NA	13	NA
Kosovo*	3	0	3	0	0	0
WB Average	4	5	3	2	3	1

Number of proceedings against prosecutors due to violations/discrepancies in their declaration of assets in 2020 (per 100 prosecutors)



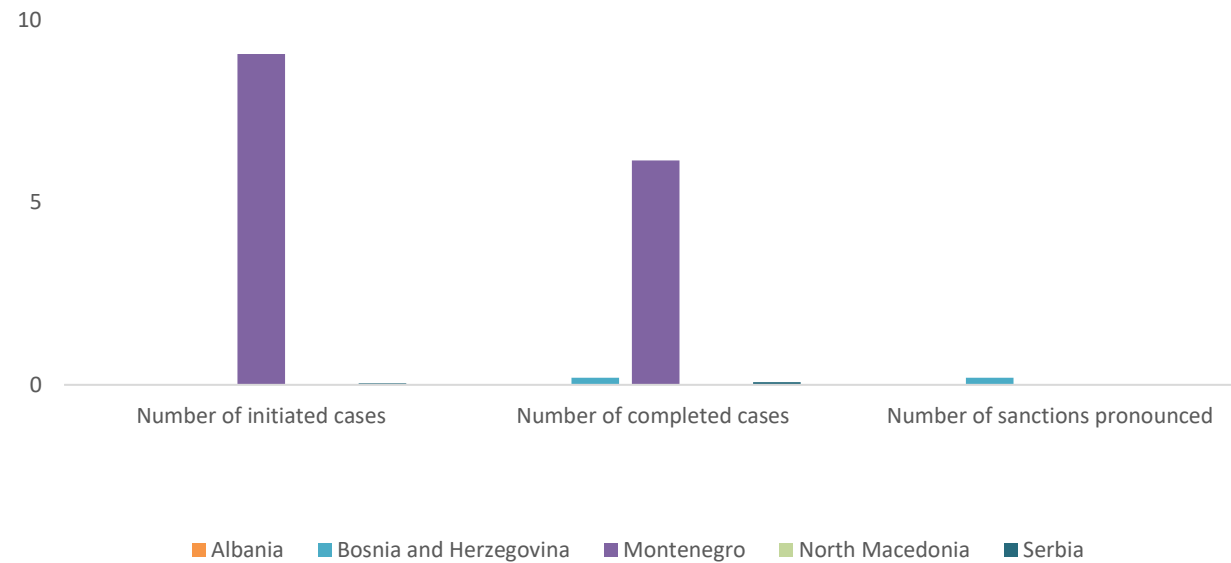
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Number of procedures for breaches of rules on conflict of interest for judges (Table no. 8.4.7)

Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	2	0	0	2	0	2
Montenegro	2	28	0	19	0	0
North Macedonia	10	0	5	0	2	0
Serbia	1	1	1	2	0	0
Kosovo*	11	10	11	8	0	0
WB Average	4	7	2	6	1	1

Number of proceedings proceedings for breaches of rules on conflict of interest for judges in 2020 (per 100 judges)



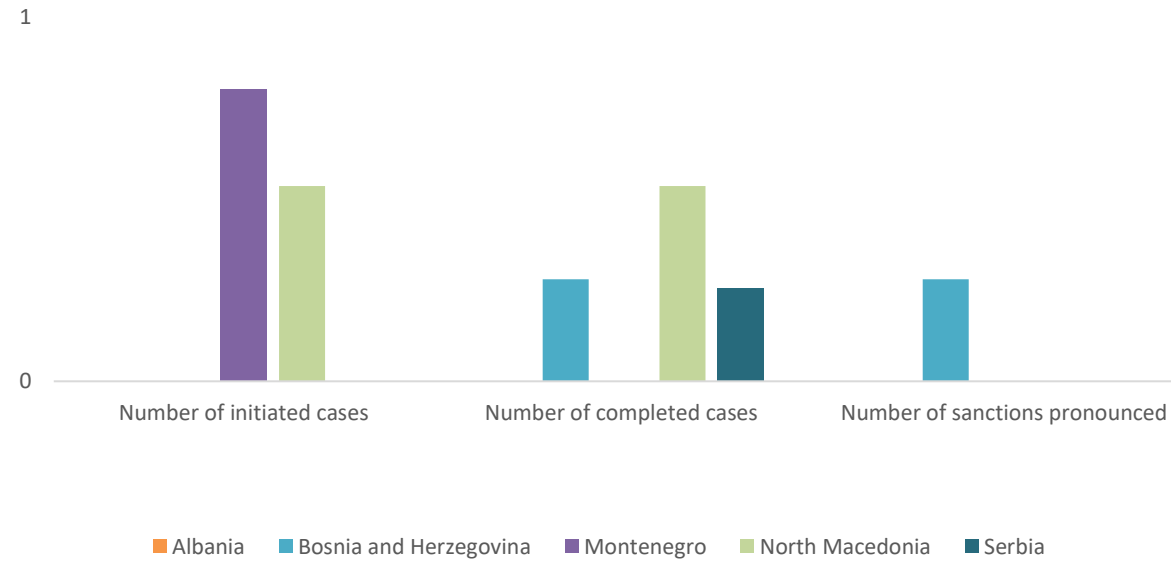
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Number of procedures for breaches of rules on conflict of interest for prosecutors (Table no. 8.4.7)

Beneficiaries	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	2	0	1	1	1	1
Montenegro	0	1	0	0	0	0
North Macedonia	3	1	1	1	1	0
Serbia	NA	0	NA	2	NA	0
Kosovo*	2	0	2	0	0	0
WB Average	2	1	1	1	1	0

Number of proceedings for breaches of rules on conflict of interest for prosecutors in 2020 (per 100 prosecutors)



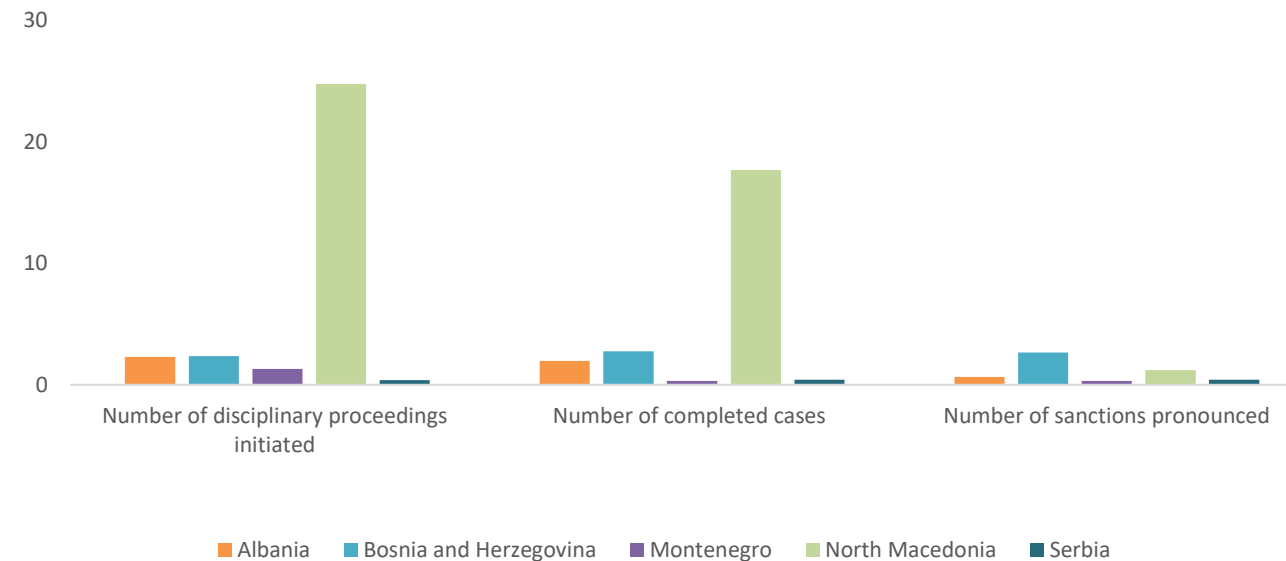
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2019 and 2020 (Table no. 8.5.3)

Beneficiaries	Number of disciplinary proceedings initiated		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	NA	7	NA	6	NA	2
Bosnia and Herzegovina	35	24	29	28	12	27
Montenegro	1	4	1	1	2	1
North Macedonia	107	122	71	87	1	6
Serbia	7	10	11	11	3	11
Kosovo*	NA	9	NA	8	12	8
WB Average	38	33	28	27	4	9

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (per 100 judges)



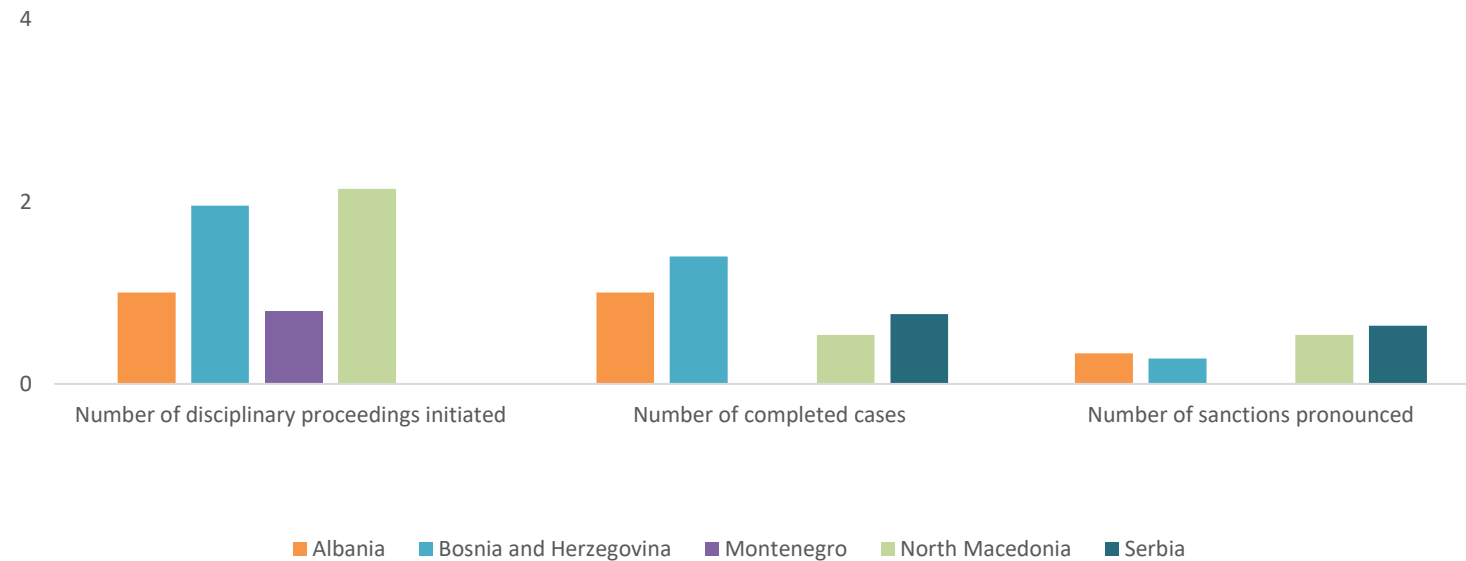
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2019 and 2020 (Table no. 8.5.6)

Beneficiaries	Number of disciplinary proceedings initiated		Number of completed cases		Number of sanctions pronounced	
	2019	2020	2019	2020	2019	2020
Albania	1	3	1	3	1	1
Bosnia and Herzegovina	11	7	13	5	12	1
Montenegro	0	1	2	0	2	0
North Macedonia	1	4	1	1	1	1
Serbia	7	0	4	6	3	5
Kosovo*	18	5	12	7	12	7
WB Average	4	3	4	3	4	2

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (per 100 prosecutors)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2020 (Q156)

Beneficiaries	Total		Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest		Wrongful conviction		Other	
	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations	Number of requests for compensation	Number of condemnations
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	4 891	434	406	239	331	3	221	62	370	5	3 563	125
Montenegro	NA	NA	62	22	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NA	399	371	392	NAP	NAP	NA	6	NA	1	NAP	NAP
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	NA	NA	280	218	NA	NA	NA	NA	NA	NA	NA	NA
Median	NA	NA	371	239	NA	NA	NA	NA	NA	NA	NA	NA
Minimum	NA	NA	62	22	NA	NA	NA	NA	NA	NA	NA	NA
Maximum	NA	NA	406	392	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	80%	60%	40%	40%	60%	60%	80%	60%	80%	60%	60%	60%
% of NAP	0%	0%	0%	0%	20%	20%	0%	0%	0%	0%	20%	20%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.2 System for compensating users: amounts by specific circumstances in 2020 (Q156)

Beneficiaries	Total amount (in €)	Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest		Wrongful conviction		Other	
		Amount		Amount		Amount		Amount		Amount	
		in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount	in €	As % of Total amount
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	435 696 €	103 562 €	23,8%	4 601 €	1,1%	327 532 €	75,2%	0 €	0,0%	0 €	0,0%
Montenegro	NA	38 100 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	331 856 €	136 987 €	41,3%	NAP	NAP	184 902 €	55,7%	9 967 €	3,0%	NAP	NAP
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	NA	92 883 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Median	NA	103 562 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Minimum	NA	38 100 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maximum	NA	136 987 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5
% of NA	60%	40%	60%	60%	60%	60%	60%	60%	60%	60%	60%
% of NAP	0%	0%	0%	20%	20%	0%	0%	0%	0%	20%	20%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.3 National or local procedure for filing complaints about the functioning of the judicial system: authority responsible and time limit for dealing with the complaint in 2020 (Q157 and Q158)

Beneficiaries	Existence of a national or local procedure for filing complaints about the functioning of the judicial system	Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
		Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint	Responsible for dealing with the complaint	Time limit to deal with the complaint
Albania	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes
Bosnia and Herzegovina	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes	Yes	No/NAP
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Kosovo*	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes
Nb of Yes	5	4	4	3	3	3	2	4	4	4	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics




Yes 
 No/NAP 
 NA 

Table 8.1.4 National or local procedure for filing complaints about the functioning of the judicial system: number of complaints and granted compensation amount in 2020 (Q159)

Beneficiaries	Total		Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)	Number of complaints	Granted compensation amount (in €)
Albania	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA
Bosnia and Herzegovina	1090	NAP	NAP	NAP	NAP	NAP	NAP	NAP	722	NAP	368	NAP
Montenegro	NA	NA	62	38 100 €	0	NAP	67	NAP	120	NAP	NA	NA
North Macedonia	NA	NAP	NA	NAP	NA	NAP	271	NAP	531	NAP	406	NAP
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	NA	NA	NA	NA	NA	NA	NA	NA	458	NA	NA	NA
Median	NA	NA	NA	NA	NA	NA	NA	NA	531	NA	NA	NA
Minimum	NA	NA	NA	NA	NA	NA	NA	NA	120	NA	NA	NA
Maximum	NA	NA	NA	NA	NA	NA	NA	NA	722	NA	NA	NA
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	80%	60%	60%	40%	40%	20%	20%	20%	20%	20%	60%	60%
% of NAP	0%	40%	20%	40%	40%	80%	40%	80%	20%	80%	0%	40%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.5 Procedure to effectively challenge a judge in 2020 and ratio between the total number of initiated procedures of challenges and the total number of finalised challenges between 2018 and 2020 (Q160 and Q161)

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial in 2020	Ratio between the total number of initiated procedures of challenges and total number of finalised challenges				
		2018	2019	2020	Variation between 2018 and 2020 (percentage points)	Variation between 2019 and 2020 (percentage points)
Albania		NA	NA	NA	NA	NA
Bosnia and Herzegovina		99,0%	95,0%	99,0%	0,0	4,0
Montenegro		NA	99,0%	99,0%	NA	0,0
North Macedonia		77,0%	94,0%	96,0%	19,0	2,0
Serbia		43,0%	NA	NA	NA	NA
Kosovo*		-	NA	NA	-	NA
Nb of Yes	5					
Average		73,0%	96,0%	98,0%	NA	2,0
Median		77,0%	95,0%	99,0%	NA	2,0
Minimum		43,0%	94,0%	96,0%	NA	0,0
Maximum		99,0%	99,0%	99,0%	NA	4,0
Nb of values		5	5	5	5	5
% of NA		40%	40%	40%	60%	40%
% of NAP		0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 8.1.6 Specific instructions to prosecute or not, addressed to a public prosecutor in 2020: existence and modalities (Q162, Q162-1, Q162-2, Q162-3, Q162-4 and Q162-5)

Beneficiaries	Existence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor	If yes, are there exceptions provided by the law/ regulations?	No existence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor													Public prosecutor able to oppose/report an instruction to an independent body	
			Form of instructions				Type of instructions					Frequency of the instructions					
			Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Argued	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic		
Albania	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Bosnia and Herzegovina	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Montenegro	No	No	No	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	No	No	No	No	No
North Macedonia	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Serbia	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Kosovo*	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Nb of Yes	4	3	0	1	1	0	0	1	1	1	0	1	0	0	0	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


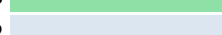

Yes 
 No/NAP 
 NA 

Table 8.1.7 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and to minors and victims of domestic violence in 2020 (Q163)

Beneficiaries	Special favourable arrangements for victims of sexual violence/rape			Special favourable arrangements for victims of terrorism			Special favourable arrangements for minors (witnesses or victims)			Special favourable arrangements for victims of domestic violence		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												
Nb of Yes	3	5	4	4	5	3	4	5	3	4	5	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


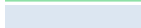

Yes 
 No/NAP 
 NA 

Table 8.1.8 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, disabled persons, juvenile offenders and other victims in 2020 (Q163)

Beneficiaries	Special favourable arrangements for ethnic minorities			Special favourable arrangements for disabled persons			Special favourable arrangements for juvenile offenders			Special favourable arrangements for other (e.g. victims of human trafficking, forced marriage, sexual mutilation)		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes
Bosnia and Herzegovina	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP	No/NAP
Montenegro	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP
Serbia	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes
Nb of Yes	3	3	2	3	3	3	3	3	3	3	3	3

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Kosovo* is not included in the calculation of summary statistics


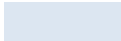

Yes	
No/NAP	
NA	

Table 8.2.1 Type of legal provisions for guarantee of integrity of judges and prosecutors in 2020 (Q164 and Q166)

Beneficiaries	Legal provisions for guarantee of integrity of judges				Legal provisions for guarantee of integrity of prosecutors			
	Constitution	Special law	Bylaw	Other	Constitution	Special law	Bylaw	Other
Albania	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Bosnia and Herzegovina	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Montenegro	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
North Macedonia	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Serbia	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP
Kosovo*	Yes	Yes	No/NAP	No/NAP	Yes	Yes	No/NAP	No/NAP
Nb of Yes	5	5	0	1	5	5	1	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.
 Kosovo* is not included in the calculation of summary statistics

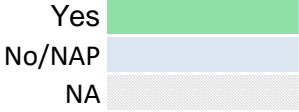


Table 8.2.2 Number of criminal cases against judges or prosecutors in 2020 (Q171)

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	0	0	0	0	0	0
Bosnia and Herzegovina	1	0	0	0	0	0
Montenegro	0	0	0	0	0	0
North Macedonia	0	0	0	1	1	1
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	2	1	1	NA	NA	NA
Average	0	0	0	0	0	0
Median	0	0	0	0	0	0
Minimum	0	0	0	0	0	0
Maximum	1	0	0	1	1	1
Nb of values	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2020 (Q172-0)

Beneficiaries	Specific measures to prevent corruption													
	Rotation of assignments		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Montenegro	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
North Macedonia	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Serbia	No/NAP	No/NAP	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Kosovo*	No/NAP	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP
Nb of Yes	2	2	5	5	5	5	4	3	4	4	1	1	0	0

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Kosovo* is not included in the calculation of summary statistics


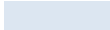

Yes 
 No/NAP 
 NA 

Table 8.2.4 Code of ethics for judges and prosecutors in 2020 (Q172, Q173, Q174 and Q175)

Beneficiaries	Judges			Prosecutors		
	Existence of code of ethics	Regular update of the code for ethics	Link to the code of ethics	Existence of code of ethics	Regular update of the code for ethics	Link to the code of ethics
Albania	Yes	Yes	http://www.gjykataelarte.gov.al/web/kodi_i_etikes_gjyqesore_1754.pdf	Yes	Yes	http://www.pp.gov.al/web/anglisht_rules_on_ethics_and_conduct_of_prosecutors_1001.pdf
Bosnia and Herzegovina	Yes	Yes	https://vstv.pravosudje.ba/	Yes	Yes	https://vstv.pravosudje.ba/
Montenegro	Yes	No/NAP	https://sudovi.me/static/sdsv/doc/eticki_kodeks_sudija.pdf	Yes	No/NAP	https://sudovi.me/static/vrdt/doc/L2RydHovZG9jL0VUSUNLSSUyMEtPREVLUyUyMERSWkFWTKlIJTlwVFVaSUxBQ0EIMjAyM
North Macedonia	Yes	Yes	http://www.vsrn.mk/wps/wcm/connect/vsrn/10ae444c-09fd-4cbd-9fa6-ed45ae4ad13b/%D0%9A%D0%BE%D0%	Yes	Yes	https://jorm.gov.mk/category/zakoni-i-podzakonski-akti/podzakonski-akti/
Serbia	Yes	No/NAP	https://vss.sud.rs/sr-lat/eti%C4%8Dki-kodeks	Yes	No/NAP	https://www.paragraf.rs/propisi/eticki_kodeks_javnih_tuzilaca_i_zamenika_javnih_tuzilaca_republike_srbije.html
Kosovo*	Yes	No/NAP	https://www.gjyqesori-rks.org/wp-content/uploads/lgsi/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf	Yes	No/NAP	http://www.kpk-rks.org/assets/cms/uploads/files/Legjislacioni/Kodet/CODE%20OF%20ETHICS%20
Nb of Yes	5	3		5	3	

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Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 8.2.5 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2020 (Q176, Q177, Q178, Q179, Q180 and Q181)

Beneficiaries	Judges			Prosecutors		
	Existence of the institution	Composition of the institution	Opinions publicly available	Existence of the institution	Composition of the institution	Opinions publicly available
Albania	Yes	By judges and other legal professionals	Yes	Yes	Only by prosecutors	Yes
Bosnia and Herzegovina	Yes	By judges and other legal professionals	No/NAP	Yes	By prosecutors and other legal professionals	No/NAP
Montenegro	Yes	By judges and other legal professionals	Yes	Yes	By prosecutors and other legal professionals	Yes
North Macedonia	Yes	Only by judges	Yes	Yes	Only by prosecutors	Yes
Serbia	Yes	By judges and other legal professionals	Yes	Yes	Other	No/NAP
Kosovo*	Yes	Only by judges	Yes	No/NAP	-	No/NAP
Nb of Yes	5		4	5		3

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Kosovo is not included in the calculation of summary statistics*


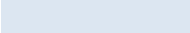

Yes	
No/NAP	
NA	

Table 8.2.6 System to report attempt for influence/corruption on judges and prosecutors in 2020 (Q182)

Beneficiaries	System to report attempt for influence/corruption			
	Judges		Prosecutors	
	Existence of a system	Description	Existence of a system	Description
Albania	Yes	Judge must report any attempt of influence/corruption	Yes	Please see the comment
Bosnia and Herzegovina	Yes	As stated in the General Comments.	Yes	As stated in the General Comments.
Montenegro	Yes	Described in the comments section	Yes	Described in the comments section
North Macedonia	Yes	see the comment	Yes	see the comment
Serbia	Yes	Aimed at safeguarding judicial independence and that of	Yes	which is one of the most important mechanisms put in
Kosovo*	No/NAP	-	No/NAP	-
Nb of Yes	5		5	

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Kosovo is not included in the calculation of summary statistics*


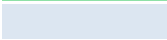
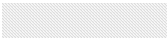
Yes 
 No/NAP 
 NA 

Table 8.2.7 Transparency and organisation of distribution of court cases in 2020 (Q183, Q184)

Beneficiaries	Transparency in case distribution	Organisation in distribution of court case					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Albania	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Bosnia and Herzegovina	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
North Macedonia	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP
Serbia	Yes	No/NAP	No/NAP	Yes	No/NAP	No/NAP	Yes
Kosovo*	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Nb of Yes	5	1	3	2	1	1	2

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Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 8.2.8 Transparency and organisation of reassignment of court cases in 2020 (Q185, Q186, Q187 and Q188)

Beneficiaries	Reasons for reassigning a case				Does the reassignment of cases have to be reasoned?			Reassignments of cases processed through the computerised distribution of cases	If yes, how are reassignments of cases processed:				
	Conflict of interest declared by the judge or by the parties	Recusal of the judge or requested by the parties	Physical unavailability (illness, longer absence)	Other	Yes for all reassignments	Yes for some reassignments	No		Automatic allocation	Random allocation	By discretion of a president of a court	Other	All interventions on the system are irreversibly logged/ registered
Albania	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	No
Bosnia and Herzegovina	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	No
Montenegro	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	Yes
North Macedonia	Yes	Yes	Yes	No	Yes	No	No	Yes	No	No	No	No	No
Serbia	Yes	Yes	Yes	No	Yes	No	No	Yes	No	No	No	No	No
Kosovo*	Yes	Yes	Yes	No	Yes	No	No	Yes	No	Yes	No	No	No
Nb of Yes	5	5	5	1	5	0	0	5	2	3	2	0	1

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Kosovo* is not included in the calculation of summary statistics


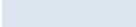

Yes	
No/NAP	
NA	

Table 8.2.9 Level of implementation of the recommendations addressed by GRECO to the country concerned in its Evaluation Report (in the framework of the 4th cycle of evaluation concerning the prevention of corruption in respect of members of parliament, judges and prosecutors) in 2020 (Q189)

Beneficiaries	Judges			Prosecutors		
	Fully implemented GRECO recommendations	Partly implemented GRECO recommendations	Not implemented GRECO recommendations	Fully implemented GRECO recommendations	Partly implemented GRECO recommendations	Not implemented GRECO recommendations
Albania	66,7%	33,3%	0,0%	100,0%	0,0%	0,0%
Bosnia and Herzegovina	0,0%	62,5%	37,5%	0,0%	62,5%	37,5%
Montenegro	33,3%	66,7%	0,0%	100,0%	0,0%	0,0%
North Macedonia	77,8%	11,1%	11,1%	100,0%	0,0%	0,0%
Serbia	0,0%	100,0%	0,0%	0,0%	100,0%	0,0%
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
Average	35,6%	54,7%	9,7%	60,0%	32,5%	7,5%
Median	33,3%	62,5%	0,0%	100,0%	0,0%	0,0%
Minimum	0,0%	11,1%	0,0%	0,0%	0,0%	0,0%
Maximum	77,8%	100,0%	37,5%	100,0%	100,0%	37,5%
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

Source: GRECO (Council of Europe Group of States against Corruption)

* This designation is without

Kosovo is not included in the calculation of summary statistics*

Table 8.3.1 Declaration of assets for judges in 2020: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Bosnia and Herzegovina	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Montenegro	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes
North Macedonia	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Serbia	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Kosovo*	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Nb of Yes	1	1	1	3	0	0	1	5

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Kosovo is not included in the calculation of summary statistics*


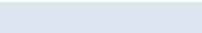

Yes	
No/NAP	
NA	

Table 8.3.2 Declaration of assets for judges in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Beneficiaries	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the judge
Albania	Yes	Yes	Yes	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	Yes
Bosnia and Herzegovina	Yes	Yes	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP	Yes
Montenegro	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes
North Macedonia	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nb of Yes	5	4	4	4	2	3	5	4	3	4	5	4	4	4	1	5

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Kosovo* is not included in the calculation of summary statistics


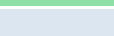

Yes 
 No/NAP 
 NA 

Table 8.3.3 Declaration of assets for judges in 2020: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	other	Not published
Albania	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP
Bosnia and Herzegovina	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Serbia	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP	No/NAP
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Nb of Yes	5	4	4	4	4	3	0	1	1

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Kosovo* is not included in the calculation of summary statistics

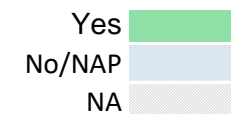


Table 8.3.4 Declaration of assets for judges in 2020: sanction in case of non-declaration (Q201)

Beneficiaries	Sanction in case of non-declaration of assets							
	Warning	Fine	Withdrawal from cases	Transfer to another geographical (court) location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes	Yes	No/NAP
Bosnia and Herzegovina	Yes	Yes	No/NAP	Yes	Yes	No/NAP	Yes	No/NAP
Montenegro	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP
North Macedonia	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes	No/NAP
Serbia	Yes	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP
Kosovo*	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP
Nb of Yes	3	5	0	1	2	2	3	0

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Kosovo is not included in the calculation of summary statistics*

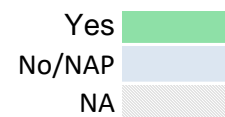


Table 8.3.5 Declaration of assets for prosecutors in 2020: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania	Yes	Yes	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Bosnia and Herzegovina	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Montenegro	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes	Yes
North Macedonia	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Serbia	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Kosovo*	No/NAP	No/NAP	No/NAP	Yes	No/NAP	No/NAP	No/NAP	Yes
Nb of Yes	1	1	1	3	0	0	1	5

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Kosovo is not included in the calculation of summary statistics*


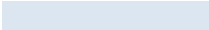

Yes 
 No/NAP 
 NA 

Table 8.3.6 Declaration of assets for prosecutors in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Beneficiaries	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	No/NAP	Yes	No/NAP	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP	Yes	Yes	Yes	No/NAP	Yes
Montenegro	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes
North Macedonia	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	Yes
Kosovo*	Yes	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	No/NAP	Yes	Yes	Yes	Yes	Yes
Nb of Yes	5	4	4	5	2	4	5	4	3	4	5	4	4	4	1	5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


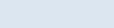

Yes 
 No/NAP 
 NA 

Table 8.3.7 Declaration of assets for prosecutors in 2020: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Beneficiaries	Declarations of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	other	Not published
Albania	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	Yes	No/NAP
Bosnia and Herzegovina	Yes	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No/NAP	No/NAP	No/NAP
Nb of Yes	5	4	4	4	4	3	0	1	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*


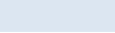

Yes 
 No/NAP 
 NA 

Table 8.3.8 Declaration of assets for prosecutors in 2020: sanction in case of non-declaration of assets (Q214)

Beneficiaries	Sanction in case of non-declaration of assets							
	Warning	Fine	Withdrawal from cases	Transfer to another geographical (court) location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania		Yes				Yes	Yes	
Bosnia and Herzegovina	Yes	Yes		Yes	Yes		Yes	
Montenegro	Yes	Yes			Yes			
North Macedonia		Yes					Yes	
Serbia	Yes	Yes				Yes		Yes
Kosovo*		Yes				Yes		
Nb of Yes	3	5	0	1	2	2	3	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 8.3.9 Declaration of assets for judges and prosecutors in 2020: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	0	0	0	0	0	0
Montenegro	13	13	5	6	6	2
North Macedonia	17	7	7	10	0	0
Serbia	14	14	15	NA	NA	NA
Kosovo*	2	2	0	0	0	0
Average	11	9	7	5	2	1
Median	14	10	6	6	0	0
Minimum	0	0	0	0	0	0
Maximum	17	14	15	10	6	2
Nb of values	5	5	5	5	5	5
% of NA	20%	20%	20%	40%	40%	40%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.4.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2020 (Q217)

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of judges				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge with other functions/professional activities	Other
Albania	Yes	Yes	Yes	Yes	No/NAP
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	No/NAP
Montenegro	Yes	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	No/NAP
Serbia	Yes	No/NAP	Yes	Yes	No/NAP
Kosovo*	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Nb of Yes	5	4	5	5	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*


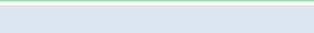

Yes	
No/NAP	
NA	

Table 8.4.2 Other functions/activities carried out by judges in 2020 (Q218, Q219, Q220 and Q221)

Beneficiaries	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge have to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The court in question	High Judicial Council	Other	
Albania																	Yes for some				
Bosnia and Herzegovina																	No				
Montenegro																	Yes				
North Macedonia																	Yes				
Serbia																	Yes				
Kosovo*																	Yes				
Nb of Yes	5	5	5	5	1	1	0	0	2	2	0	0	2	3	0	0	0	4	1	1	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


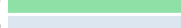

Yes 
 No/NAP 
 NA 

Table 8.4.3 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2020 (Q222 and Q223)

Beneficiaries	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Albania	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No
Bosnia and Herzegovina	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	No
Montenegro	Yes	No	No	Yes	No	Yes	No	Yes	No	No	No	No	No	No	No	Yes
North Macedonia	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No
Serbia	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes
Kosovo*	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No
Nb of Yes	3	1	1	3	2	2	1	3	1	1	1	0	1	1	1	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


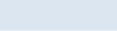

Yes 
 No/NAP 
 NA 

Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2020 (Q226)

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of prosecutors				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Albania	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	No/NAP
Montenegro	Yes	Yes	Yes	Yes	No/NAP
North Macedonia	Yes	Yes	Yes	Yes	No/NAP
Serbia	Yes	No/NAP	Yes	No/NAP	No/NAP
Kosovo*	No/NAP	No/NAP	No/NAP	No/NAP	Yes
Nb of Yes	5	4	5	4	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*




Yes	
No/NAP	
NA	

Table 8.4.5 Other functions/activities carried out by prosecutors in 2020 (Q227, Q228, Q229 and Q230)

Beneficiaries	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation is needed, the judge have to inform his or her hierarchy about these accessory activities
	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration	With remuneration	Without remuneration		The public prosecution office in question	High Judicial/Prosecutorial Council	Other	
Albania																	Yes				
Bosnia and Herzegovina																	No				
Montenegro																	No				
North Macedonia																	Yes				
Serbia																	Yes				
Kosovo*																	Yes				
Nb of Yes	5	5	5	5	1	1	0	0	2	3	0	0	2	2	0	0	1	2	0	1	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


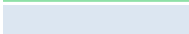

Yes 
 No/NAP 
 NA 

Table 8.4.6 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2020 (Q231 and Q232)

Beneficiaries	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/public prosecution	Law on the Judicial/Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/public prosecution	Law on the High Judicial/Prosecutorial Council	Other
Albania	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes
Bosnia and Herzegovina	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	No
Montenegro	Yes	No	No	Yes	No	No	No	Yes	No	No	No	No	No	No	No	No
North Macedonia	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No
Serbia	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	Yes	No	Yes
Kosovo*	Yes	No	No	Yes	No	No	No	Yes	No	Yes	No	No	Yes	No	No	No
Nb of Yes	3	1	0	3	2	1	1	3	1	1	0	0	1	1	1	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

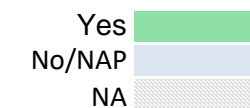


Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2020 (Q224 and Q233)

Beneficiaries	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	0	2	2	0	1	1
Montenegro	28	19	0	1	0	0
North Macedonia	0	0	0	1	1	0
Serbia	1	2	0	0	2	0
Kosovo*	10	8	0	0	0	0
Average	7	6	1	1	1	0
Median	1	2	0	1	1	0
Minimum	0	0	0	0	0	0
Maximum	28	19	2	1	2	1
Nb of values	5	5	5	5	5	5
% of NA	20%	20%	20%	20%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2020 (Q234 and Q235)

Beneficiaries	Disciplinary proceedings against judges could be initiated by:										Authority with disciplinary power over judges							
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other	This is not possible	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Albania									Yes				Yes					
Bosnia and Herzegovina					Yes								Yes					
Montenegro		Yes	Yes						Yes				Yes					Yes
North Macedonia	Yes	Yes	Yes	Yes									Yes					
Serbia				Yes									Yes	Yes				
Kosovo*				Yes									Yes					
Nb of Yes	1	2	2	2	1	0	0	0	2	0	0	0	5	1	0	0	0	1

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics




Yes 
 No/NAP 
 NA 

Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q236, Q240, Q241 and Q242)

Beneficiaries	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal								A judge could be transferred to another court without his/her consent		
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other	For disciplinary reasons	For organisational reasons	For other reason
Albania	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes	No	
Bosnia and Herzegovina	Yes	Yes	Yes	No	No	Yes	No	No	No	No	Yes	Yes	No	
Montenegro	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No	Yes	No	
North Macedonia	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No	Yes	No	
Serbia	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	Yes	No	
Kosovo*	Yes	Yes	Yes	No	Yes	No	No	No	No	No	Yes	No	Yes	
Nb of Yes	5	5	5	0	2	2	0	0	0	0	2	2	5	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics




Yes 
 No/NAP 
 NA 

Table 8.5.3 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Q237, Q238 and Q239)

Beneficiaries	Number of disciplinary proceedings initiated						Number of cases completed						Number of sanctions pronounced										
	Total	1. Breach of professional ethics (including breach of integrity)	2. Professional inadequacy	3. Corruption	4. Other criminal offence	5. Other	Total	1. Breach of professional ethics (including breach of integrity)	2. Professional inadequacy	3. Corruption	4. Other criminal offence	5. Other	Total	1. Reprimand	2. Suspension	3. Withdrawal from cases	4. Fine	5. Temporary reduction of salary	6. Position downgrade	7. Transfer to another geographical (court) location	8. Resignation	9. Other	10. Dismissal
Albania	7	1	4	1	1	0	6	1	4	0	1	0	2	NA	NA	NA	NA	NA	NA	NA	NA	NA	2
Bosnia and Herzegovina	24	2	21	0	1	0	28	7	20	0	1	0	27	9	0	NAP	NAP	10	1	0	1	4	2
Montenegro	4	0	4	0	0	0	1	0	1	0	0	0	1	0	0	0	0	1	0	0	0	0	0
North Macedonia	122	0	122	0	0	NAP	87	0	87	0	0	NAP	6	1	0	NAP	NAP	0	NAP	NAP	0	NAP	5
Serbia	10	1	0	0	0	9	11	3	0	0	0	8	11	1	NAP	NAP	NAP	5	NAP	NAP	NAP	5	0
Kosovo*	9	0	9	0	0	0	8	0	8	0	0	0	8	0	0	5	0	3	0	0	0	0	0
Average	33	1	30	0	0	NA	27	2	22	0	0	NA	9	NA	NA	NA	NA	NA	NA	NA	NA	NA	2
Median	10	1	4	0	0	NA	11	1	4	0	0	NA	6	NA	NA	NA	NA	NA	NA	NA	NA	NA	2
Minimum	4	0	0	0	0	NA	1	0	0	0	0	NA	1	NA	NA	NA	NA	NA	NA	NA	NA	NA	0
Maximum	122	2	122	1	1	NA	87	7	87	0	1	NA	27	NA	NA	NA	NA	NA	NA	NA	NA	NA	5
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%	20%	20%	20%	0%
% of NAP	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%	20%	0%	0%	20%	60%	60%	0%	40%	40%	20%	20%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 8.5.4 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2020 (Q243 and Q244)

Beneficiaries	Disciplinary proceedings against prosecutors could be initiated by:										Authority with disciplinary power over prosecutors								
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other	This is not possible	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other
Albania																			
Bosnia and Herzegovina																			
Montenegro																			
North Macedonia																			
Serbia																			
Kosovo*																			
Nb of Yes	0	2	2	0	2	0	0	0	2	0	0	0	0	5	0	0	0	0	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


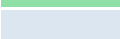

Yes 
 No/NAP 
 NA 

Table 8.5.5 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q245, Q250 and Q251)

Beneficiaries	Possibility for the prosecutor to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal									
	Hearing	Written submission		Supreme Court	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other	
Albania	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No
North Macedonia	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No	No	No
Serbia	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No
Nb of Yes	5	5	5	1	0	0	3	0	0	0	0	0	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*




Yes 
 No/NAP 
 NA 

Table 8.5.6 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Q246, Q247 and Q248)

Beneficiaries	Number of disciplinary proceedings initiated						Number of cases completed						Number of sanctions pronounced										
	Total	1. Breach of professional ethics (including breach of integrity)	2. Professional inadequacy	3. Corruption	4. Other criminal offence	5. Other	Total	1. Breach of professional ethics (including breach of integrity)	2. Professional inadequacy	3. Corruption	4. Other criminal offence	5. Other	Total	1. Reprimand	2. Suspension	3. Withdrawal from cases	4. Fine	5. Temporary reduction of salary	6. Position downgrade	7. Transfer to another geographical (court) location	8. Resignation	9. Other	10. Dismissal
Albania	3	0	3	0	0	0	3	0	3	0	0	0	1	0	0	0	0	0	0	0	0	1	0
Bosnia and Herzegovina	7	4	3	0	0	0	5	3	2	0	0	0	1	1	0	NAP	NAP	0	0	0	0	0	0
Montenegro	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
North Macedonia	4	1	3	0	0	NAP	1	1	0	0	0	NAP	1	0	0	NAP	NAP	0	NAP	NAP	0	NAP	1
Serbia	0	0	0	0	0	0	6	1	5	0	0	0	5	1	0	0	0	3	1	NAP	0	0	0
Kosovo*	5	1	4	0	0	0	7	3	4	0	0	0	7	2	0	4	0	1	0	0	0	0	0
Average	3	1	2	0	0	0	3	1	2	0	0	0	2	0	0	0	0	1	0	0	0	0	0
Median	3	1	3	0	0	0	3	1	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Minimum	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Maximum	7	4	3	0	0	0	6	3	5	0	0	0	5	1	0	0	0	3	1	0	0	1	1
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	0%	20%	0%	0%	0%	40%	40%	0%	20%	40%	0%	20%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 8.5.7 Description of professional inadequacy for prosecutors in 2020 (Q247 and Q249)

Beneficiaries	Number of cases of professional inadequacy	If there are cases with “Professional inadequacy” in Q247, a description of what is included the category?
Albania	3	Procrastination of the judicial process. Delays in starting the juridical process. Non implementation of the Code of Ethic...ect.
Bosnia and Herzegovina	2	The following disciplinary offences are classified as the professional inadequacies: 1. neglect or careless exercise of official duties; 2. unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor; 3. failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article; 4.failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council; 5.failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6.failure to comply with the decision on temporary transfer to another prosecutor’s office.
Montenegro	0	NAP
North Macedonia	0	Law on Public Prosecution office (2020) DISCIPLINARY INFRINGEMENT Article 90 Disciplinary infringements committed by public prosecutor shall be: -serious disciplinary infringement and -mild disciplinary infringement. Article 91 Serious disciplinary infringement shall be: - serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the reputе of the public prosecutors and public prosecution offices, -if he/she fails to submit declaration of assets and interests in accordance with the law, or if the data contained in the declaration are mostly untrue, -obvious violation of rules for exemption is situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or - if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law, - if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosecutor, -precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justifiable reasons, which leads to significant delay of the procedure or, the criminal prosecution falls within statute of limitation, -if they do not start working on cases under the successive order as received though the Case Management Information System in the public prosecution, without any justifiable reason, -they were assessed negatively twice consecutively, in accordance with the procedure prescribed by law, or -they do not act upon the obligatory general written instructions of the senior public prosecutor, at the time of their issuance, as stipulated by this Law. Article 92 Mild disciplinary infringement shall be: - minor violation of the public order and peace and other more serious forms of inappropriate behaviour, thus undermining the reputе of the public prosecutors and public prosecution offices.
Serbia	5	“Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if: - does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period; - often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him; - refuses to perform the tasks and tasks entrusted to him; et cetera
Kosovo*	4	Please refer to the previous section

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Indicator 8 - Accountability and processes affecting public trust

by country

Question 156. Is there a system for compensating users in the following circumstances:

Question 157. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Question 158. If yes, please specify certain aspects of this procedure:

Question 159. If yes, please specify certain aspects of this procedure:

Question 160. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not

Question 161. If yes, what is the ratio between the total number of initiated procedures of challenges and

Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed

Question 162-1. If you answered yes to Q162 are there exceptions provided by the law/regulations?

Question 162-2. If you answered no to Q162 what form does the instructions may take?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173. If yes, is it regularly updated?

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175. If yes, is it regularly updated?

Question 176. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, how is this institution / body formed

Question 178. Are the opinions of this institution / body publicly available?

Question 179. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, how is this institution / body formed

Question 181. Are the opinions of this institution / body publicly available?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption

Question 183. Is transparency in distribution of court cases ensured in your judicial system?

Question 184. How is distribution of court cases organized in your system?

Question 185. What are the different possible reasons for reassigning a case?

Question 186. Does the reassignment of cases have to be reasoned?

Question 187. Are all reassignments of cases processed through the computerised distribution of cases?

Question 188. If yes, how are reassignments of cases processed:

Question 190. Which law(s) and regulation(s) require a declaration of assets by judges

Question 191. Please indicate and copy the terms of these law(s) and regulation(s) in English which require a

Question 192. Can you provide the declaration of assets form (attachment)?

Question 193. What items are to be declared?

Question 194. What is the moment of the declaration of assets of judges?

Question 195. Does this declaration concern the members of the family?

Question 196. Is the declaration for family members the same as for the judge?

Question 197. Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?

Question 198. Are these declarations of assets verified as regards:

Question 199. Is there a register of declaration of assets?

Question 200. Where is the declaration published?

Question 201. What is the sanction in case of non-declaration of assets?

Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of

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Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest

Question 218. Can judges combine their work with any of the following other functions/activities?

Question 219. Is an authorisation needed to perform these accessory activities for judges?

Question 220. If yes, who is giving authorisation for these accessory activities for judges?

Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?

Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest

Question 227. Can public prosecutors combine their work with any of the following other functions/activities?

Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?

Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?

Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?

Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple options

Question 235. Which authority has disciplinary power over judges? (multiple options possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple options

Question 237. Number of disciplinary proceedings initiated during the reference year against judges.

Question 238. Number of cases completed in the reference year against judges.

Question 239. Number of sanctions pronounced during the reference year against judges.

Question 240. Can a disciplinary decision be appealed?

Question 241. If yes, what body is competent to decide on appeal?

Question 242. Can a judge be transferred to another court without his/her consent:

Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple

Question 244. Which authority has disciplinary power over public prosecutors? (multiple options possible):

Question 245. What are the possibilities for prosecutors to present an argumentation (multiple options

Question 246. Number of disciplinary proceedings initiated during the reference year against public

Question 247. Number of cases completed in the reference year against public prosecutors.

Question 248. Number of sanctions pronounced during the reference year against public prosecutors.

Question 250. Can the disciplinary decision be appealed?

Question 251. If yes, what body is competent to decide on appeal?

Albania

Q156 (General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

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Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision,

Q158 (General Comment): Other external bodies is High Inspector of Justice and the Ombudsman.

The request to ascertain a violation and expedite proceedings shall be addressed to the competent court, under Article 399/6,

paragraph 1 of this Chapter. The court shall, as appropriate, receive information during the trial from the body that is conducting the proceedings.

The statement of claim, under Article 399/6, paragraph 3, shall be addressed to the civil court of first instance that is competent under the general rules, only after the procedure for ascertaining the violation and expediting proceedings has been exhausted under paragraph 1 of this article, and the decision of the court has not been executed by the body that has committed the violation under paragraph 1 of this article. The Ministry of Justice and Ministry of Finance, or the responsible private bailiff service shall be summoned in the trial as defendant.

Adjudication of a statement of claim, under Article 399/6 paragraph 3, shall be made pursuant to ordinary judgement rules, within a period of 3 months from the filing of the statement of claim.

Examination of the request under Article 399/6, paragraph 1, is made in consultation chamber, and the court examining the case shall make a decision within 45 days of the filling of the request. Within 15 days of the filling of this request, the body alleged to have committed the offense, shall send a copy of the file and an opinion in writing to the court

Q158 (2019): The request to ascertain a violation and expedite proceedings shall be addressed to the competent court, under Article 399/6, paragraph 1 of this Chapter. The court shall, as appropriate, receive information during the trial from the body that is conducting the proceedings.

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Examination of the request under Article 399/6, paragraph 1, is made in consultation chamber, and the court examining the case shall make a decision within 45 days of the filling of the request. Within 15 days of the filling of this request, the body alleged to have committed the offense, shall send a copy of the file and an opinion in writing to the court examining the request.

Q159 (2020): Verification of complaints is a procedure which is done by the High Inspector of Justice as the authority responsible for verifying complaints and investigating disciplinary violations, based on Article 119 of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended. Every complaint is first reviewed by the assistant inspectors, and then after this step the inspectors compete the draft decision, which is approved/ or not by the High Inspector of Justice. From 1 February until 30 October 2020, we had about 757 complaints from the first backlog of the complaints from High Juridical Council and about 185 complaints from other institutions (GPO, MoJ, President of Republic ...etc.); At the same time during the period August-September 2020, we had also 1347 practices (Inspection practices of the former HCJ) from the second backlog by the High Judicial Council (and the former HCJ), a working group has been set up during October 2020 to manage this backlog and during November we have planned to receive also the backlog from the General Persecutor Office. The process of verifying these complaints is still being done by only one inspector, which means that the HIJ is working with insufficient capacities, taking into account also the fact that in addition to the complaints mentioned above, there is also a high number of complaints addressed by the citizens, (630 complaints from citizens); Up to now the High Inspector of Justice has under investigation about 80 cases, and about 77 cases which have been verified, with result decision as required

1. he has an interest in the case or in another dispute which is related to it in the trial.
2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.
6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified.

The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal. The parties are notified on the content of the request

The judge who on his conscience assesses that there are reasonable causes not to take part in the revision of a case, requests the chairman of the court to be replaced. When Chairman of the court deems relevant the request orders his replacement with another judge through lot.

In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.

The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.

Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.

Q161 (2019): The party files a complaint, which is considered by an other judge, assigned by lot.

Q162 (General Comment): According to the Constitution and Law "On the status of judges and prosecutors", as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

According to the Law "On the governance institutions of the justice system", as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.

Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors General Prosecution;
- b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
- c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions

Q162 (2019): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

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- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is

Q163 (General Comment): Other specific arrangements means:

- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant’s right to use the language he/she speaks or understands or either use the sings language, as well as be assisted by a translator and interpreter if he/she has disabilities in speaking and hearing. - prohibiting the publication of the personal data and photos of the juvenile defendants and witnesses; - physical protection, by the warrant of defense for the cases of violence due to the family

Q163 (2019): Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;
- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English

Q164 (General Comment): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the

Q164 (2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation

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Q172-0 (General Comment): Based on law no. 9049 dated 10.04.2003

On the declaration and audit of assets, financial obligations of elected persons, and certain public officials (as amended) judges and prosecutors have the obligation to make statement of assets and private interests which are later subject to verification of the authenticity and accuracy of the data contained in the statements.

Q172 (General Comment): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83 "Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria.

Additionally, the HJC, by Decision No. 13 of 18.01.2019, established the four standing committees of the HJC, among which the committee of Ethical and Professional Performance Evaluation. This committee has finalized a regulation that includes a scoring grid on judges' professional and ethical evaluation and will further develop all the relevant criteria mentioned on the law 96/2016, which will be used for both the periodic evaluation of judges and at the same time will serve as a solid baseline/platform for their promotion. In parallel, as previously reported, the observance of magistrates to the ethical rules is subject to

Q173 (2019): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83 "Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria.

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Q174 (General Comment): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and

supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General Prosecutor until

Q175 (2019): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General

Q177 (General Comment): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional

Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee are formed by

Q177 (2019): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HJC and the

Q178 (General Comment): The ethics advisor performs the following tasks: a) Give advice, upon the request of any judge on the most appropriate behaviour in and outside of the court, in the event of ethical uncertainties;

b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;

c) Elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant

Q178 (2019): There have been issued no such opinions, yet. It depends on the approval of the new code of

Q179 (General Comment): The Ethics Adviser at High Prosecutorial

Council performs the following duties:

a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;

b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;

(c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;

ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics

Q180 (2019): The High Prosecutorial Council appoints an Ethics Adviser among the prosecutors

Q181 (2019): The Ethics Adviser at High Prosecutorial Council performs the following duties:

a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;

b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;

(c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;

Q182 (General Comment): As per article 3 of law “on the status of judges and prosecutors...” A magistrate shall not establish inappropriate connections and shall not be under the influence of the executive and legislative power. The magistrate shall take all the measures in order to be and appear to be free therefrom. The magistrate shall immediately notify the Council and the Chairperson upon identifying any attempt of interference or undue influence on him/her. Furthermore, article 75 of the same law provides “The integrity of the magistrate in the sense of the magistrate’s immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final decisions regarding the disciplinary measures within the evaluation period in this regard and/or reports of High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest. Article 102, considers any attempt to influence the exercise of the duty of another magistrate as a disciplinary misconduct related to the exercise of the function of the magistrate. The Code of Criminal Procedure sets the obligation to report any attempt on improper influence and corruption. The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors.

According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

A general mechanism is provided in Article 119, of the Law “On the status of judges and prosecutors”, as amended, and is the right to report attempts to influence/corruption on prosecutors through complaints filed by any person to the High Justice Inspectorate.

In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right

Q182 (2020): Judge must report any attempt of influence/corruption

Q182 (2019): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors.

According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

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- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right to confidentiality. The High Justice Inspector publishes the complaint form template on his official website, in order to facilitate the submission of complaints. The High Prosecutorial Council takes disciplinary action in accordance with the violation found and if there is evidence of influence/corruption, the prosecutor is subject to a criminal charge.

Q184 (General Comment): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order

Q184 (2019): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by

Q190 (General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after

graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their

Q190 (2019): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after

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Q193 (General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by

March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any

Q193 (2019): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;

Q195 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration

shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial

administration, the declaration is submitted separately by each member of the family, with the property registered in his/her

own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of

the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

Q195 (2019): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family

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own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of

the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

Q198 (General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Q200 (2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While

Q200 (2019): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made

Q201 (General Comment): Article 40/1 of the law no.9049/2003 provides that "1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL" Criminal sanction, Article 257/a/1 of the Criminal Code "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration" provides that "The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a

Q201 (2019): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL”

Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months

Q202 (2020): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by

assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate

declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day

Q202 (2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Q205 (2019): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Q206 (General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by

March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

a) immovable properties and the real rights over them according to the Civil Code;

b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;

c) Items with special value over 300 000 (three hundred thousand) ALL;

ç) The value of shares, securities and parts of capital owned;

d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;

dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;

e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;

ë) Licenses and patents that bring income.

f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or

preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;

g) Engagements in private activities for profit or any kind of activity that generates income, including any

Q206 (2020): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any

Q206 (2019): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by

Q207 (General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of

Q207 (2019): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are

Q208 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration

shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that

Q208 (2020): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons. When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

Q208 (2019): Also, the declaration involves other familiars of the prosecutor listed on the family certificate

Q211 (General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

Q213 (2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and

protection of personal data when receiving and handling requests for information. Asset declaration are

Q213 (2019): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen,

Q214 (General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:

a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and

without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or

Q214 (2019): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL”

criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by

assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).

Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation

Q215 (2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

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3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Q217 (General Comment): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in

good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.

2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.

3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal

Q217 (2019): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule

2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations

3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal

that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Q222 (2019): In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a

Q223 (General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked

because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so. Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section

Q223 (2019): Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the

prosecutors are undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by

assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).

Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation

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Q224 (2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

prosecutors during the exercise of their public function:

1. Criminal Procedure Code (as above mentioned);
2. Law "On the status of judges and prosecutors", as amended;
3. Law no. 9367, dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended;
4. Order no. 141, dated 19.07.2014 "On adoption of rules on ethics and conduct of prosecutors", of General Prosecution Office (as above mentioned).

In Articles 6-7, of the Law "On the status of judges and prosecutors", as amended, concerning incompatibilities with the function of magistrate, it is provided that the function of magistrate is incompatible with the ... conduct of any political activity, whether or not the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create the impression that the magistrate is impartial and unaffected.

Also, the Magistrate is prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest.

According to Articles 32 and 35, of the Law "On the status of judges and prosecutors", as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and

during the exercise of their public function:

1. Criminal Procedure Code (as above mentioned);
2. Law "On the status of judges and prosecutors", as amended;
3. Law no. 9367, dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended;
4. Order no. 141, dated 19.07.2014 "On adoption of rules on ethics and conduct of prosecutors", of General Prosecution Office (as above mentioned).

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According to Articles 32 and 35, of the Law "On the status of judges and prosecutors", as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of the prosecutor's performance are:

- a) ... reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest.

Also, according to Article 102, of the Law "On the status of judges and prosecutors", as amended, disciplinary

Q232 (General Comment): Please briefly describe the procedure: In the Law "On the status of judges and prosecutors", as amended, is provided that,

breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated

7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are

provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this

Q232 (2019): In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section

Q233 (2020): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria: (a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”. The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day

Q233 (2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria: (a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”. The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets; (d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Q234 (2020): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in

Q234 (2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,

Q235 (2019): The judge shall be disciplinarily liable under the law.

The judge shall be dismissed by decision of the High Judicial Council when:

- a) Committing serious professional or ethical misconduct which discredit the position and the image of the judge in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

The judge shall be suspended from duty by decision of the High Judicial Council when:

- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
- b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Against the dismissal decision may be appealed to the Constitutional Court.

Q236 (2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,

Q237 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

Q238 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

Q239 (2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant

Q239 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

Q242 (2019): The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the

adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where: a) The misconduct is serious; b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

1. Magistrates shall be transferred without their consent only in the following cases:

a) Implementing a disciplinary measure;

b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or

prosecution offices, following an assessment based on objective and transparent criteria;

c) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall:

a) Be transferred to a

position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to

Q243 (2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own

initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,

Q244 (2019): 1. The prosecutor shall be disciplinarily liable in accordance with the law.

2. The prosecutor shall be dismissed upon decision of the High Prosecutorial Council when:

a) Committing serious professional or ethical misconduct which discredit the position and the image of the prosecutor in the course of performing the duty;

b) Sentenced by a final court decision for commission of a crime.

3. Against the dismissal decision may be appealed to the Constitutional Court.

4. The prosecutor shall be suspended from duty upon decision of the High Prosecutorial Council when:

a) Upon him/her is imposed the personal security measure of "arrest in prison" or "house arrest" for commission of a criminal offence;

Q245 (2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,

Q246 (2019): In terms of Law “On the status of judges and prosecutors”, as amended, submitting a disciplinary complaint and the initiation of a disciplinary investigation by the Chief Justice Inspector are two different legal concepts. In the transitional provisions of this law is stipulated that, until the establishment of the Chief Justice Inspector (not yet established), the investigation of disciplinary violations for prosecutors shall be conducted by the General Prosecutor. While, disciplinary measure is taken by the High Prosecutorial Council. The General Prosecution, exercising the competencies of Chief Justice Inspector has 3 months to assess the admissibility of the complaint as well as 6 months to conduct a disciplinary investigation, with the

Q248 (2020): The proposal of Chief Justice Inspector for disciplinary measure “Public remark” for ta prosecutor was found not based in law from the majority of members of the Council and the proposal was

Q251 (2020): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

Q251 (2019): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

Bosnia and Herzegovina

whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

Wrongful arrest and wrongful conviction: Terms under which person is entitled to compensation of damages for wrongful arrest and

wrongful conviction are provided in criminal procedure codes. These terms are provided as follows:

Wrongful arrest - a person is entitled to compensation of damages in the following cases: (i) a person who was in detention, but criminal proceedings were not instituted or proceedings were dismissed or a final verdict was pronounced

acquitting the person of charges or charges were rejected; (ii) a person who was subjected to unlawful detention or retained in detention or a correctional institution due to a mistake; (iii) a person who was in

Q156 (2020): Specific comments for 2020: Number of requests shown in the table refers to the requests received in 2020 and number of the condemnations refers to the total number of condemnations in 2020, regardless of the year of request.

There were significant variations between data for 2020 and 2019.

In particular, the Constitutional Court of Bosnia and Herzegovina reported that during 2020 it rejected all individual applications alleging the non-execution of court decisions against public sector debtors (e.g. government, state-owned companies, local self-government units etc.). Having concluded that the non-execution of court decisions against public sector debtors was a systematic problem, in relation to the Article 6 of the European Convention the Human Rights, the Constitutional Court of Bosnia and Herzegovina introduced the previously mentioned policy. In addition, the Constitutional Court of Bosnia and Herzegovina requested the relevant authorities to take comprehensive corrective activities.

As for the increased number of condemnations regarding excessive length of court proceedings in 2020, the Constitutional Court of Bosnia and Herzegovina reported that the higher number of condemnations corresponds with the relevant authorities' continued lack of success to take efficient legislative and other

Q156 (2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request. There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained

Q157 (General Comment): The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution

arising out of a judgement of any other court in Bosnia and Herzegovina. This includes appeals regarding excessive length of court

proceeding, non-enforcement of judicial decisions, and other aspects of the right to a fair trial, as well as other rights protected by the European Convention. The High Judicial and Prosecutorial Council (HJPC) receives complaints against judges and prosecutors,

conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary

Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors.

ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the

Q158 (2019): Other external bodies: The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation

Q159 (2020): The Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (ODC) received 722 complaints against judges and prosecutors. The Ombudsman received 368 complaints against courts in 2020; the structure of the complaints was as follows: 57 complaints alleging excessive length of proceedings, 39 complaints alleging ineffective enforcement of court decisions, 8 complaints against judges for violation of procedural laws, 8 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 256 complaints related to the violation of other rights

Q159 (2019): The Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council (ODC) received 843 complaints against judges and prosecutors. Out of 504 complaints received by the Ombudsman in 2019, 101 were complaints about excessive length of proceedings, 56 about ineffective enforcement of court decisions, 20 complaints against judges for violation of procedural laws, 6 complaints against the High

Q160 (General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality.

The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary

Q161 (General Comment): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal

Q161 (2020): 99% challenges submitted by the parties in proceedings during 2020 were resolved in the same

Q161 (2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same

Q162 (General Comment): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal

Q162 (2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and

conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law

Q162-1 (2020): Please see details in the section with comments.

Q163 (General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the

Q163 (2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the

house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party

Q164 (General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,

b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).

c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).

d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of

Q164 (2019): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,

b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).

c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).

d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced

Q166 (General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors,

Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding

Q166 (2019): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they

constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of

protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the

law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The

Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors,

Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary violence in 2020. There are also pending criminal cases against 2 judges and 4 public prosecutors from previous years.

In one case not related to corruption, the judge was sentenced to two years and ten months in prison.

Q171 (2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous

Q172-0 (General Comment): The the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and

Q177 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

Q177 (2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

Q178 (2020): The Committee usually meets once per month.

Q178 (2019): The Committee usually meets once per month.

Q180 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

Q180 (2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

Q181 (2020): The Committee usually meets once per month.

Q181 (2019): The Committee usually meets once per month.

Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties, are prescribed as criminal offenses.

of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

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CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): "An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. "

Q184 (General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the

Q184 (2019): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts.

Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed urgently as

Q186 (General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.

Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option "Other reasons". When the latter option is selected, a detailed

valid reason for reassignment. Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option "Other reasons". When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Q187 (General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Q187 (2019): Regarding allocation of cases (assignment):

Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from

Q188 (General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or

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Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases, whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more

Q190 (2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an

Q190 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

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Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner

Q192 (2020): The attached declaration of assets form has been changed in relation to 2019, according to the **Q192 (2019):** Please consult the comments made for Q190.

Q193 (2020): The answer to this question has been amended in relation to 2019, according to the explanation for amending the answer to question 190.

Q194 (2020): Other: The financial statement forms are submitted as soon as one is appointed judge or prosecutor. Subsequently, the judicial office holder submits the form each year.

Q195 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public

Q195 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations

Q200 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are

Q201 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 58 (List of Measures)

(1) The Council may impose one or more of the following disciplinary measures:

(a) A written warning which shall not be made public;

(b) Public reprimand;

(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d) Temporary or permanent reassignment to another court or prosecutor's office;

(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

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(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

Q202 (2020): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q202 (2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q203 (2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an

Q203 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the

Q205 (2020): The attached declaration of assets form has been changed in relation to 2019, according to the

Q205 (2019): Please consult the comments made for Q203

Q206 (2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to

Q208 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public

Q208 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations

Q213 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are

Q214 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

Q214 (2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

Q215 (2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.

2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.

2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.

Regulation on receiving gifts:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by

JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

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2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.

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A judicial office holder must make sure to comply with the prerequisite that the total amount of

Q222 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
- (b) The degree of responsibility;
- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Q223 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

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- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Q224 (General Comment): Judges were held liable for disciplinary offence "not disqualifying himself or herself from hearing a case when a conflict of interest exists". In one case because of a failure to disqualify when related to the party in the proceeding, and in another for a failure to disqualify when deciding upon

Q224 (2019): The numbers included in the table refer to disciplinary procedures initiated against judges in

THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS

ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A

prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.

2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.

2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.

Regulation on receiving gifts THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the

JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS

ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A

prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.

2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.

2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.

Regulation on receiving gifts THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the

Q228 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of

Q231 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
- (b) The degree of responsibility;
- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Q231 (2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

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- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Q232 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

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- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

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- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
- (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
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(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
- (b) The degree of responsibility;
- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Q233 (General Comment): One of the chief prosecutors was held liable for disciplinary offences "behaviour inside or outside the court or office that demeans the dignity of the public prosecutor" and "any other

behaviour that represents a serious breach of official duties or that compromises the public confidence in

Q233 (2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors

Q234 (General Comment): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary

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If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary

Q235 (General Comment): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an

Q235 (2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary

Q236 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend

Q236 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

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Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

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- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice;
- (d) The right that judgments shall be pronounced

Q237 (2020): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

Number of initiated cases is significantly lesser in 2020 than in the previous report (35). It should be noted

Q237 (2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating disciplinary proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

It should be noted that number of initiated proceedings is the highest since the establishment of the High

Q239 (2020): “Other” measure - written warning which shall not be made public - was imposed against 4 judges; this is a non-public measure.

Although there were no suspensions imposed in 2020 as a disciplinary sanction, it should be noted that 2 judges were temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. In

Q239 (2019): As “other” measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure.

Number of imposed sanctions (25) is lesser than the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019.

Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was

Q241 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of HJPC/Court of B&H,

Q241 (2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial

Q242 (General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the

Q242 (2019): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the receiving

Q243 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.

The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.

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The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.

Q244 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from

Q244 (2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial

Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from

Q245 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;

Q245 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68 Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) The right that judgments shall be pronounced

Q246 (2020): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor's office.

Number of initiated cases is significantly lesser in 2020 than in the previous report (11). It should be noted

Q246 (2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor’s office.

It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC,

Q247 (2020): Number of completed cases is significantly lesser in 2020 then in the previous report (13). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of received complaints compared to prior year (15% for both judges and prosecutors).

In 2020 only one sanction was pronounced against a prosecutor for the following reasons: out of 5 completed cases, 3 cases were dismissed and in one case a prosecutor died during the proceedings.

Although no suspension was imposed as disciplinary sanction in 2020, it should be noted that 4 prosecutors remain suspended as a result of criminal proceedings initiated against them before 2020.

Q248 (2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.

The number of completed cases (13) is higher then the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.

Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating form criminal proceedings initiated against them before

Q251 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High

Q251 (2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and

Montenegro

Q156 (2020): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 62 cases in work, upon claims for fair satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 22 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 38 100 EUR.

In accordance with the article 498 of the Criminal Procedure Code, “(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

(2) A convicted person i.e. an acquitted person, is not entitled to compensation of damages if he caused the criminal proceedings through a false confession in the investigatory procedure or otherwise, or caused his conviction through such statements during the proceedings, unless he was forced to do so.

(3) In the case of conviction for offences committed in concurrence, the right to compensation of damages

Q156 (2019): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 78 cases in work, upon actions for fair redress. Based on the adopted actions for compensation of non-pecuniary damage, due to the violation of the right to a trial within a reasonable time, a total of EUR 50.000 was awarded.

*

In 2019. the Ministry of Justice has, on the basis of 6 complete settlements on the existence of the damage, type and the amount of the compensation due to the unlawful deprivation of liberty, payed the amount of 5.238,00 €. Total number of filed requests was 50.

Ministry of Justice has several criteria on the basis of which the amount is being determined of the compensation for the damage due to the unlawful deprivation of liberty which is being offered for reaching the agreement - prior convictions, absolute statute of limitations on prosecution or the conviction is rejected due to the dismissal of the State prosecutor from further criminal prosecution, funds of the Ministry of Justice allocated by the Budget for this item, and especially, court practice is being monitored in the cases of this type, and in that terms the offer for reaching the agreement is being defined.

In accordance with the article 498 of the Criminal Procedure Code, “(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before

Q159 (2020): “Higher court” – in this case – the Supreme court of Montenegro.

In relation to the work of the courts and judges, 62 complaints were filed to the Supreme court of Montenegro, which represents the reduction of 6,9% in comparison to the 2019 reporting year (73). (Law on Judicial Council and Judges states that the Judicial Council, among other competences, considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the President of the court is obliged to, either personally or through a person duly assigned by him, examine every complaint of the parties concerning the work of either the court or individual judges, officers and employees. Before responding to the complaint in the shortest time possible, president of the court shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, reviews the case files, and takes other steps necessary to assess the validity of the complaint. Response to complaints and petitions shall be submitted no later than 30 days from the date of filing. The protection of the right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law, in the judicial proceeding, on the manner and upon conditions prescribed by this Law.

Legal remedies for the protection of right to trial within a reasonable time are:

1) Request to accelerate the proceedings (the request for control), 2) Action for fair redress.

Cases deciding on legal remedies for the protection of right to trial within a reasonable time shall be dealt with urgency by the court. The president of the court shall make a decision on the request for control. In courts having more than ten judges, a judge who will decide about requests for control apart from the president of the court, may be appointed under the annual schedule of assignments. President of the court or a judge shall not decide on the request for control in the case they act or were acting in the capacity of a judge. If the president of the court is not allowed to decide in the case, the president of the next higher court shall decide about the request for control.)

*

The Ministry of Justice, human and minority rights in accordance with the Regulation on organization and manner of work of the State administration („Official Gazette of MNE“, 118/20, 121/20, 1/21, 2/21, 29/21, 34/21 i 41/21.), performs the affairs of administration that, among other, relate to: inspection supervision in

In relation to the work of the courts and judges, 73 petitions were filed to the Supreme court of Montenegro, which represents the reduction of 49% in comparison to reporting for the year 2018 (143). During 2019., 131 complaints were filed to the Judicial council, which is 9,72 % less complaints in relation to 2018. After considering on the Council sessions, the position has been taken in 83 cases, while in the remaining 48 complaints, proceeding is still ongoing.

(Law on Judicial Council and Judges states that the Judicial Council, among other competences, considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the President of the court is obliged to, either personally or through a person duly assigned by him, examine every complaint of the parties concerning the work of either the court or individual judges, officers and employees. Before responding to the complaint in the shortest time possible, president of the court shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, reviews the case files, and takes other steps necessary to assess the validity of the complaint. Response to complaints and petitions shall be submitted no later than 30 days from the date of filing. The protection of the right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law, in the judicial proceeding, on the manner and upon conditions prescribed by this Law.

Legal remedies for the protection of right to trial within a reasonable time are:

1) Request to accelerate the proceedings (the request for control), 2) Action for fair redress.

Cases deciding on legal remedies for the protection of right to trial within a reasonable time shall be dealt with urgency by the court. The president of the court shall make a decision on the request for control. In courts having more than ten judges, a judge who will decide about requests for control apart from the president of the court, may be appointed under the annual schedule of assignments. President of the court or a judge shall not decide on the request for control in the case they act or were acting in the capacity of a judge. If the president of the court is not allowed to decide in the case, the president of the next higher court shall decide about the request for control.)

*

The Ministry of Justice, in accordance with the Regulation on organization and manner of work of the State

Q160 (2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure

Q161 (2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of

Q161 (2019): In the period 01.01.2019.-31.12.2019., courts had in total 1833 cases on exemption, out of which 1822 cases were resolved, and 11 remained unresolved. 1285 requests were adopted. Judges filed

Q163 (2020): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or witness is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing can not be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.

A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.

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Q164 (2020): Law on the judicial Council and Judges

Q164 (2019): Law on the Judicial Council and Judges

Q171 (2019): In 2019, there were no criminal proceedings against state prosecutors. One criminal proceeding was initiated in 2018, when Prosecutorial council brought a decision of temporary removal from

Q177 (General Comment): X By judges and other legal professionals

X Other, please specify:

Twofold:

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by

Q177 (2020): By judges and other legal professionals

Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

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Q177 (2019): √ By judges and other legal professionals

√ Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

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Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by

Q178 (2020): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

Not public opinions

Q178 (2019): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

Q180 (2020): a) The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private

Q180 (2019): a) The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro. The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors.

b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Q181 (2020): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not

Q181 (2019): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not

Q182 (General Comment): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute.

Whistleblowers

Art. 44

A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.

Person or Entrepreneur

Art. 45

Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.

Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

Q182 (2019): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

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Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred

Q186 (General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

Article 61

Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the

President of the court alone or at the proposal of the President of the Division or a judge. The President of

Q186 (2019): Articles 60 and 61 of the Court Rule of Procedure:

Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

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Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the President of the court alone or at the proposal of the President of the Division or a

Q187 (2020): Random allocation of cases from Judicial Information System (PRIS).

Q187 (2019): Random allocation of cases from Judicial Information System (PRIS).

(“Official Gazette of MNE”, no. 11/2015 and 76/2020) Amending Annual Work Distribution Article 32

The court president may amend the annual work distribution of the court, if:

- 1) The number of positions for judges or the number of judges decreases or increases; or
- 2) The number or type of cases in court significantly increases or decreases.

The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.

The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law.

Submission and Publication of Annual Work Distribution

Article 33

The court president shall submit an annual work distribution and amendments there to all judges and shall publish it on the bulletin board of the court.

4. Random Allocation of Cases

Allocation of Cases

Article 34

Cases shall be allocated to work without delay, according to the annual work distribution, through the method of random allocation of cases.

In accordance with paragraph 1 of this Article, the following cases shall also be allocated to other judges:

- 1) Cases that were assigned to a judge who does not perform a judicial office in that court any longer; and
- 2) Cases that were taken away in accordance with Article 36 of the present Law.

Method of Random Allocation of Cases

Article 35

Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the

Court Rules, cases shall be allocated to judges through the method of random allocation of cases. Taking

Away an Allocated Case

Article 36

An allocated case shall be taken away from a judge or panel only if it is determined that they unduly fail to

(“Official Gazette of MNE”, no. 11/2015)

Amending Annual Work Distribution

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Article 35

Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the Court Rules, cases shall be allocated to judges through the method of random allocation of cases.

Taking Away an Allocated Case

Q190 (General Comment): Law on prevention of corruption

Q193 (General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and

Q193 (2019): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

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- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
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- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific,

Q194 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the

Q194 (2019): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

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A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to

Q195 (General Comment): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Q195 (2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the web page of the Agency for Prevention of Corruption.

Q200 (General Comment): www.antikorupcija.me

Q200 (2019): www.antikorupcija.me

Q201 (General Comment): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention

Q201 (2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption

Q202 (2020): Number of cases initiated:

9 administrative procedures initiated (1 out of 9 initiated in 2019)

5 misdemeanour proceedings initiated

Number of cases completed:

8 administrative procedures completed 5 misdemeanour proceedings completed Number of sanctions pronounced:

In 2 administrative procedures against judges, violation of the law has been established – APC's Decisions forwarded to the authority which appoints the judges – pending feedback on the disciplinary measures imposed by the authority 5 misdemeanours proceedings ended in 4 reprimands and 1 fine

Q202 (2019): Source: Agency for Prevention of Corruption

Q203 (General Comment): Law on prevention of corruption

Q206 (General Comment): See Article 24 of the Law on prevention of corruption: "Art. 24

The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;

- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);

- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;

- Deposits in banks and other financial institutions in the country and abroad;

- Stocks and shares in a legal person or other securities;

- Cash in the amount exceeding € 5,000;

- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;

- Debt (principal, interest and repayment) and receivables;

- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;

- Membership in the management bodies and supervisory boards of public companies, public institutions and

Q206 (2019): See Article 24 of the Law on prevention of corruption: "Art. 24

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- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific,

Q207 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

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A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

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- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

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A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the

Q207 (2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

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A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to

Q208 (General Comment): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household

Q208 (2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Q211 (2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the official web page of the

Q213 (General Comment): www.antikorupcija.me

Q213 (2019): www.antikorupcija.me

Q214 (General Comment): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention

Q214 (2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption

Q215 (2020): Number of cases initiated

4 administrative procedures initiated and 2 misdemeanour proceedings initiated Number of cases completed
4 administrative procedures completed 2 misdemeanour proceedings completed Number of sanctions pronounced

In 1 administrative procedure the violation of the law has been established – the APC's Decision was forwarded to the Prosecutorial Council which initiated disciplinary procedure against the prosecutor, the procedure is still ongoing.

2 misdemeanour proceedings against prosecutors ended in 1 reprimand and 1 fine

Q215 (2019): Source: Agency for Prevention of Corruption

Q217 (2019): Regarding regulation on receiving a gift - Code of Ethics for judges

Judge must not allow that the members of his family hired in court or any other person submitted to the authority of judicial competence accepts the gift, loan or a favor for what the judge in performing his duty would be obliged to do or did.

In case that a gift, favor or other benefit was made in contrary to his will, judge will right upon the acknowledgement about it, inform in the written form, stating the circumstances in which gift or benefit was made, the president of the court or the state prosecutor if by such action elements of the criminal offence

Q218 (2019): According to the Constitution of Montenegro, a judge cannot perform a post or other public function or professionally perform any other activity. At the request of a court president or judge, the Judicial Council gives an opinion on whether certain activities shall be considered as a professional performance of an activity incompatible with the performance of a judicial function. The judge who performs

Q220 (2019): Law on Judicial Council and judges

Opinion on other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright,

Q222 (2019): √ "law on prevention of conflict of interest" - Title of the law is Law on prevention of

Q223 (2019): √ "law on prevention of conflict of interest" - Title of the law is Law on prevention of

Q224 (2020): The difference in figures between 2019 and 2020 (increase of number of procedures initiated) is due to the fact that in 2020 the State Audit Institution (SAI) submitted a request (which refers to 28 persons) referred to the representatives of the judiciary regarding the negative opinion in the analysis of the work of the Judicial Council for 2019, which was published by the State Audit Institution. By implementing the legal competencies prescribed by the provisions of the LPC, the Agency performed a comparative analysis of the data, i.e. detailed verification of data and incomes for 28 persons for whom the SAI indicated

Q224 (2019): Source: Agency for Prevention of Corruption

Note: There have been two cases initiated in Montenegro and completed by the Agency for Prevention of Corruption but currently under appeal in front of the Administrative Court. Considering that only final decisions are counted as completed we have indicated 0 under completed cases, as these two cases are still

Q227 (General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

The work of lecturers as well as the work of researchers and the publication of scientific papers are not in parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

Q231 (General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention

Q231 (2019): √ "law on prevention of conflict of interest" - Title of the law is Law on prevention of

Q232 (General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention

Q232 (2019): √ "law on the prevention of conflict of interest" - Title of the law is Law on prevention of

Q233 (2019): Source: Agency for Prevention of Corruption

Q234 (General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court

Q234 (2019): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the

Q235 (General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are

Q237 (2020): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least

Q237 (2019): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least

Q243 (General Comment): Article 110 par. 1 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017, 10/2018 and 76/2020)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice

Q243 (2019): Article 110 par. 1 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice

Q244 (General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017, 10/2018 and 76/2020):

"The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary

Panel upon the motion to indict issued by the disciplinary plaintiff.

Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel. Supreme State Prosecutor may not be a member of the Disciplinary Panel.

Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the

Prosecutorial Council President.

Q244 (2019): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018): "The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary Panel upon the motion to indict issued by the disciplinary plaintiff. Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel. Supreme State Prosecutor may not be a member of the Disciplinary Panel. Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the Prosecutorial Council President. The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be

Q246 (2020): Failure to submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest, referred to in Article 108, paragraph 2, item 8 of the Law on the State

Q246 (2019): During 2019, there were no disciplinary proceedings initiated.

Q247 (2019): Severe disciplinary offence - failing to submit data on property and incomes in accordance with the legislation regulating prevention of conflict of interests, from art. 108 par. 2 point 8 of the Law on State

North Macedonia

Q156 (General Comment): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for

Q156 (2019): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of

Q158 (General Comment): According to Article 36 from the Law on Judicial Council, the Judicial Council has the competence to examine the complaints by citizens on the work of the judges, presidents of the courts and courts.

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and

Q158 (2019): According to Article 31 from the Law on Judicial Council, this body has the competence to examine the complaints by citizens on the work of the judges, presidents of the courts and courts.

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for

Q161 (2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were

Q161 (2019): In 2019 there were 2726 requests for exemption of judges while in the same year there were

Q162 (2019): These guarantees are contained in the Law on Public Prosecution office and the Law on

Q162-1 (2020): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) The higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

Article 53

Victim's rights

(1) The victim of a crime shall have the following rights:

1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property

claim for damages;

2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and

3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:

1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical

impairment or if there are serious consequences as a result of the crime; and

2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated

during all stages of the procedure:

Article 53

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- 1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property claim for damages;
- 2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
- 3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

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Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:

Q164 (General Comment): The independence of judges in Macedonian legal system is regulated with the

Q164 (2019): The independence of judges in Macedonian legal system is regulated with the Constitution and

Q166 (General Comment): The independence of prosecutors in Macedonian legal system is regulated with

Q166 (2019): The independence of prosecutors in Macedonian legal system is regulated with the

Q171 (2019): In 2019, criminal cases were initiated against 15 judges and 4 public prosecutors. From this for 1 judge was submitted indictment and the criminal procedure for this judge is ongoing. For 5 judges a decision for decline of submitted criminal charge has been brought by the Public Prosecution office and they are closed. For the others the procedure is ongoing in the prosecution office and there is still not a decision for them.

Q173 (General Comment): New Code of Ethics for judges and lay judges was adopted in September 2019.

Q175 (General Comment): Last amendments on the Ethical code of public prosecutors are from 2019.

Q175 (2019): <http://jorm.gov.mk/izmenvane-i-dopolnuvane-na-etichkiot-kodeks-na-javnite-obviniteli/>

Q177 (2019): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee. The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or

Q178 (General Comment): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee. The members of the Committee shall work without any compensation.

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Q178 (2019): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Q180 (2019): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors, and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints

Q181 (General Comment): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

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When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

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The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints

Q181 (2019): <http://zjorm.org.mk/>

Obstruction of justice

Article 368-a

(1) Whosoever, with the intent to induce a person who might be called as a witness, a witness or an expert to give a false statement or to prevent or hinder the collection of evidence or the substantiation in the criminal procedure, in a procedure before a court or before any other body which conducts a procedure in accordance with the law, threatens with attack against the life or the body or the property to a greater extent, of a person who might be called as a witness, a witness or an expert or close persons thereto, or by using force, violence, illegal deprivation of freedom, by offering a bribe or in any other manner influences or prevents such person to appear as a person who might be called as a witness, a witness or an expert in the procedure or if he is called as a witness or an expert to give or not to give a statement with a determined meaning, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed to whosoever, due to revenge for the given statement of the person referred to in paragraph (1) of this Article, deprives such person of a right, maltreats him or inflicts on him bodily injuries.

(3) If especially severe consequences for the defendant in the criminal procedure have been created due to the crime referred to in paragraphs (1) and (2) of this Article or severe bodily injury has been inflicted on the person referred to in paragraph (1) of this Article or the crime has been committed against a protected or threatened witness or a close person thereto, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the person referred to in paragraph (1) of this Article is deprived of the life by the crime referred to in paragraphs (1) and (2) of this Article, the offender shall be sentenced to imprisonment of at least ten years or life imprisonment.

(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

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(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

Q185 (General Comment): Court Rules of procedure

Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this

Q185 (2019): Court Rules of procedure

Automatic Redistribution of Cases

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Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Q187 (General Comment): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a

Q187 (2019): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to

Q188 (General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases
3. Automatic Redistribution of Cases

Article 177

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Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to

Q188 (2019): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

3. Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Q194 (General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests

Q195 (General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;

Q195 (2019): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;

- a statement of interest for him/her and his/her family members, which contains information on jobs and

Q196 (General Comment): There is not separate declaration form for the family members, the data for the

Q196 (2019): There is not separate declaration form for the family members, the data for the family

Q200 (General Comment): http://www.dksk.org.mk/imoti_2/

Q200 (2019): http://www.dksk.org.mk/imoti_2/

Q201 (General Comment): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

3. Serious disciplinary offence

Article 75

(1) ~~A~~ more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

1) ~~S~~evere violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;

2) ~~G~~ross influence and interference in the performance of the judicial function of another judge;

3) ~~H~~e refuses to file a statement of assets and interests according to law or if his statement contains gross

Q201 (2019): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

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2) ~~G~~ross influence and interference in the performance of the judicial function of another judge;

3) ~~H~~e refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or

Q202 (2020): According to the Law on fight against corruption and conflict of interests, from a total of 17 cases, in 7 cases the procedure has been completed with issuing on a misdemeanour payment order, which were paid on time. For the other 10 cases, where the misdemeanour payment order was not paid, a

Q207 (General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests

Q209 (General Comment): There is not separate declaration form for the family members, the data for the

Q209 (2019): There is not separate declaration form for the family members, the data for the family

Q213 (General Comment): http://www.dksk.org.mk/imoti_2/

Q213 (2019): http://www.dksk.org.mk/imoti_2/

Q214 (2020): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:
- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and

Q215 (2020): In a total of 10 cases SCPC issued a misdemeanour payment orders. Because, they were not paid on time, a misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove

Commission for Determining of a Conflict of Interest

Article 76

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Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

Q218 (General Comment): The Law on the courts

Article 52

(1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.

(2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.

(3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.

(4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.

(5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.

(6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.

(7) The judge cannot be a member or hold a political office within a political party or carry out political or

Q218 (2019): The Law on the courts

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(6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.

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Q222 (General Comment): In our country the full name of the Law is Law on prevention of corruption and

Q222 (2019): In our country the full name of the Law is Law on prevention of corruption and conflict of

Q223 (General Comment): In our country the full name of the Law is Law on prevention of corruption and

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Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;

- at the request of an official person;

- upon a report of another person;

- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and

- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

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Commission for Determining of a Conflict of Interest

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- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

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Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

Q227 (2020): Law on Public prosecution office (2020)

Article 71

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area. (2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, after a prior accord provided by the Chief Public Prosecutor of the Republic of North Macedonia, and the

Q227 (2019): Law on Public prosecution office

Article 49

(1) ~~A~~ public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) ~~A~~ public prosecutor may teach at the higher education institutions in the public prosecutorial field and

Q229 (2019): Law on Public prosecution office

Article 49

(1) ~~A~~ public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) ~~A~~ public prosecutor may teach at the higher education institutions in the public prosecutorial field and

Q231 (General Comment): In our country the full name of the law is Law on prevention of corruption and

Q231 (2019): In our country the full name of the law is Law on prevention of corruption and conflict of

Q232 (General Comment): In our country the full name of the law is Law on prevention of corruption and

Q232 (2019): In our country the full name of the law is Law on prevention of corruption and conflict of

Q234 (General Comment): Law on Judicial Council (2019)

A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62

(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the

Dismissal of a judge

Article 74

(1) The judge shall be dismissed from the judicial office^[SEP] due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law and

- due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law.

(2) Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia.

(3) The judge shall be dismissed from the judicial office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:

- with the intention or apparent negligence by the fault of the judge without justified reasons and

- the injury caused severe consequences.

(4) In case of an easier form of violation of the grounds referred to in paragraph (1) of this Article, a disciplinary measure may be imposed on the judge.

(5) As of the day of entry into force of the decision on dismissal of the judge by the Judicial Council of the Republic of Macedonia on the grounds referred to in paragraph (1) of this Article, the judge's right to salary shall cease.

Serious disciplinary offence

Article 75

(1) ~~A~~ more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

1) ~~S~~evere violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;

2) ~~G~~ross influence and interference in the performance of the judicial function of another judge;

3) ~~H~~e refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or

4) ~~M~~anifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.

(2) ~~F~~or the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall

the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) If publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) If without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) If does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) If takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) If intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission. If a submitter of the request is a member of the Council, he/she cannot be a member of this Commission.
The Commission will reject the request for determining responsibility of the judge or president of the court if

Judicial Council from 2018 and 2019. Namely, according to the new provisions a request for initiation of a procedure for determination of liability of a judge or a president of a court can be filled also and from the court users, which was not a case according to the provisions of the previous law. Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
 - 2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
 - 3) If publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
 - 4) If without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
 - 5) If does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
 - 6) If takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
 - 7) If intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is
- Q238 (2020):** The Commission of the JC (see comment on Q237, explanation about the Commission), rejected 71 requests.

In 2020 JC stopped 9 disciplinary procedures. For one judge the request was withdrawn. 4 judges were dismissed in 2020 and in 1 case there was liability on a judge, who at that time met the conditions for retirement, so the JC determined the termination of the function on that basis. From this 4 decisions for **Q238 (2019):** From a total of 107 disciplinary proceedings initiated in 2019, the Commission (see comment on Q237, explanation about the Commission), rejected 58 requests.

In 2019 by the Council are rejected 9 requests for disciplinary proceedings initiated in 2019. 4 cases are stopped.

Judicial Council in 2019 dismissed 2 judges from the procedures initiated in 2019. In total by the JC in 2019 were dismissed six (6) judges (4 judges for proceedings initiated in 2017 and above mention 2 judges for proceedings initiated in 2019), but this decisions are not final. They are in appeal procedure in front of the Supreme court.

Q239 (2020): In 2020 five judges were dismissed with a final decision and for one judge JC issued a

Q239 (2019): In 2019 one judge has been dismissed with a final decision.

Q240 (2019): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal. The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of

Q241 (General Comment): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, has only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

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In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of

Q242 (General Comment): The law on the Courts

Article 39

- (1) The judge shall exercise the judicial function in the court where he/she is elected.
- (2) As a rule, the judge shall be elected to try in specific areas.
- (3) The judge cannot be transferred from one to another court against his/her will.
- (4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.
- (5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.
- (6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
- (8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
- (9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred.

Q242 (2019): The law on the Courts

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- (2) As a rule, the judge shall be elected to try in specific areas.
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- (6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
- (8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
- (9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred.

Q243 (2020): Law on Public Prosecution office (2020)

Article 93

(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor's Office for public prosecutors in a Higher Public Prosecutor's Office, or the Basic Public Prosecutor of the Basic Public Prosecutor's Office for public prosecutor in a basic public prosecutor's office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding.

Q243 (2019): Proposals for initiating a procedure for disciplinary liability are submitted by: State Public Prosecutor for all public prosecutors; Higher Public Prosecutor for Public Prosecutors in the Higher Public Prosecution Office, for the Chief Basic Public Prosecutor of the BPPO under that Higher Prosecution office and Basic Public Prosecutors under that Higher Public Prosecution office; Basic Public Prosecutor from the

Q244 (2020): Law on Public Prosecution office (2020)

Article 93

(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.

(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.

(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.

(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.

(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.

(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.

(8) Committee members shall start voting from the more serious to milder ones when they vote on the type of disciplinary measures.

(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.

(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a

Q244 (2019): According to the provisions of the Law on Public Prosecutors, Chief Public Prosecutor establish a Commission, composed of five members for conducting on a proceeding for establishment of the

DISCIPLINARY INFRINGEMENT

Article 90

Disciplinary infringements committed by public prosecutor shall be:

- Serious disciplinary infringement and
- Mild disciplinary infringement.

Article 91

Serious disciplinary infringement shall be:

- serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, - if he/she fails to submit declaration of assets and interests in accordance with the law, or if the data contained in the declaration are mostly untrue,
- obvious violation of rules for exemption is situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or
- if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law,
- if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosecutor,
- precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justifiable reasons, which leads to significant delay of the procedure or, the criminal prosecution falls within statute of limitation,
- if they do not start working on cases under the successive order as received through the Case Management Information System in the public prosecution, without any justifiable reason, - if they were assessed negatively twice consecutively, in accordance with the procedure prescribed by law, or - if they do not act

Q251 (2020): Law on Public Prosecution office (2020)

Article 94

(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.

(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.

(3) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt the decision for dismissal of a public prosecutor as referred to in paragraph (2) of this Article with a majority of votes of the total number of members.

(4) A decision for dismissal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organised crime and corruption shall be adopted by two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.

(5) The public prosecutor shall be entitled to initiate a dispute before the competent court against the decision made by the Council of Public Prosecutors of the Republic of North Macedonia. (6) The Council of Public Prosecutors of the Republic of North Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors upon the proposal of the Chief Public Prosecutor of the Republic of North Macedonia. 22. DISCIPLINARY MEASURES Article 95

Q251 (2019): On the decision of the Commission, the person against whom the procedure is being conducted and the submitter of the proposal for initiating a procedure for disciplinary liability, within 8 days have the right to appeal to the Council of Public Prosecutors.

The decision on the appeal Council is adopted with a majority from the total number of members with a public vote.

In the case of a dismissal disciplinary measure from the position of Public Prosecutor, the Council is adopting the decision by a two-thirds majority vote of the total number of members of the Council.

Deciding on an appeal, the Council may repeal, amend, change or confirm the decision of the Commission.

Against the decision of the Council by which a measure of dismissal has been pronounced, the dismissed

Serbia

Q156 (General Comment): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time ("RS Official Gazette", No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal;

3) request for just satisfaction. Request for just satisfaction includes the right to payment of monetary compensation for non-pecuniary damages or pecuniary damages caused to a party by violation of the right to a trial within a reasonable time (monetary compensation). A party may file a lawsuit against the Republic of Serbia for monetary compensation within one year from the day when it acquired the right to fair

Q156 (2020): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time ("RS Official Gazette", No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal;

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Reasonable Time (2015) which entered into force on 1 January 2016, the State Attorney established the Commission to make decisions on settlement proposals for just satisfaction when a violation was determined for a trial within reasonable time. Reliable data on these statistics and other relevant compensation is not available at this time.

In the table above, the requests, condemnations and amounts are given which are related to the execution of judgments of the ECtHR

and the work of the MoJ commissions. There is no specific legislation governing the execution of judgments of the ECtHR in Serbia. In practice, The State Attorney's Office (hereinafter: the Agent) has the coordinating role in the process of execution of judgments and decisions of the ECtHR. In that regard the Agent, inter alia: - informs all the relevant domestic authorities that judgment/decision was brought; - informs the responsible domestic authorities that certain amounts should be paid to the applicants in execution of the judgment/decision of the ECtHR; - informs the Department of execution of judgements of the ECtHR on the state of execution and submits evidence on payments. The domestic authorities adopted the following practise: - non-pecuniary damages are being paid mostly from the accounts of High Court's Council; - pecuniary damages (which represent sums awarded by non-enforced domestic judgments) are being paid from the accounts of State Attorney's Office.

In total: During 2019, the State Attorney's Office enforced 35 decisions (15 judgments and 20 decisions on friendly settlement) of the ECtHR issued against Serbia. The said decisions concerned 174 applicants. During the said period, Serbia made payments in total of EUR 369.712,49 both for pecuniary and non-pecuniary damages.

Violation of the right to a trial within reasonable time: In 30 decisions issued during the year 2019, violation of the right to a trial within reasonable time was established and consequently the applicants were awarded non-pecuniary damages. All 145 applicants received payments on account of non-pecuniary damages, which amounted to EUR 330.610,86, in total.

Non-enforcement of domestic decisions: In 4 decisions issued during the year 2019, a violation of Article 6 was established on account of failure to enforce final domestic decisions, concerning 28 applicants. In execution of the said decisions an amount of EUR 12.101,63 was paid.

December 31, 2020, there were:

- Number of complaints received - 5739
- Number of complaints against the work of the court - 3104
- Number of complaints against the work of lower courts - 1101
- Number of well-founded complaints - 1102
- Number of complaints in the paper - 483

Q157 (2019): There is no centralized electronic database of submitted complaints in the judicial system of the Republic of Serbia. The reasons for filing a complaint can be classified into two major groups: the party's dissatisfaction with a decision and the length of the proceeding.

Article 8 of the Law on the Organization of Courts stipulates that the party and other participants in a court proceeding have the right to a complaint about the work of the court when they believe that the proceeding is being prolonged, that it is irregular, or that there is some undue influence on its course and outcome.

Article 55 prescribes that the president of the court must consider the complaint, forward it to the judge to whom it refers for opinion, and to inform the complainants, as well as the president of the immediately superior court, of its merits and measures taken, within 15 days from the date of receipt of the complaint. S/he may dismiss the complaint, in full or a certain part of it, if s/he finds that the complainant abused the right to a complaint (e.g. the complaint has an offensive content or if s/he files a complaint of the same or similar content that has been previously decided). If the complaint is filed through the ministry in charge of

Q158 (2019): The time limit to deal with the complaint for by authorities is 15 days.

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Q160 (2020): In accordance with the Law on Judges judges have a duty to maintain confidence in their independence and impartiality. The judge is obliged to conduct the procedure impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, while ensuring a fair trial and respect for the procedural rights of the parties guaranteed by the Constitution, law and international acts. (Art. 3, paras 1 and 2)

The procedural laws enable the possibility for parties in the proceedings to challenge the judge (Article 69 of

Q161 (2020): Statistics are not available at this time.

Q161 (2019): Statistics are not available at this time.

Q162 (2019): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings

Q162-1 (2020): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings

according to a *lex specialis* - the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles. A juvenile shall have defence counsel during the first questioning and throughout the proceedings with the presence of psychologist. Bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily. Likewise, an attorney will be appointed, and publicity will be excluded.

Other categories enjoy special arrangements if they are given the status of “especially vulnerable witness”. For example, victims of human trafficking are considered especially vulnerable witnesses. The Law on Civil Procedure provides that the court may exclude the public from the whole or part of the trial if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when instructed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial. Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, or domestic violence and the rights of the child. The court has to inform the minor about his/her rights, as well as to provide the presence of experts during the whole proceedings, i.e. psychologists, pedagogues, social workers, in order to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

The authority conducting proceedings may *ex officio*, at the request of parties or the witness her/himself, designate as an especially vulnerable witness a “witness who is especially vulnerable” in view of her/his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavouring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties

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If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.

An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.

An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defense (Art. 104 CPC).

If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.

The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).

The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.

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The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 Criminal Procedure Code ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019)).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical

Q164 (2020): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

Law on High Judicial Council (Official Gazette of the Republic of Serbia No.116/08, 101/10, 88/11 and 106/15)

Code of Ethics and Rules of Procedure of the High Judicial Council (Official Gazette of the Republic of Serbia No. 29/13, 4/16, 91/16, 24/17, 7/18 and 69/18) have been put in the "other" category because they are an

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Q171 (2019): The State Prosecutorial Council and MoJ have confirmed on 14 April 2020 that they are unable

Q172-0 (2020): Answers that are NAP should be NA.

Q175 (2020): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of

Q175 (2019): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of

Q176 (2019): The HJC, at the session held on 4 September 2018, adopted Rules of Procedure (“Official Gazette of RS” No. 29/13, 4/16, 91/16, 24/17 and 7/18) of the Ethics Committee that has been established as a working body of the Council, considerably extending its competencies, tasks and powers to include the following:

§ monitoring compliance with the Code of Ethics for judges;

§ monitoring compliance with the Code of Ethics for members of the HJC;

§ proposing necessary amendments to the Codes of Ethics for both judges and members of the HJC;

§ undertaking activities, in close cooperation with the Judicial Academy, aimed at preparation and delivery of necessary training programme on ethics for all judges;

§ issuing opinion on whether the specific behaviour of holders of judicial function and / or that of members of the HJC is in conformity with their respective Codes of Ethics;

§ providing written guidelines with practical examples on ethical matters and issuing complementary guidance on provisions of the Code of Ethics as well as recommendations, explanations and interpretations regarding actual or presumed violation of the Code; § providing confidential counselling;

§ submitting annual reports;

§ performing other tasks in relation to the application of and full adherence to the two Codes of Ethics for both judges and members of the HJC.

However, this decision has subsequently been revoked. It was envisioned that @the Ethics Committee may decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

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Q178 (2020): As these opinions are only in the form of conclusions (not decisions) they are published on the

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Q179 (2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example,

Q180 (2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

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Q181 (2020): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the

Q181 (2019): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the

Q182 (2020): According to the Article 37 of the Law on Anti-Corruption Agency an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

It relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be

disseminated to all judges in February 2019;

2. The Guidelines on recognising and countering risks of undue influence intended for public prosecutors, deputy public prosecutors and prosecutorial assistants were also published in February 2019. According to the Article 37 of the Law on Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

In relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be made thereof and the submitter will be cautioned about the consequences of false reporting. If the criminal complaint is submitted by telephone or other telecommunications medium an official note will be made, and if the complaint was submitted by electronic mail it will be saved on an appropriate recording medium and printed. Furthermore, there is an electronic form for reporting corruption on the website of the Republic Public Prosecution Office.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Complaints

Q184 (2020): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part

Q184 (2019): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part

Q187 (2020): The information about changes of the judge and about the CMS user who has made the change

Q187 (2019): The information about changes of the judge and about the CMS user who has made the change

Q190 (2020): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and

Q190 (2019): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and

Q192 (2020): Please refer to the attachment in previous cycle.

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
- 8) source and amount of net income from another job or activity;
- 9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
- 10) property rights; incomes deriving from copyrights, patents and other intellectual
- 11) source and amount of other net income;
- 12) right of use of the apartment for official purposes;
- 13) right of use or right of lease over immovable; right of ownership or right of lease over movables which are subject to registration;
- 15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
- 16) lease of safe deposit boxes in banks;
- 17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
- 18) shares and interest in a legal entity;
- 19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
- 20) financial instruments;
- 21) entrepreneurial activity;

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
 - 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
 - 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
 - 4) deposits in banks and other financial organizations, at home and abroad;
 - 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
 - 7) debts (principal, interest and repayment period) and receivables;
 - 8) source and amount of income from discharge of public office, or public functions;
 - 9) entitlement to use an apartment for official purposes;
 - 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
 - 13) all other data and evidence deemed by the official as relevant for the implementation of this Law.
- New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;

Q194 (2020): According to the new Law on the Corruption Prevention: IN accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the

Q194 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after

Q195 (2020): According to the new Law on the Corruption Prevention:

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceal the real value of their property. According to the current law, the Agency could request only

Q195 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. Note-According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only

Q198 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4

No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance to Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

Q200 (2019): <http://www.acas.rs/pretraga-registra/>

Q201 (2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Requirements for Pronouncing Measures

Article 83

Measure of caution shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the new Law on the Corruption Prevention:

According to article 103 paragraph 17 - an official shall be fined from 50,000 to 150,000 RSD for the failure to

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person. If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Q203 (2020): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September

Q203 (2019): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
- 8) source and amount of net income from another job or activity;
- 9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
- 10) property rights; incomes deriving from copyrights, patents and other intellectual
- 11) source and amount of other net income;
- 12) right of use of the apartment for official purposes;
- 13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
- 15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
- 16) lease of safe deposit boxes in banks;17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
- 18 shares and interest in a legal entity;
- 19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
- 20) financial instruments;
- 21) entrepreneurial activity;

No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
 - 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
 - 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
 - 4) deposits in banks and other financial organizations, at home and abroad;
 - 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
 - 7) debts (principal, interest and repayment period) and receivables;
 - 8) source and amount of income from discharge of public office, or public functions;
 - 9) entitlement to use an apartment for official purposes;
 - 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
 - 13) all other data and evidence deemed by the official as relevant for the implementation of this Law.
- New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;

Q207 (2020): According to the new Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared

Q207 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after

Q208 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only

Q208 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household.

* According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property.

According to the current law, the Agency could request only from the officials to submit data on the assets of

Q211 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4

Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check. See the text below.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance with Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have

Q213 (2020): <http://www.acas.rs/pretraga-registra/>

Q213 (2019): <http://www.acas.rs/pretraga-registra/>

Q214 (2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Requirements for Pronouncing Measures

Article 83

Measure of caution shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the new Law on the Corruption Prevention:

According to article 103 paragraph 17 - an official shall be fined from 50,000 to 150,000 RSD for the failure to report property and income within a prescribed time limit (Article 68 ad 69).

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person. If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of of the decision on violation of this Law. When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

According to the new Law on the Corruption Prevention:

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

Handover of the Received Protocol or Appropriate Gift to the Body of Public

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurement, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article.

Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this

Q218 (General Comment): A judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law. The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours. A judge shall notify in writing the High Judicial Council of each service or engagement

Q218 (2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an

Q218 (2019): According to Law on Judges a judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law.

The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours.

A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

Q222 (2019): Law on the Anti-Corruption Agency (New Law on the Corruption Prevention). Article 90 of the Law on Judges prescribes that accepting gifts contrary to the regulations governing conflict of interest is a disciplinary offence. Disciplinary proceedings are conducted against the judge, in accordance with the

Q223 (2020): Please briefly describe the procedure:

In accordance to articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance to articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency

No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

VI. PROCEDURE AND DECISION MAKING IN CASE OF VIOLATION OF THE LAW

Article 50

The procedure to establish whether there is a violation of this Law and order measures pursuant to this Law shall be initiated and conducted by the Agency ex officio.

The procedure referred to in paragraph 1 of this Article is also initiated upon the request of an official, his/her direct superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person. The Agency shall notify the official specified in paragraph 1 of this Article of the initiation of the procedure. The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with an aim to establish whether a violation of this Law occurred.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public

Q224 (2020): 2 (cases initiated in 2018 and 2019)

A deputy public prosecutor is required to notify the public prosecutor in writing about another office, engagement or private interest, where there exists a possibility of their incompatibility with his/her office, as well as of the engagement or private interest of members of his/her immediate family, if there exists a possibility of their incompatibility with his/her office.

A public prosecutor shall notify the immediately higher ranked prosecutor of such a function, engagement, or private interest, and the Republic Public Prosecutor shall notify the State Prosecutorial Council.

Article 67

A public prosecutor is required to initiate a procedure to decide on the incompatibility of office of a lower ranked public prosecutor or deputy public prosecutor before the Republic Public Prosecutor, when becoming cognizant of, and estimating as probable the existence of, grounds referred to in Article 65 paragraphs 1,3 and 4 of this Law.

The State Prosecutorial Council initiates and conducts proceedings to decide on the incompatibility of the office of the Republican Public Prosecutor with other offices, engagements, or private interests.

Article 68

If the Republic Public Prosecutor determines that another office or engagement performed by a public prosecutor or deputy public prosecutor, or a private interest that he/she realises, are incompatible with the prosecutorial function, and that there are no grounds for dismissal of function, the Republic Public Prosecutor shall accordingly notify the immediately higher ranked public prosecutor, as well as the public prosecutor, or deputy public prosecutor to whom the decision on incompatibility relates. If the State Prosecutors Council determines that another office or engagement performed by the Republic Public Prosecutor, or a private interest he/she realises, are incompatible with the public prosecutorial function, it shall accordingly notify the Republic Public Prosecutor thereof, and if there are grounds for dismissal of function, it shall notify the Government thereof.

The State Prosecutorial Council or the Republic Public Prosecutor referred to in paragraphs 1 and 2 of this Article are required to submit a disciplinary complaint.

1Regulation/procedure for recusal/withdrawal from a case

Criminal Procedure Code - Article 37

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In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

According to the new Law on the Corruption Prevention:

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall

Q227 (General Comment): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council.

A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of

Q227 (2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research,

Q227 (2019): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council.

A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of public office. An official is required to report incomes from these activities to the Anti-Corruption Agency. The activities specified as that they could be performed must be in line with the Constitution, Article 65 of the Law on Public Prosecution Office and the Code of Ethics of Public Prosecution Office. Article 65 of the Law on Public Prosecution Office stipulates that public prosecutors and deputy public prosecutors cannot hold a position in legislative authorities and executive authorities, public services and authorities of provincial autonomy and units of local self-government, cannot be members of political parties, to engage in publicly or privately paid businesses, and provide legal services or legal advice for remuneration.

Exceptionally from paragraph 1 of the Article, a public prosecutor, i.e. a deputy public prosecutor, can be member of an authority managing an institution competent for education in judiciary, based on a decision of the State Prosecutorial Council, in line with a special law. Other positions, affairs or private interests contradicting dignity and independence of public prosecution office or harming his/her reputation are also incompatible with prosecutorial position. The State Prosecutorial Council is determining other positions and affairs contradicting dignity, i.e. harming independence or damaging reputation of public prosecution office. After working hours, a public prosecutor and a deputy public prosecutor can engage in educational and scientific activities for remuneration, without special approval. In situations defined by the law, within his/her working hours, a public prosecutor and a deputy public prosecutor may perform educational and scientific activities. They can take part in activities with civil, religious or humanitarian character if those activities do not interfere with performing of the position or if it could negatively reflect to their impartiality. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from participation at

Q229 (2020): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts,

Q229 (2019): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts,

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

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The procedure referred to in paragraph 1 of this Article is also initiated upon the request of an official, his/her direct superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person. The Agency shall notify the official specified in paragraph 1 of this Article of the initiation of the procedure. The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with an aim to establish whether a violation of this Law occurred.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

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The procedure referred to in paragraph 1 of this Article is also initiated upon the request of an official, his/her direct superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person. The Agency shall notify the official specified in paragraph 1 of this Article of the initiation of the procedure. The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with an aim to establish whether a violation of this Law occurred.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Q233 (2020): 2 cases initiated in 2019

Q234 (2019): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor.

A judge is dismissed when s/he is convicted of a criminal offense for which s/he is sentenced to unconditional imprisonment of at least six months or of a punishable offense rendering him/her unworthy of

Q237 (General Comment): Disciplinary offenses in accordance with Article 90 of the Law on Judges:

Paragraph 2:

A severe disciplinary offense which caused a serious disruption in the exercise of judicial power or regular duties at the court or severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence Paragraph 2 :

Paragraph 1:

line 1- a violation of the principle of independence line3 - unjustifiable delays in the drafting of decisions: the line7-unjustifiable prolonging of proceedings :

Q237 (2019): Disciplinary offenses in accordance with Article 90 of the Law on Judges: - A severe disciplinary offence which caused a serious disruption in the exercise of judicial power or regular duties at the court or a severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence;

-Paragraph 5 -unjustifiable failure to schedule a hearing (placed in the category of professional inadequacy),

- Paragraph 7 -unjustifiable prolonging of proceedings (placed in the category of professional inadequacy),

- Paragraph 9 -obviously incorrect treatment of participants in proceedings and the court staff, - Paragraph

Q239 (2020): In 1 case, a procedure for dismissal of a judge was initiated due to a severe disciplinary offense under Article 90, paragraph 2 of the Law on Judges in connection with disciplinary offenses under Article 90, Paragraph 1, lines 9-obviously incorrect treatment of participants in proceedings and the court staff and 18-serious violation of provisions of the Code of Ethics In 3 cases the proposals of the Disciplinary Prosecutor were rejected (all three due to the disciplinary offences from Article 90, Paragraph 1, Line 7 -unjustifiable

Q239 (2019): In the part sanctions – temporary reduction of salary 2 cases - Article 90 of the Law on Judges - Paragraph 18 -serious violation of provisions of the Code of Ethics

In 3 cases the motions of the Disciplinary Prosecutor were declined.

Out of the total of 11 cases resolved, on the proposal of the Disciplinary Prosecutor, no complaints were filed in 3 cases.

In the HJC Official Report for 2019, a total of 8 disciplinary sanctions are recorded, instead of 6, having in mind two particular cases:

- In one case the High Judicial Council reversed the decision and the motion for disciplinary proceedings was

Q242 (General Comment): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a

Q242 (2019): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council.

Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type

Q243 (General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State

Q243 (2020): The reply was changed due to more specific interpretation given in the Explanatory Note

Q243 (2019): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State

Q244 (General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the

Q244 (2019): A disciplinary body at the first instance, and the State Prosecutorial Council at the second

Q246 (General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

Q246 (2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

Q247 (2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to

Kosovo*

Q156 (2020): We could not obtain these data because of the switch from the manual to electronic case

Q156 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q158 (2020): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will

Q158 (2019): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will

Q159 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q161 (General Comment): If a party considers a judge to be partial, it can submit an request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be replaced. Usually, in order to provide a fair and impartial procedure, most of the requests of

Q161 (2019): If a party considers a judge to be partial, it can submit an request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be

Q162 (General Comment): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:

“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

Q162 (2019): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:

“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

Q163 (General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to

Q163 (2019): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to have his/her first

Q171 (2020): The number of prosecutors is not available because it is usually generated manually since there is no national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain

Q171 (2019): Because of the Covid 19 situation, we have not been able to obtain the data for judges yet.

Q177 (General Comment): This is also an ad hoc body that is formed in situations where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, takes a decision on the respective matter and sends it to the KJC. So, there is no permanent body giving opinions on the

Q177 (2019): This is also an ad hoc body which is formed in situation where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, take a decision on the respective matter

Q178 (2020): Please refer to the previous question.

Q178 (2019): Please refer to the previous question.

Q179 (General Comment): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary

Q179 (2019): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary

Q182 (General Comment): There is no permanent mechanism that reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of

Q182 (2019): There is no permanent mechanism which reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of influence

Q193 (General Comment): Other items as described in the form of Declaration of Assets

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or

Q193 (2019): Others mean: any other function that the Judge might be engaged; and his/her financial debt

Q194 (General Comment): Other: at the request by the Anti-Corruption Agency

Q195 (General Comment): Other family members: parents who live in the same household

Regarding children, the declaration concerns children with whom he/she lives in the same household

Q195 (2019): Regarding children, the declaration concerns children with whom he/she lives in the same

Q198 (General Comment): The Agency verifies the content of each asset declaration.

Q198 (2019): Yes, the Agency verifies the content of each assets declaration.

Q200 (General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal

Q200 (2019): It is published in the Website of the Anti-Corruption Agency and in the internal database of the

Q201 (General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1)

Q202 (2019): One case was completed during 2019, which was initiated in 2018, meanwhile, in December 2019, after the completion of the full control procedure, 6 cases were initiated against judges regarding the

Q207 (General Comment): Other: At the request by the Anti-Corruption Agency

Q208 (General Comment): Other family members:

Parents who live in the same household

Adult children who live in the same household

Q208 (2019): Adult children who live in the same household

Q213 (General Comment): It is published on the website of the Anti-Corruption Agency and also in the

Q213 (2019): It is published in the website of the Anti-Corruption Agency and also in the internal database of

Q214 (General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1)

Q215 (2019): During 2019, 3 cases were initiated against prosecutors which were concluded due to the lack

Q217 (General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article

Q217 (2019): According to the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their

Q218 (2020): They can teach both with or without remuneration and can conduct research too.

Q218 (2019): They can teach both with or without remuneration, and yes, they can conduct research too.

Q224 (2019): During 2019, the Anti-Corruption Agency initiated and reviewed 11 conflict of interest cases for judges. In all these cases the conflict of interest was avoided and no further proceedings were necessary.

Q227 (General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".

Q227 (2019): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration

Q232 (General Comment): When a prosecutor concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has

Q233 (2019): During 2019, the Anti-Corruption Agency initiated and reviewed 2 conflict of interest cases for prosecutors. In those cases the conflict of interest was avoided and no further proceedings were necessary.

Q234 (General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted

Q234 (2019): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted

Q237 (General Comment): Professional inadequacy includes but is not limited to cases when a judge in continuity fails to timely perform official duties required by Law or when in continuity fails to participate in

Q237 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q238 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q239 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q241 (General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Q241 (2019): According to the article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Q242 (General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of

Q242 (2019): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is

Q243 (General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS
Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority

Q243 (2019): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS

Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority

Q246 (2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not

Q247 (2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not

Q248 (2019): At the 'other' category, we put 2 cases where the report of the Office of the Disciplinary

Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system for compensating users in the following circumstances:

Question 157. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Question 158. If yes, please specify certain aspects of this procedure:

Question 159. If yes, please specify certain aspects of this procedure:

Question 160. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not

Question 161. If yes, what is the ratio between the total number of initiated procedures of challenges and

Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed

Question 162-1. If you answered yes to Q162 are there exceptions provided by the law/regulations?

Question 162-2. If you answered no to Q162 what form does the instructions may take?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of

Question 166. What are the legal provisions in the hierarchy of norms, which guarantee the independence of

Question 171. Number of criminal cases against judges or prosecutors

Question 172-0. Are specific measures to prevent corruption in place?

Question 172. Is there a code of ethics applicable to all judges? Please provide the link.

Question 173. If yes, is it regularly updated?

Question 174. Is there a code of ethics applicable to all prosecutors? Please provide the link.

Question 175. If yes, is it regularly updated?

Question 176. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Question 177. If yes, how is this institution / body formed

Question 178. Are the opinions of this institution / body publicly available?

Question 179. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Question 180. If yes, how is this institution / body formed

Question 181. Are the opinions of this institution / body publicly available?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption

Question 183. Is transparency in distribution of court cases ensured in your judicial system?

Question 184. How is distribution of court cases organized in your system?

Question 185. What are the different possible reasons for reassigning a case?

Question 186. Does the reassignment of cases have to be reasoned?

Question 187. Are all reassignments of cases processed through the computerised distribution of cases?

Question 188. If yes, how are reassignments of cases processed:

Question 190. Which law(s) and regulation(s) require a declaration of assets by judges

Question 191. Please indicate and copy the terms of these law(s) and regulation(s) in English which require a

Question 192. Can you provide the declaration of assets form (attachment)?

Question 193. What items are to be declared?

Question 194. What is the moment of the declaration of assets of judges?

Question 195. Does this declaration concern the members of the family?

Question 196. Is the declaration for family members the same as for the judge?

Question 197. Which authority receives the declaration? Please specify the status and nature of this authority (is it an independent body, what is the procedure for appointing members, etc.)?

Question 198. Are these declarations of assets verified as regards:

Question 199. Is there a register of declaration of assets?

Question 200. Where is the declaration published?

Question 201. What is the sanction in case of non-declaration of assets?

Question 202. Number of proceedings against judges due to violations/discrepancies in their declaration of

Question 203. Which law(s) and regulation(s) require a declaration of assets by prosecutors

Question 205. Can you provide the declaration of assets form (attachment)?

Question 206. What items are to be declared?

Question 207. What is the moment of the declaration of assets of prosecutors?

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Question 211. Are these declarations of assets verified as regards:

Question 212. Is there a register of declaration of assets?

Question 213. Where is the declaration published?

Question 214. What is the sanction in case of non-declaration of assets?

Question 215. Number of proceedings against prosecutors due to violations/discrepancies in their declaration

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest

Question 218. Can judges combine their work with any of the following other functions/activities?

Question 219. Is an authorisation needed to perform these accessory activities for judges?

Question 220. If yes, who is giving authorisation for these accessory activities for judges?

Question 221. If not, does the judge have to inform his or her hierarchy about these accessory activities?

Question 222. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest

Question 227. Can public prosecutors combine their work with any of the following other functions/activities?

Question 228. Is an authorisation needed to perform these accessory activities for public prosecutors?

Question 229. If yes, who is giving authorisation for these accessory activities for public prosecutors?

Question 230. If not, does the prosecutor have to inform his or her hierarchy about these accessory activities?

Question 231. Under which law/regulation are proceedings for breaches of rules on conflicts of interest in

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple options

Question 235. Which authority has disciplinary power over judges? (multiple options possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple options

Question 237. Number of disciplinary proceedings initiated during the reference year against judges.

Question 238. Number of cases completed in the reference year against judges.

Question 239. Number of sanctions pronounced during the reference year against judges.

Question 240. Can a disciplinary decision be appealed?

Question 241. If yes, what body is competent to decide on appeal?

Question 242. Can a judge be transferred to another court without his/her consent:

Question 243. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple

Question 244. Which authority has disciplinary power over public prosecutors? (multiple options possible):

Question 245. What are the possibilities for prosecutors to present an argumentation (multiple options

Question 246. Number of disciplinary proceedings initiated during the reference year against public

Question 247. Number of cases completed in the reference year against public prosecutors.

Question 248. Number of sanctions pronounced during the reference year against public prosecutors.

Question 250. Can the disciplinary decision be appealed?

Question 251. If yes, what body is competent to decide on appeal?

Question 156

Albania

(General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

(2019): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision,

Bosnia and Herzegovina

right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

Wrongful arrest and wrongful conviction: Terms under which person is entitled to compensation of damages for wrongful arrest and

wrongful conviction are provided in criminal procedure codes. These terms are provided as follows:

Wrongful arrest - a person is entitled to compensation of damages in the following cases: (i) a person who was in detention, but criminal proceedings were not instituted or proceedings were dismissed or a final verdict was pronounced

acquitting the person of charges or charges were rejected; (ii) a person who was subjected to unlawful detention or retained in detention or a correctional institution due to a mistake; (iii) a person who was in

(2020): Specific comments for 2020: Number of requests shown in the table refers to the requests received in 2020 and number of the condemnations refers to the total number of condemnations in 2020, regardless of the year of request.

There were significant variations between data for 2020 and 2019.

In particular, the Constitutional Court of Bosnia and Herzegovina reported that during 2020 it rejected all individual applications alleging the non-execution of court decisions against public sector debtors (e.g. government, state-owned companies, local self-government units etc.). Having concluded that the non-execution of court decisions against public sector debtors was a systematic problem, in relation to the Article 6 of the European Convention the Human Rights, the Constitutional Court of Bosnia and Herzegovina introduced the previously mentioned policy. In addition, the Constitutional Court of Bosnia and Herzegovina requested the relevant authorities to take comprehensive corrective activities.

As for the increased number of condemnations regarding excessive length of court proceedings in 2020, the Constitutional Court of Bosnia and Herzegovina reported that the higher number of condemnations corresponds with the relevant authorities' continued lack of success to take efficient legislative and other

(2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request. There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained by the relevant

Montenegro

(2020): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 62 cases in work, upon claims for fair satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 22 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 38 100 EUR.

In accordance with the article 498 of the Criminal Procedure Code, “(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

(2) A convicted person i.e. an acquitted person, is not entitled to compensation of damages if he caused the criminal proceedings through a false confession in the investigatory procedure or otherwise, or caused his conviction through such statements during the proceedings, unless he was forced to do so.

(3) In the case of conviction for offences committed in concurrence, the right to compensation of damages

(2019): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 78 cases in work, upon actions for fair redress. Based on the adopted actions for compensation of non-pecuniary damage, due to the violation of the right to a trial within a reasonable time, a total of EUR 50.000 was awarded.

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In 2019, the Ministry of Justice has, on the basis of 6 complete settlements on the existence of the damage, type and the amount of the compensation due to the unlawful deprivation of liberty, paid the amount of 5.238,00 €. Total number of filed requests was 50.

Ministry of Justice has several criteria on the basis of which the amount is being determined of the compensation for the damage due to the unlawful deprivation of liberty which is being offered for reaching the agreement - prior convictions, absolute statute of limitations on prosecution or the conviction is rejected due to the dismissal of the State prosecutor from further criminal prosecution, funds of the Ministry of Justice allocated by the Budget for this item, and especially, court practice is being monitored in the cases of this type, and in that terms the offer for reaching the agreement is being defined.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before

North Macedonia

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

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for

(2019): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of

Serbia

(General Comment): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time (“RS Official Gazette”, No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal; 3) request for just satisfaction. Request for just satisfaction includes the right to payment of monetary compensation for non-pecuniary damages or pecuniary damages caused to a party by violation of the right to a trial within a reasonable time (monetary compensation). A party may file a lawsuit against the Republic of Serbia for monetary compensation within one year from the day when it acquired the right to fair

(2020): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time (“RS Official Gazette”, No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal; 3) request for just satisfaction. Request for just satisfaction includes the right to payment of monetary compensation for non-pecuniary damages or pecuniary damages caused to a party by violation of the right to a trial within a reasonable time (monetary compensation). A party may file a lawsuit against the Republic of Serbia for monetary compensation within one year from the day when it acquired the right to fair

Reasonable Time (2015) which entered into force on 1 January 2016, the State Attorney established the Commission to make decisions on settlement proposals for just satisfaction when a violation was determined for a trial within reasonable time. Reliable data on these statistics and other relevant compensation is not available at this time.

In the table above, the requests, condemnations and amounts are given which are related to the execution of judgments of the ECtHR

and the work of the MoJ commissions. There is no specific legislation governing the execution of judgments of the ECtHR in Serbia. In practice, The State Attorney's Office (hereinafter: the Agent) has the coordinating role in the process of execution of judgments and decisions of the ECtHR. In that regard the Agent, inter alia: - informs all the relevant domestic authorities that judgment/decision was brought; - informs the responsible domestic authorities that certain amounts should be paid to the applicants in execution of the judgment/decision of the ECtHR; - informs the Department of execution of judgements of the ECtHR on the state of execution and submits evidence on payments. The domestic authorities adopted the following practise: - non-pecuniary damages are being paid mostly from the accounts of High Court's Council; - pecuniary damages (which represent sums awarded by non-enforced domestic judgments) are being paid from the accounts of State Attorney's Office.

In total: During 2019, the State Attorney's Office enforced 35 decisions (15 judgments and 20 decisions on friendly settlement) of the ECtHR issued against Serbia. The said decisions concerned 174 applicants. During the said period, Serbia made payments in total of EUR 369.712,49 both for pecuniary and non-pecuniary damages.

Violation of the right to a trial within reasonable time: In 30 decisions issued during the year 2019, violation of the right to a trial within reasonable time was established and consequently the applicants were awarded non-pecuniary damages. All 145 applicants received payments on account of non-pecuniary damages, which amounted to EUR 330.610,86, in total.

Non-enforcement of domestic decisions: In 4 decisions issued during the year 2019, a violation of Article 6 was established on account of failure to enforce final domestic decisions, concerning 28 applicants. In execution of the said decisions an amount of EUR 12.101,63 was paid.

Kosovo*

(2020): We could not obtain these data because of the switch from the manual to electronic case

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 157

Bosnia and Herzegovina

(General Comment): The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution arising out of a judgement of any other court in Bosnia and Herzegovina. This includes appeals regarding excessive length of court proceeding, non-enforcement of judicial decisions, and other aspects of the right to a fair trial, as well as other rights protected by the European Convention. The High Judicial and Prosecutorial Council (HJPC) receives complaints against judges and prosecutors, conducts disciplinary proceedings, determines disciplinary liability, and imposes disciplinary measures. The Office of Disciplinary Counsel (ODC) within HJPC performs prosecutorial functions concerning allegations of misconduct against judges and prosecutors. ODC investigates complaints alleging misconduct of judges and prosecutors, initiates and presents cases of disciplinary violations before the disciplinary panels of the HJPC. The legal deadline for completing disciplinary investigation is two years, given that at the expiration of this deadline complaint reaches the statute of limitations for initiating disciplinary proceedings. However, the vast majority of complaints are resolved well before the expiry of two years period. If disciplinary investigation results in initiation of the

Serbia

December 31, 2020, there were:

- Number of complaints received - 5739
- Number of complaints against the work of the court - 3104
- Number of complaints against the work of lower courts - 1101
- Number of well-founded complaints - 1102
- Number of complaints in the paper - 483

(2019): There is no centralized electronic database of submitted complaints in the judicial system of the Republic of Serbia. The reasons for filing a complaint can be classified into two major groups: the party's dissatisfaction with a decision and the length of the proceeding.

Article 8 of the Law on the Organization of Courts stipulates that the party and other participants in a court proceeding have the right to a complaint about the work of the court when they believe that the proceeding is being prolonged, that it is irregular, or that there is some undue influence on its course and outcome.

Article 55 prescribes that the president of the court must consider the complaint, forward it to the judge to whom it refers for opinion, and to inform the complainants, as well as the president of the immediately superior court, of its merits and measures taken, within 15 days from the date of receipt of the complaint. S/he may dismiss the complaint, in full or a certain part of it, if s/he finds that the complainant abused the right to a complaint (e.g. the complaint has an offensive content or if s/he files a complaint of the same or similar content that has been previously decided). If the complaint is filed through the ministry in charge of

Question 158

Albania

(General Comment): Other external bodies is High Inspector of Justice and the Ombudsman.

The request to ascertain a violation and expedite proceedings shall be addressed to the competent court, under Article 399/6,

paragraph 1 of this Chapter. The court shall, as appropriate, receive information during the trial from the body that is conducting the proceedings.

The statement of claim, under Article 399/6, paragraph 3, shall be addressed to the civil court of first instance that is competent under the general rules, only after the procedure for ascertaining the violation and expediting proceedings has been exhausted under paragraph 1 of this article, and the decision of the court has not been executed by the body that has committed the violation under paragraph 1 of this article. The Ministry of Justice and Ministry of Finance, or the responsible private bailiff service shall be summoned in the trial as defendant.

Adjudication of a statement of claim, under Article 399/6 paragraph 3, shall be made pursuant to ordinary judgement rules, within a period of 3 months from the filing of the statement of claim.

Examination of the request under Article 399/6, paragraph 1, is made in consultation chamber, and the court examining the case shall make a decision within 45 days of the filling of the request. Within 15 days of the filling of this request, the body alleged to have committed the offense, shall send a copy of the file and an opinion in writing to the court

(2019): The request to ascertain a violation and expedite proceedings shall be addressed to the competent court, under Article 399/6, paragraph 1 of this Chapter. The court shall, as appropriate, receive information during the trial from the body that is conducting the proceedings.

The statement of claim, under Article 399/6, paragraph 3, shall be addressed to the civil court of first instance that is competent under the general rules, only after the procedure for ascertaining the violation and expediting proceedings has been exhausted under paragraph 1 of this article, and the decision of the court has not been executed by the body that has committed the violation under paragraph 1 of this article. The Ministry of Justice and Ministry of Finance, or the responsible private bailiff service shall be summoned in the trial as defendant.

Adjudication of a statement of claim, under Article 399/6 paragraph 3, shall be made pursuant to ordinary judgement rules, within a period of 3 months from the filing of the statement of claim.

Examination of the request under Article 399/6, paragraph 1, is made in consultation chamber, and the court examining the case shall make a decision within 45 days of the filling of the request. Within 15 days of the filling of this request, the body alleged to have committed the offense, shall send a copy of the file and an opinion in writing to the court examining the request.

Bosnia and Herzegovina

(2019): Other external bodies: The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation

North Macedonia

(General Comment): According to Article 36 from the Law on Judicial Council, the Judicial Council has the competence to examine the complaints by citizens on the work of the judges, presidents of the courts and courts.

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and

(2019): According to Article 31 from the Law on Judicial Council, this body has the competence to examine the complaints by citizens on the work of the judges, presidents of the courts and courts.

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for

Serbia

(2019): The time limit to deal with the complaint for by authorities is 15 days.

Kosovo*

(2020): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be

(2019): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be

Question 159

Albania

(2020): Verification of complaints is a procedure which is done by the High Inspector of Justice as the authority responsible for verifying complaints and investigating disciplinary violations, based on Article 119 of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended. Every complaint is first reviewed by the assistant inspectors, and then after this step the inspectors compete the draft decision, which is approved/ or not by the High Inspector of Justice. From 1 February until 30 October 2020, we had about 757 complaints from the first backlog of the complaints from High Juridical Council and about 185 complaints from other institutions (GPO, MoJ, President of Republic ...etc.); At the same time during the period August-September 2020, we had also 1347 practices (Inspection practices of the former HCJ) from the second backlog by the High Judicial Council (and the former HCJ), a working group has been set up during October 2020 to manage this backlog and during November we have planned to receive also the backlog from the General Persecutor Office. The process of verifying these complaints is still being done by only one inspector, which means that the HIJ is working with insufficient capacities, taking into account also the fact that in addition to the complaints mentioned above, there is also a high number of complaints addressed by the citizens, (630 complaints from citizens); Up to now the High Inspector of Justice has under investigation about 80 cases, and about 77 cases which have been verified, with result decision as required

Bosnia and Herzegovina

(2020): The Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (ODC) received 722 complaints against judges and prosecutors. The Ombudsman received 368 complaints against courts in 2020; the structure of the complaints was as follows: 57 complaints alleging excessive length of proceedings, 39 complaints alleging ineffective enforcement of court decisions, 8 complaints against judges for violation of procedural laws, 8 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 256 complaints related to the violation of other rights

(2019): The Office of Disciplinary Counsel of the High Judicial and Prosecutorial Council (ODC) received 843 complaints against judges and prosecutors. Out of 504 complaints received by the Ombudsman in 2019, 101 were complaints about excessive length of proceedings, 56 about ineffective enforcement of court decisions, 20 complaints against judges for violation of procedural laws, 6 complaints against the High Judicial and

Montenegro

(2020): “Higher court” – in this case – the Supreme court of Montenegro.

In relation to the work of the courts and judges, 62 complaints were filed to the Supreme court of Montenegro, which represents the reduction of 6,9% in comparison to the 2019 reporting year (73).

(Law on Judicial Council and Judges states that the Judicial Council, among other competences, considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the President of the court is obliged to, either personally or through a person duly assigned by him, examine every complaint of the parties concerning the work of either the court or individual judges, officers and employees. Before responding to the complaint in the shortest time possible, president of the court shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, reviews the case files, and takes other steps necessary to assess the validity of the complaint. Response to complaints and petitions shall be submitted no later than 30 days from the date of filing. The protection of the right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law, in the judicial proceeding, on the manner and upon conditions prescribed by this Law.

Legal remedies for the protection of right to trial within a reasonable time are:

1) Request to accelerate the proceedings (the request for control), 2) Action for fair redress.

Cases deciding on legal remedies for the protection of right to trial within a reasonable time shall be dealt with urgency by the court. The president of the court shall make a decision on the request for control. In courts having more than ten judges, a judge who will decide about requests for control apart from the president of the court, may be appointed under the annual schedule of assignments. President of the court or a judge shall not decide on the request for control in the case they act or were acting in the capacity of a judge. If the president of the court is not allowed to decide in the case, the president of the next higher court shall decide about the request for control.)

*

The Ministry of Justice, human and minority rights in accordance with the Regulation on organization and manner of work of the State administration („Official Gazette of MNE“, 118/20, 121/20, 1/21, 2/21, 29/21, 34/21 i 41/21.), performs the affairs of administration that, among other, relate to: inspection supervision in

In relation to the work of the courts and judges, 73 petitions were filed to the Supreme court of Montenegro, which represents the reduction of 49% in comparison to reporting for the year 2018 (143). During 2019., 131 complaints were filed to the Judicial council, which is 9,72 % less complaints in relation to 2018. After considering on the Council sessions, the position has been taken in 83 cases, while in the remaining 48 complaints, proceeding is still ongoing.

(Law on Judicial Council and Judges states that the Judicial Council, among other competences, considers complaints against the work of judges and court presidents. The Courts Rules of Procedure states that the President of the court is obliged to, either personally or through a person duly assigned by him, examine every complaint of the parties concerning the work of either the court or individual judges, officers and employees. Before responding to the complaint in the shortest time possible, president of the court shall notify of the complaint the person whose work it refers to, request from that person an explanation verbally or in writing, reviews the case files, and takes other steps necessary to assess the validity of the complaint. Response to complaints and petitions shall be submitted no later than 30 days from the date of filing. The protection of the right to trial within a reasonable time, as well as fair redress in the event of violation of right to trial within a reasonable time shall be enforced through a special Law, in the judicial proceeding, on the manner and upon conditions prescribed by this Law.

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The Ministry of Justice, in accordance with the Regulation on organization and manner of work of the State

Serbia

(2019): There is no centralized electronic database of submitted complaints in the judicial system of the Republic of Serbia. The reasons for filing a complaint can be classified into two major groups: the party's dissatisfaction with a decision and the length of the proceeding.

Article 8 of the Law on the Organization of Courts stipulates that the party and other participants in a court proceeding have the right to a complaint about the work of the court when they believe that the proceeding is being prolonged, that it is irregular, or that there is some undue influence on its course and outcome.

Article 55 prescribes that the president of the court must consider the complaint, forward it to the judge to whom it refers for opinion, and to inform the complainants, as well as the president of the immediately superior court, of its merits and measures taken, within 15 days from the date of receipt of the complaint.

S/he may dismiss the complaint, in full or a certain part of it, if s/he finds that the complainant abused the right to a complaint (e.g. the complaint has an offensive content or if s/he files a complaint of the same or similar content that has been previously decided). If the complaint is filed through the ministry in charge of the judiciary, the immediate superior court, or the High Court Council, the president of the court will notify the body through which the complaint was filed about the merits of the complaint and the measures taken. The party or other participant in the procedure who has the right to file a complaint on the work of the court is not denied the possibility to address the same complaint on the work of the same court regarding the same case to the court in which the complaint is in process, as well as to all higher courts, the ministry in charge of the judiciary, and the High Court Council. Accordingly, one complaint, as a statistical data, can occur several times. Therefore, the figure of the total number of complaints received by courts in 2019 and compiled by the Supreme Court of Cassation is not a realistic number of complaints, which is why it is

Kosovo*

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 160

Albania

1. he has an interest in the case or in another dispute which is related to it in the trial.
2. he or his spouse has kin relations to the fourth degree or in-law to the second degree, or is related by obligations of child adoption, or lives together in a permanently with one of the parties or attorneys.
3. he or his spouse is in legal conflict or in enmity or in relations of credit or loan with one of the parties or one of the representatives.
4. he has given advise or has expressed opinion on the case in trial or has participated in the trial of the case in a different level of the process, has been questioned as a witness, as expert or representative of one or the other party.
5. he is guardian, employer of one of the parties, administrator or has another task in an entity, association, society or other institution which has interests in the case in trial.

6. in any other event when, according to concrete circumstances, serious reasons for partiality are verified. The request for resignation is presented to the chairman of the respective court who decides. The chairman of the Court of Appeal decides on the presentation of the resignation of the chairman of the district court, and the Chairman of the High Court decides on the request of the chairman of the Court of Appeal. The parties are notified on the content of the request

The judge who on his conscience assesses that there are reasonable causes not to take part in the revision of a case, requests the chairman of the court to be replaced. When Chairman of the court deems relevant the request orders his replacement with another judge through lot.

In cases where the resignation of a judge is mandatory, each of the parties may request the exempt of the judge.

The request, signed by the respective party or its representative, must be deposited with the court secretariat when the announcement of the judge or judges that shall examine the case is made public, or if not, immediately after the announcement of the judge or judges that shall try the case.

Later submission of the request is permitted only in the instance that the party has received information on the grounds of dismissal, or if the judge has inappropriately expressed biased opinion of the facts and circumstances pertaining to the trial during the execution of his duties, although no later than three days from receipt of information.

Bosnia and Herzegovina

(General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality.

The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary

Montenegro

(2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure Code).

Serbia

(2020): In accordance with the Law on Judges judges have a duty to maintain confidence in their independence and impartiality. The judge is obliged to conduct the procedure impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, while ensuring a fair trial and respect for the procedural rights of the parties guaranteed by the Constitution, law and international acts. (Art. 3, paras 1 and 2)
The procedural laws enable the possibility for parties in the proceedings to challenge the judge (Article 69 of

Question 161

Albania

(2019): The party files a complaint, which is considered by an other judge, assigned by lot.

Bosnia and Herzegovina

(General Comment): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal offence;

(2020): 99% challenges submitted by the parties in proceedings during 2020 were resolved in the same year.

(2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same year.

Montenegro

(2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which

(2019): In the period 01.01.2019.-31.12.2019., courts had in total 1833 cases on exemption, out of which 1822 cases were resolved, and 11 remained unresolved. 1285 requests were adopted. Judges filed 1435

North Macedonia

(2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were 2277

(2019): In 2019 there were 2726 requests for exemption of judges while in the same year there were 2574

Serbia

(2020): Statistics are not available at this time.

(2019): Statistics are not available at this time.

Kosovo*

(General Comment): If a party considers a judge to be partial, it can submit a request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be replaced. Usually, in order to provide a fair and impartial procedure, most of the requests of the

(2019): If a party considers a judge to be partial, it can submit a request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be

Question 162

Albania

(General Comment): According to the Constitution and Law "On the status of judges and prosecutors", as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

According to the Law "On the governance institutions of the justice system", as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.

Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors General Prosecution;
- b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
- c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions

(2019): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

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- c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is

Bosnia and Herzegovina

(General Comment): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law and on the forfeiture of property gain obtained by the commission of a criminal offence;

(2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offense has been committed, to take necessary steps to discover it and investigate it, to identify the suspect(s), guide and supervise the investigation, as well as direct the activities of authorized officials pertaining to the identification of suspect(s) and the gathering of information and evidence; to perform an investigation; to grant immunity; to request information from governmental bodies, companies and physical and legal persons in Bosnia and Herzegovina; to issue summonses and orders and to propose the issuance of summonses and orders as provided under this Code; to order authorized officials to execute an order issued by the Court as provided by this Code; to establish facts necessary for deciding on claims under property law

North Macedonia

(2019): These guarantees are contained in the Law on Public Prosecution office and the Law on Criminal

Serbia

(2019): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor. The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings

Kosovo*

(General Comment): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states: "It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case."

(2019): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states: "It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case."

Question 162-1

Bosnia and Herzegovina

(2020): Please see details in the section with comments.

North Macedonia

(2020): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

Serbia

(2020): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor. The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings

Question 163

Albania

(General Comment): Other specific arrangements means:

- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant's right to use the language he/she speaks or understands or either use the sign language, as well as be assisted by a translator and interpreter if he/she has disabilities in speaking and hearing. - prohibiting the publication of the personal data and photos of the juvenile defendants and witnesses; - physical protection, by the warrant of defense for the cases of violence due to the family

(2019): Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;
- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English

Bosnia and Herzegovina

(General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court

proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the

(2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court

proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the

house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party

Montenegro

(2020): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or dumb. Thus, the hearing of these persons shall be conducted through an interpreter who took an oath. If the defendant or witness is a person with impaired hearing, the questions shall be in writing, and if it is a person with impaired speech, shall be asked to answer in writing. If the hearing can not be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.

A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.

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North Macedonia

Article 53

Victim's rights

(1) The victim of a crime shall have the following rights:

- 1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property claim for damages;
- 2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
- 3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:

- 1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and
- 2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:

Article 53

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- 2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
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(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

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- 2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:

Serbia

according to a *lex specialis* - the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles. A juvenile shall have defence counsel during the first questioning and throughout the proceedings with the presence of psychologist. Bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily. Likewise, an attorney will be appointed, and publicity will be excluded.

Other categories enjoy special arrangements if they are given the status of “especially vulnerable witness”. For example, victims of human trafficking are considered especially vulnerable witnesses. The Law on Civil Procedure provides that the court may exclude the public from the whole or part of the trial if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when instructed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial. Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, or domestic violence and the rights of the child. The court has to inform the minor about his/her rights, as well as to provide the presence of experts during the whole proceedings, i.e. psychologists, pedagogues, social workers, in order to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

The authority conducting proceedings may *ex officio*, at the request of parties or the witness her/himself, designate as an especially vulnerable witness a “witness who is especially vulnerable” in view of her/his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavouring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties

himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical devices for transmitting images and sound, the examination is conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.

An especially vulnerable witness may also be examined in his place of living or other premises or in an authorized institution professionally qualified for examining especially vulnerable persons. In such case the authority conducting proceedings may order application of these measures.

An especially vulnerable witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defense (Art. 104 CPC).

If there exist circumstances which indicate that by giving testimony or answering certain questions a witness would expose himself or persons close to him to a danger to life, health, freedom or property of substantial size, the court may authorize one or more measures of special protection by issuing a ruling determining a status of protected witness.

The measures of special protection include questioning the protected witness under conditions and in a manner ensuring that his identity is not revealed to the general public, and exceptionally also to the defendant and his defense counsel, in accordance with this Code (Art. 105 CPC).

The measures of special protection ensuring that the identity of a protected witness is not revealed to the public are excluding the public from the trial and prohibition of publication of data about the identity of the witness.

specialis - the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles. A juvenile shall have defense counsel during the first questioning and throughout the proceedings with the presence of psychologist. Bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily.

Likewise, an attorney will be appointed, and publicity will be excluded.

Other categories enjoy special arrangements if they are given the status of “especially vulnerable witness”.

For example, victims of human trafficking are considered especially vulnerable witnesses. The Law on Civil Procedure provides that the court may exclude the public from the whole or part of the trial if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when instructed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial.

Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, or domestic violence and the rights of the child. The court has to inform the minor about his/her rights, as well as to provide the presence of experts during the whole proceedings, i.e. psychologists, pedagogues, social workers, in order to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 Criminal Procedure Code ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019)).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical

Kosovo*

(General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to

(2019): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to have his/her first

Question 164

Albania

(General Comment): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the

(2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation

Bosnia and Herzegovina

(General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

- a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
- b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
- c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
- d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced

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- a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
- b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
- c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
- d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

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Montenegro

(2020): Law on the judicial Council and Judges

(2019): Law on the Judicial Council and Judges

North Macedonia

(General Comment): The independence of judges in Macedonian legal system is regulated with the

(2019): The independence of judges in Macedonian legal system is regulated with the Constitution and the

Serbia

(2020): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

Law on High Judicial Council (Official Gazette of the Republic of Serbia No.116/08, 101/10, 88/11 and 106/15)

Code of Ethics and Rules of Procedure of the High Judicial Council (Official Gazette of the Republic of Serbia No. 29/13, 4/16, 91/16, 24/17, 7/18 and 69/18) have been put in the "other" category because they are an

(2019): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

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Question 166

Albania

(General Comment): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the

(2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation

Bosnia and Herzegovina

(General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding

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North Macedonia

(General Comment): The independence of prosecutors in Macedonian legal system is regulated with the

(2019): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and

Question 171

Bosnia and Herzegovina

(2020): In addition to one corruption-related case, there is also one case initiated because of family violence in 2020. There are also pending criminal cases against 2 judges and 4 public prosecutors from previous years. In one case not related to corruption, the judge was sentenced to two years and ten months in prison.

(2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous years.

Montenegro

(2019): In 2019, there were no criminal proceedings against state prosecutors. One criminal proceeding was initiated in 2018, when Prosecutorial council brought a decision of temporary removal from duty of the state

North Macedonia

(2019): In 2019, criminal cases were initiated against 15 judges and 4 public prosecutors. From this for 1 judge was submitted indictment and the criminal procedure for this judge is ongoing. For 5 judges a decision for decline of submitted criminal charge has been brought by the Public Prosecution office and they are closed. For the others the procedure is ongoing in the prosecution office and there is still not a decision for them.

Serbia

(2019): The State Prosecutorial Council and MoJ have confirmed on 14 April 2020 that they are unable to

Kosovo*

(2020): The number of prosecutors is not available because it is usually generated manually since there is no national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain the

(2019): Because of the Covid 19 situation, we have not been able to obtain the data for judges yet.

Question 172-0

Albania

(General Comment): Based on law no. 9049 dated 10.04.2003

On the declaration and audit of assets, financial obligations of elected persons, and certain public officials (as amended) judges and prosecutors have the obligation to make statement of assets and private interests which are later subject to verification of the authenticity and accuracy of the data contained in the statements.

Bosnia and Herzegovina

(General Comment): The the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. The

Serbia

(2020): Answers that are NAP should be NA.

Question 172

Albania

(General Comment): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83

"Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria.

Additionally, the HJC, by Decision No. 13 of 18.01.2019, established the four standing committees of the HJC, among which the committee of Ethical and Professional Performance Evaluation. This committee has finalized a regulation that includes a scoring grid on judges' professional and ethical evaluation and will further develop all the relevant criteria mentioned on the law 96/2016, which will be used for both the periodic evaluation of judges and at the same time will serve as a solid baseline/platform for their promotion. In parallel, as previously reported, the observance of magistrates to the ethical rules is subject to

Question 173

Albania

(2019): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83 "Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria.

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North Macedonia

(General Comment): New Code of Ethics for judges and lay judges was adopted in September 2019.

Question 174

Albania

(General Comment): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General Prosecutor until

Question 175

Albania

(2019): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General Prosecutor until

North Macedonia

(General Comment): Last amendments on the Ethical code of public prosecutors are from 2019.

(2019): <http://jorm.gov.mk/izmenuvane-i-dopolnuvane-na-etichkiot-kodeks-na-javnite-obviniteli/>

Serbia

(2020): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has

(2019): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has

Question 176

Serbia

(2019): The HJC, at the session held on 4 September 2018, adopted Rules of Procedure (“Official Gazette of RS” No. 29/13, 4/16, 91/16, 24/17 and 7/18) of the Ethics Committee that has been established as a working body of the Council, considerably extending its competencies, tasks and powers to include the following:

§ monitoring compliance with the Code of Ethics for judges;

§ monitoring compliance with the Code of Ethics for members of the HJC;

§ proposing necessary amendments to the Codes of Ethics for both judges and members of the HJC;

§ undertaking activities, in close cooperation with the Judicial Academy, aimed at preparation and delivery of necessary training programme on ethics for all judges;

§ issuing opinion on whether the specific behaviour of holders of judicial function and / or that of members of the HJC is in conformity with their respective Codes of Ethics;

§ providing written guidelines with practical examples on ethical matters and issuing complementary guidance on provisions of the Code of Ethics as well as recommendations, explanations and interpretations regarding actual or presumed violation of the Code; § providing confidential counselling;

§ submitting annual reports;

§ performing other tasks in relation to the application of and full adherence to the two Codes of Ethics for both judges and members of the HJC.

However, this decision has subsequently been revoked. It was envisioned that @the Ethics Committee may act upon its own initiative or that of individual judges, the Council itself or a member of the HJC. External

Question 177

Albania

(General Comment): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional

Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee are formed by

(2019): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

(2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the

Montenegro

(General Comment): By judges and other legal professionals

Other, please specify:

Twofold:

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by

(2020): By judges and other legal professionals

Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

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(2019): ✓ By judges and other legal professionals

✓ Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by

North Macedonia

(2019): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee. The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or

Serbia

which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

Kosovo*

(General Comment): This is also an ad hoc body that is formed in situations where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, takes a decision on the

(2019): This is also an ad hoc body which is formed in situation where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, take a decision on the respective matter and

Question 178

Albania

(General Comment): The ethics advisor performs the following tasks: a) Give advice, upon the request of any judge on the most appropriate behaviour in and outside of the court, in the event of ethical uncertainties;

b) may ask for the opinion of the Council on certain issues relating to the conduct of judges in general, but not in relation to specific persons;

c) Elaborate, publish, and continuously update an informative manual, which shall reflect questions and answers relating to ethical questions, based on the best international standards and practices, relevant

(2019): There have been issued no such opinions, yet. It depends on the approval of the new code of ethics

Bosnia and Herzegovina

(2020): The Committee usually meets once per month.

(2019): The Committee usually meets once per month.

Montenegro

(2020): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

Not public opinions

(2019): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

North Macedonia

(General Comment): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee. The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or

(2019): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Serbia

(2020): As these opinions are only in the form of conclusions (not decisions) they are published on the

(2019): As these opinions are only in the form of conclusions (not decisions) they are published on the

Kosovo*

(2020): Please refer to the previous question.

(2019): Please refer to the previous question.

Question 179

Albania

(General Comment): The Ethics Adviser at High Prosecutorial

Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics

Serbia

(2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example,

Kosovo*

(General Comment): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary

(2019): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary procedure

Question 180

Albania

(2019): The High Prosecutorial Council appoints an Ethics Adviser among the prosecutors

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the

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Montenegro

(2020): a) The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private

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North Macedonia

(2019): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors, and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints

Serbia

(2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example,

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Question 181

Albania

(2019): The Ethics Adviser at High Prosecutorial Council performs the following duties:

a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;

b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;

(c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;

Bosnia and Herzegovina

(2020): The Committee usually meets once per month.

(2019): The Committee usually meets once per month.

Montenegro

(2020): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

(2019): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

North Macedonia

(General Comment): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office. The president of the Ethical Council is elected by the members of their ranks. The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code. One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor. When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected. The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code. The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure. The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor. The public prosecutor to whom the complaint relates shall be given a right to reply within eight days. The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints

(2019): <http://zjorm.org.mk/>

Serbia

(2020): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical

(2019): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical

Question 182

Albania

(General Comment): As per article 3 of law “on the status of judges and prosecutors...” A magistrate shall not establish inappropriate connections and shall not be under the influence of the executive and legislative power. The magistrate shall take all the measures in order to be and appear to be free therefrom. The magistrate shall immediately notify the Council and the Chairperson upon identifying any attempt of interference or undue influence on him/her. Furthermore, article 75 of the same law provides “The integrity of the magistrate in the sense of the magistrate’s immunity against any external influence or pressure is measured against indicators like the results of the complaints and their verification, opinions of chairpersons, final decisions regarding the disciplinary measures within the evaluation period in this regard and/or reports of High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest. Article 102, considers any attempt to influence the exercise of the duty of another magistrate as a disciplinary misconduct related to the exercise of the function of the magistrate. The Code of Criminal Procedure sets the obligation to report any attempt on improper influence and corruption. The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors.

According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

A general mechanism is provided in Article 119, of the Law “On the status of judges and prosecutors”, as amended, and is the right to report attempts to influence/corruption on prosecutors through complaints filed by any person to the High Justice Inspectorate.

In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right

(2020): Judge must report any attempt of influence/corruption

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- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right to confidentiality. The High Justice Inspector publishes the complaint form template on his official website, in order to facilitate the submission of complaints. The High Prosecutorial Council takes disciplinary action in accordance with the violation found and if there is evidence of influence/corruption, the prosecutor is subject to a criminal charge.

Bosnia and Herzegovina

Council of Bosnia and

Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights

established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the

independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to

refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council

may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the

protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main

objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary

and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of

criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH,

Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in

such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties,

are prescribed as criminal offenses.

Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

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CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): "An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. "

Montenegro

(General Comment): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute.

Whistleblowers

Art. 44

A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.

Person or Entrepreneur

Art. 45

Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.

Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

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Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred

North Macedonia

Obstruction of justice

Article 368-a

(1) Whosoever, with the intent to induce a person who might be called as a witness, a witness or an expert to give a false statement or to prevent or hinder the collection of evidence or the substantiation in the criminal procedure, in a procedure before a court or before any other body which conducts a procedure in accordance with the law, threatens with attack against the life or the body or the property to a greater extent, of a person who might be called as a witness, a witness or an expert or close persons thereto, or by using force, violence, illegal deprivation of freedom, by offering a bribe or in any other manner influences or prevents such person to appear as a person who might be called as a witness, a witness or an expert in the procedure or if he is called as a witness or an expert to give or not to give a statement with a determined meaning, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed to whosoever, due to revenge for the given statement of the person referred to in paragraph (1) of this Article, deprives such person of a right, maltreats him or inflicts on him bodily injuries.

(3) If especially severe consequences for the defendant in the criminal procedure have been created due to the crime referred to in paragraphs (1) and (2) of this Article or severe bodily injury has been inflicted on the person referred to in paragraph (1) of this Article or the crime has been committed against a protected or threatened witness or a close person thereto, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the person referred to in paragraph (1) of this Article is deprived of the life by the crime referred to in paragraphs (1) and (2) of this Article, the offender shall be sentenced to imprisonment of at least ten years or life imprisonment.

(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

Obstruction of justice

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(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

Serbia

(2020): According to the Article 37 of the Law on Anti-Corruption Agency an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

In relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submit complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be

disseminated to all judges in February 2019;

2. The Guidelines on recognising and countering risks of undue influence intended for public prosecutors, deputy public prosecutors and prosecutorial assistants were also published in February 2019. According to the Article 37 of the Law on Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

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Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Complaints

Kosovo*

(General Comment): There is no permanent mechanism that reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of influence

(2019): There is no permanent mechanism which reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of influence or

Question 184

Albania

(General Comment): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order

(2019): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the

Bosnia and Herzegovina

(General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the

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Priority cases (e.g. cases involving detention, cases involving minors etc.) are distributed urgently as

Serbia

(2020): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part

(2019): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part

Question 185

North Macedonia

(General Comment): Court Rules of procedure
Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this

(2019): Court Rules of procedure

Automatic Redistribution of Cases

Article 177

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Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Question 186

Bosnia and Herzegovina

(General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.

Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option "Other reasons". When the latter option is selected, a detailed

reason for reassignment. Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option "Other reasons". When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Montenegro

(General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

Article 61

Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the

President of the court alone or at the proposal of the President of the Division or a judge. The President of

(2019): Articles 60 and 61 of the Court Rule of Procedure:

Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

Article 61

Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the President of the court alone or at the proposal of the President of the Division or a

Question 187

Bosnia and Herzegovina

(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

(2019): Regarding allocation of cases (assignment):

Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases, whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from

Montenegro

(2020): Random allocation of cases from Judicial Information System (PRIS).

(2019): Random allocation of cases from Judicial Information System (PRIS).

North Macedonia

(General Comment): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a

(2019): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to

Serbia

(2020): The information about changes of the judge and about the CMS user who has made the change

(2019): The information about changes of the judge and about the CMS user who has made the change

Question 188

Bosnia and Herzegovina

(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases, whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court

(2019): Regarding allocation of cases (assignment):

Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases, whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more

Montenegro

(“Official Gazette of MNE”, no. 11/2015 and 76/2020) Amending Annual Work Distribution Article 32

The court president may amend the annual work distribution of the court, if:

- 1) The number of positions for judges or the number of judges decreases or increases; or
- 2) The number or type of cases in court significantly increases or decreases.

The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.

The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law.
Submission and Publication of Annual Work Distribution

Article 33

The court president shall submit an annual work distribution and amendments there to all judges and shall publish it on the bulletin board of the court.

4. Random Allocation of Cases

Allocation of Cases

Article 34

Cases shall be allocated to work without delay, according to the annual work distribution, through the method of random allocation of cases.

In accordance with paragraph 1 of this Article, the following cases shall also be allocated to other judges:

- 1) Cases that were assigned to a judge who does not perform a judicial office in that court any longer; and
- 2) Cases that were taken away in accordance with Article 36 of the present Law. Method of Random

Allocation of Cases

Article 35

Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the

Court Rules, cases shall be allocated to judges through the method of random allocation of cases. Taking Away an Allocated Case

Article 36

An allocated case shall be taken away from a judge or panel only if it is determined that they unduly fail to

(“Official Gazette of MNE”, no. 11/2015)

Amending Annual Work Distribution

Article 32

The court president may amend the annual work distribution of the court, if:

- 1) The number of positions for judges or the number of judges decreases or increases; or
- 2) The number or type of cases in court significantly increases or decreases.

The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.

The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law.

Submission and Publication of Annual Work Distribution

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In accordance with paragraph 1 of this Article, the following cases shall also be allocated to other judges:

- 1) Cases that were assigned to a judge who does not perform a judicial office in that court any longer; and
- 2) Cases that were taken away in accordance with Article 36 of the present Law.

Method of Random Allocation of Cases

Article 35

Once the basic information about a case is entered into the judicial information system, in a manner that is more closely regulated by the Court Rules, cases shall be allocated to judges through the method of random allocation of cases.

Taking Away an Allocated Case

North Macedonia

(General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

3. Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to

(2019): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases
3. Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Question 190

Albania

(General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their

(2019): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their

Bosnia and Herzegovina

(2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018. After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018. Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner

Montenegro

(General Comment): Law on prevention of corruption

Serbia

(2020): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and 88/2019) that

(2019): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and 88/2019) that

Question 192

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the

(2019): Please consult the comments made for Q190.

Serbia

(2020): Please refer to the attachment in previous cycle.

Question 193

Albania

(General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any

(2019): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;

Bosnia and Herzegovina

(2020): The answer to this question has been amended in relation to 2019, according to the explanation for amending the answer to question 190.

Montenegro

(General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and

(2019): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

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- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific,

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
- 8) source and amount of net income from another job or activity;
- 9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
- 10) property rights; incomes deriving from copyrights, patents and other intellectual
- 11) source and amount of other net income;
- 12) right of use of the apartment for official purposes;
- 13) right of use or right of lease over immovable; right of ownership or right of lease over movables which are subject to registration;
- 15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
- 16) lease of safe deposit boxes in banks;
- 17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
- 18) shares and interest in a legal entity;
- 19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
- 20) financial instruments;
- 21) entrepreneurial activity;

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
- 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
- 4) deposits in banks and other financial organizations, at home and abroad;
- 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use an apartment for official purposes;
- 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Law. **New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):**

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;

Kosovo*

(General Comment): Other items as described in the form of Declaration of Assets

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or

(2019): Others mean: any other function that the Judge might be engaged; and his/her financial debt to any

Question 194

Bosnia and Herzegovina

(2020): Other: The financial statement forms are submitted as soon as one is appointed judge or prosecutor. Subsequently, the judicial office holder submits the form each year.

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the

(2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests

Serbia

(2020): According to the new Law on the Corruption Prevention: IN accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after

Kosovo*

(General Comment): Other: at the request by the Anti-Corruption Agency

Question 195

Albania

(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons. When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

(2019): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons. When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and

Montenegro

(General Comment): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

(2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-

North Macedonia

(General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;

(2019): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;

- a statement of interest for him/her and his/her family members, which contains information on jobs and

Serbia

(2020): According to the new Law on the Corruption Prevention:

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. Note-According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only

Kosovo*

(General Comment): Other family members: parents who live in the same household

Regarding children, the declaration concerns children with whom he/she lives in the same household

(2019): Regarding children, the declaration concerns children with whom he/she lives in the same

Question 196

North Macedonia

(General Comment): There is not separate declaration form for the family members, the data for the family

(2019): There is not separate declaration form for the family members, the data for the family members is

Question 198

Albania

(General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Montenegro

is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the web page of the Agency for Prevention of Corruption.

Serbia

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4

97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance to Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

Kosovo*

(General Comment): The Agency verifies the content of each asset declaration.

(2019): Yes, the Agency verifies the content of each assets declaration.

Question 200

Albania

(2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While

(2019): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are

Montenegro

(General Comment): www.antikorupcija.me

(2019): www.antikorupcija.me

North Macedonia

(General Comment): http://www.dsk.org.mk/imoti_2/

(2019): http://www.dsk.org.mk/imoti_2/

Serbia

(2019): <http://www.acas.rs/pretraga-registra/>

Kosovo*

(General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal

(2019): It is published in the Website of the Anti-Corruption Agency and in the internal database of the

Question 201

Albania

(General Comment): Article 40/1 of the law no.9049/2003 provides that "1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL" Criminal sanction, Article 257/a/1 of the Criminal Code "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration" provides that "The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a

(2019): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL”

Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months

Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 58 (List of Measures)

(1) The Council may impose one or more of the following disciplinary measures:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor’s office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

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- (d) Temporary or permanent reassignment to another court or prosecutor’s office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

Montenegro

(General Comment): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention

(2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption

North Macedonia

(General Comment): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

3. Serious disciplinary offence

Article 75

(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

- 1) Severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
- 2) Gross influence and interference in the performance of the judicial function of another judge;
- 3) If he refuses to file a statement of assets and interests according to law or if his statement contains gross

(2019): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

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- 1) Severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
- 2) Gross influence and interference in the performance of the judicial function of another judge;
- 3) If he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or

Serbia

(2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law. When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Requirements for Pronouncing Measures

Article 83

Measure of caution shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the new Law on the Corruption Prevention:

According to article 103 paragraph 17 - an official shall be fined from 50,000 to 150,000 RSD for the failure to

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person. If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law. When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Kosovo*

(General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year.

Question 202

Albania

(2020): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by

assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate

declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day

(2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Bosnia and Herzegovina

(2020): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2020): Number of cases initiated:

9 administrative procedures initiated (1 out of 9 initiated in 2019)

5 misdemeanour proceedings initiated

Number of cases completed:

8 administrative procedures completed 5 misdemeanour proceedings completed Number of sanctions pronounced:

In 2 administrative procedures against judges, violation of the law has been established – APC’s Decisions forwarded to the authority which appoints the judges – pending feedback on the disciplinary measures imposed by the authority 5 misdemeanours proceedings ended in 4 reprimands and 1 fine

(2019): Source: Agency for Prevention of Corruption

North Macedonia

(2020): According to the Law on fight against corruption and conflict of interests, from a total of 17 cases, in 7 cases the procedure has been completed with issuing on a misdemeanour payment order, which were paid on time. For the other 10 cases, where the misdemeanour payment order was not paid, a misdemeanour

Kosovo*

(2019): One case was completed during 2019, which was initiated in 2018, meanwhile, in December 2019, after the completion of the full control procedure, 6 cases were initiated against judges regarding the

Question 203

Bosnia and Herzegovina

(2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018. After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the

Montenegro

(General Comment): Law on prevention of corruption

Serbia

(2020): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020)

(2019): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020)

Question 205

Albania

(2019): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the

(2019): Please consult the comments made for Q203

Question 206

Albania

(General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any

(2020): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by

March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- d) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any

(2019): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring

Bosnia and Herzegovina

(2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to the

Montenegro

(General Comment): See Article 24 of the Law on prevention of corruption: "Art. 24

The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and

(2019): See Article 24 of the Law on prevention of corruption: "Art. 24

The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific,

Serbia

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 7) source and amount of the net income of a public official that he/she receives for holding public office and the source and amount of other net incomes that he/she receives from the budget and other public sources;
- 8) source and amount of net income from another job or activity;
- 9) net incomes from scientific and research, educational, cultural and artistic, humanitarian and sporting activity;
- 10) property rights; incomes deriving from copyrights, patents and other intellectual
- 11) source and amount of other net income;
- 12) right of use of the apartment for official purposes;
- 13) right of use or right of lease over immovables; right of ownership or right of lease over movables which are subject to registration;
- 15) deposits in banks and other financial institutions bearing the name of a bank or a financial institution, type and account number and the amount of funds on such accounts;
- 16) lease of safe deposit boxes in banks;17) receivables and debts (principle amount, interest, repayment periods and date of maturity);
- 18 shares and interest in a legal entity;
- 19) data on the legal entity in which the legal entity from item 18) hereof has more than 3% of shares and interest;
- 20) financial instruments;
- 21) entrepreneurial activity;

97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
 - 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
 - 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
 - 4) deposits in banks and other financial organizations, at home and abroad;
 - 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
 - 7) debts (principal, interest and repayment period) and receivables;
 - 8) source and amount of income from discharge of public office, or public functions;
 - 9) entitlement to use an apartment for official purposes;
 - 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
 - 13) all other data and evidence deemed by the official as relevant for the implementation of this Law.
- New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;

Question 207

Albania

(General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of

(2019): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the

(2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests

Serbia

(2020): According to the new Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after

Kosovo*

(General Comment): Other: At the request by the Anti-Corruption Agency

Question 208

Albania

(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons. When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that

(2020): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons. When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of

(2019): Also, the declaration involves other familiars of the prosecutor listed on the family certificate at the

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and

Montenegro

(General Comment): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household

(2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-

Serbia

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household.

* According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of

Kosovo*

(General Comment): Other family members:

Parents who live in the same household

Adult children who live in the same household

(2019): Adult children who live in the same household

Question 209

North Macedonia

(General Comment): There is not separate declaration form for the family members, the data for the family

(2019): There is not separate declaration form for the family members, the data for the family members is

Question 211

Albania

(General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

Montenegro

(2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the official web page of the Agency for

Serbia

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4

plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check. See the text below.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance with Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have

Question 213

Albania

(2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are

(2019): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen,

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are

Montenegro

(General Comment): www.antikorupcija.me

(2019): www.antikorupcija.me

North Macedonia

(General Comment): http://www.dsk.org.mk/imoti_2/

(2019): http://www.dsk.org.mk/imoti_2/

Serbia

(2020): <http://www.acas.rs/pretraga-registra/>

(2019): <http://www.acas.rs/pretraga-registra/>

Kosovo*

(General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal

(2019): It is published in the website of the Anti-Corruption Agency and also in the internal database of the

Question 214

Albania

(General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:

a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and

without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or

(2019): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL”

criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months

Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 58 (List of Measures)

(1) The Council may impose one or more of the following disciplinary measures:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

(2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

Montenegro

(General Comment): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention

(2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption

North Macedonia

(2020): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and

Serbia

(2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law. When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Requirements for Pronouncing Measures

Article 83

Measure of caution shall be pronounced in case a public official committed a minor violation of this Law. A minor violation of this Law shall be the kind of violation that did not affect the impartial discharge of public office. The measure of public announcement of recommendation for dismissal from public office and the measure of public announcement of the decision on violation of this Law, shall be pronounced due to severe violation of this Law. A severe violation of this Law shall be the violation that affected the impartial discharge of public office, as well as the reputation and the trust of citizens shown to the public official and the public office, he/she is discharging.

According to the new Law on the Corruption Prevention:

According to article 103 paragraph 17 - an official shall be fined from 50,000 to 150,000 RSD for the failure to report property and income within a prescribed time limit (Article 68 ad 69).

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person. If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law. When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations.

Kosovo*

(General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year.

Question 215

Albania

a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by

assesseees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).

Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation

(2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Bosnia and Herzegovina

(2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2020): Number of cases initiated

4 administrative procedures initiated and 2 misdemeanour proceedings initiated Number of cases completed

4 administrative procedures completed 2 misdemeanour proceedings completed Number of sanctions pronounced

In 1 administrative procedure the violation of the law has been established – the APC’s Decision was forwarded to the Prosecutorial Council which initiated disciplinary procedure against the prosecutor, the procedure is still ongoing.

2 misdemeanour proceedings against prosecutors ended in 1 reprimand and 1 fine

(2019): Source: Agency for Prevention of Corruption

North Macedonia

(2020): In a total of 10 cases SCPC issued a misdemeanour payment orders. Because, they were not paid on time, a misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this cases.

Kosovo*

(2019): During 2019, 3 cases were initiated against prosecutors which were concluded due to the lack of

Question 217

Albania

(General Comment): 1. Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in

good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.

2. The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.

3. The official cannot accept gifts given to him because of his position by a private individual, natural or legal

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Bosnia and Herzegovina

.....
HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.

2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.

2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.

Regulation on receiving gifts:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by

AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

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Montenegro

(2019): Regarding regulation on receiving a gift - Code of Ethics for judges

Judge must not allow that the members of his family hired in court or any other person submitted to the authority of judicial competence accepts the gift, loan or a favor for what the judge in performing his duty would be obliged to do or did.

In case that a gift, favor or other benefit was made in contrary to his will, judge will right upon the acknowledgement about it, inform in the written form, stating the circumstances in which gift or benefit was made, the president of the court or the state prosecutor if by such action elements of the criminal offence

North Macedonia

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove

Determining of a Conflict of Interest

Article 76

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Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

Serbia

bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

According to the new Law on the Corruption Prevention:

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

Handover of the Received Protocol or Appropriate Gift to the Body of Public

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurement, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article.

Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this

Kosovo*

(General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, the obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to a public function, Incompatibility with the discharge of public functions etc. In violation of Article

(2019): According to the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their

Question 218

Montenegro

(2019): According to the Constitution of Montenegro, a judge cannot perform a post or other public function or professionally perform any other activity. At the request of a court president or judge, the Judicial Council gives an opinion on whether certain activities shall be considered as a professional performance of an activity incompatible with the performance of a judicial function. The judge who performs

North Macedonia

(General Comment): The Law on the courts

Article 52

- (1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.
- (2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
- (3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
- (4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.
- (5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.
- (6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
- (7) The judge cannot be a member or hold a political office within a political party or carry out political or

(2019): The Law on the courts

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- (3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
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- (6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
- (7) The judge cannot be a member or hold a political office within a political party or carry out political or

Serbia

(General Comment): A judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law. The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours. A judge shall notify in writing the High Judicial Council of each service or engagement that

(2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an

(2019): According to Law on Judges a judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law.

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Kosovo*

(2020): They can teach both with or without remuneration and can conduct research too.

(2019): They can teach both with or without remuneration, and yes, they can conduct research too.

Question 219

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of

Question 220

Montenegro

(2019): Law on Judicial Council and judges

Opinion on other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright,

Question 222

Albania

breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

(2019): In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
- (b) The degree of responsibility;
- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Montenegro

(2019): v "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict

(2019): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

(2019): Law on the Anti-Corruption Agency (New Law on the Corruption Prevention). Article 90 of the Law on Judges prescribes that accepting gifts contrary to the regulations governing conflict of interest is a disciplinary offence. Disciplinary proceedings are conducted against the judge, in accordance with the

Question 223

Albania

(General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so. Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section

(2019): Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so. Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
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Montenegro

(2019): v "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict

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Serbia

(2020): Please briefly describe the procedure:

In accordance to articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance to articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency

97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

VI. PROCEDURE AND DECISION MAKING IN CASE OF VIOLATION OF THE LAW

Article 50

The procedure to establish whether there is a violation of this Law and order measures pursuant to this Law shall be initiated and conducted by the Agency ex officio.

The procedure referred to in paragraph 1 of this Article is also initiated upon the request of an official, his/her direct superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person. The Agency shall notify the official specified in paragraph 1 of this Article of the initiation of the procedure. The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with an aim to establish whether a violation of this Law occurred.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public

Question 224

Albania

are undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law "On prevention of money laundering and financing of terrorism" or documents used abroad by

assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).

Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation

a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law "On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law "On prevention of conflict of interest in exercising public functions" and the "Code of Administrative Procedures".

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

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assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

The High Inspectorate with the purpose of fulfilling the constitutional and legal obligations for the completion of the full audit of assets declarations regarding the legitimacy of the source of the creation of the property, the fulfillment of financial obligations, including private interests, started the establishment of the official communication with all public and private entities for verification purposes for more than 3,000 persons (subjects of re-evaluation and related persons).

Moreover, the High Inspectorate for the purposes of data accuracy, and reconciliation took measures to manually extract and process from the assets declaration forms submitted for the re-evaluation process, along with assets declaration forms submitted by subjects over the years, detailed data (fatherhood, motherhood, date of birth, identification number, civil status etc.) to more than 3,000 persons (re-evaluation

(2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Bosnia and Herzegovina

(General Comment): Judges were held liable for disciplinary offence “not disqualifying himself or herself from hearing a case when a conflict of interest exists”. In one case because of a failure to disqualify when related to the party in the proceeding, and in another for a failure to disqualify when deciding upon

(2019): The numbers included in the table refer to disciplinary procedures initiated against judges in the

Montenegro

(2020): The difference in figures between 2019 and 2020 (increase of number of procedures initiated) is due to the fact that in 2020 the State Audit Institution (SAI) submitted a request (which refers to 28 persons) referred to the representatives of the judiciary regarding the negative opinion in the analysis of the work of the Judicial Council for 2019, which was published by the State Audit Institution. By implementing the legal competencies prescribed by the provisions of the LPC, the Agency performed a comparative analysis of the data, i.e. detailed verification of data and incomes for 28 persons for whom the SAI indicated that their

(2019): Source: Agency for Prevention of Corruption

Note: There have been two cases initiated in Montenegro and completed by the Agency for Prevention of Corruption but currently under appeal in front of the Administrative Court. Considering that only final decisions are counted as completed we have indicated 0 under completed cases, as these two cases are still

Serbia

(2020): 2 (cases initiated in 2018 and 2019)

Kosovo*

(2019): During 2019, the Anti-Corruption Agency initiated and reviewed 11 conflict of interest cases for judges. In all these cases the conflict of interest was avoided and no further proceedings were necessary.

Question 226

Albania

prosecutors during the exercise of their public function:

1. Criminal Procedure Code (as above mentioned);
2. Law "On the status of judges and prosecutors", as amended;
3. Law no. 9367, dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended;
4. Order no. 141, dated 19.07.2014 "On adoption of rules on ethics and conduct of prosecutors", of General Prosecution Office (as above mentioned).

In Articles 6-7, of the Law "On the status of judges and prosecutors", as amended, concerning incompatibilities with the function of magistrate, it is provided that the function of magistrate is incompatible with the ... conduct of any political activity, whether or not the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create the impression that the magistrate is impartial and unaffected.

Also, the Magistrate is prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest.

According to Articles 32 and 35, of the Law "On the status of judges and prosecutors", as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and

the exercise of their public function:

1. Criminal Procedure Code (as above mentioned);
2. Law "On the status of judges and prosecutors", as amended;
3. Law no. 9367, dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended;
4. Order no. 141, dated 19.07.2014 "On adoption of rules on ethics and conduct of prosecutors", of General Prosecution Office (as above mentioned).

In Articles 6-7, of the Law "On the status of judges and prosecutors", as amended, concerning incompatibilities with the function of magistrate, it is provided that the function of magistrate is incompatible with the ... conduct of any political activity, whether or not the activity is carried out in conjunction with any political party or not, which may affect the independence of the magistrate, create a conflict of interest or, in any event, create the impression that the magistrate is impartial and unaffected. Also, the Magistrate is prohibited from actively owning shares or portions of the capital of a business organization, or passively owning shares or portions of the capital of a business organization, if the company has profits or benefits from public contracts, in accordance with the prevention legislation of the conflict of interest in force as well as passively owning shares or portions of the capital of a company in which the activity of the magistrate is prohibited because it creates a conflict of interest.

According to Articles 32 and 35, of the Law "On the status of judges and prosecutors", as amended, High Prosecutorial Council verifies the integrity and assets before the candidates are accepted in the initial formation/training in the School of Magistrates, part of which is the evaluation of possible conflict of interests based on the reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of the prosecutor's performance are:

- a) ... reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest.

Also, according to Article 102, of the Law "On the status of judges and prosecutors", as amended, disciplinary

Bosnia and Herzegovina

.....
HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS

ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A

prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.

2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.

2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.

Regulation on receiving gifts THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the

AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS

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2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

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Regulation on receiving gifts THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the

North Macedonia

Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove

Determining of a Conflict of Interest

Article 76

(1) In cases when there is reasonable doubt that indicates a conflict of interest, the State Commission shall initiate a procedure for determining of conflict of interests.

(2) The procedure referred to in paragraph (1) of this Article shall be initiated:

- ex officio;
- at the request of an official person;
- upon a report of another person;
- at a request of the head of the body or institution where the official person performs functions, public authorisations or official duties; and
- upon anonymous report.

(3) In the procedure referred to in paragraph (1) of this Article, for the purpose of determining the factual situation in the case, the State Commission shall collect documents, data and information from natural and legal persons, as well as from the official person.

(4) The persons referred to in paragraph (3) of this Article, shall be obliged to submit the documents, data and information available to them within 15 days from the day of receiving the request from the State Commission.

(5) If the persons referred to paragraph (3) of this Article do not respond within the deadline stipulated in paragraph (4) of this Article, the State Commission shall check the allegations of existence of a conflict of interest ex officio.

(6) The State Commission shall be obliged to render a decision on the existence or non-existence of a conflict of interests within 30 days after the responses of the persons referred to in paragraph (3) of this Article i.e. after the verification of the allegations.

Article 77

(1) If the State Commission determines the existence of a conflict of interests, it shall be obliged to inform the official person and to request from him/her, within 15 days from the delivery of the decision, to remove the conflict of interests.

Serbia

A deputy public prosecutor is required to notify the public prosecutor in writing about another office, engagement or private interest, where there exists a possibility of their incompatibility with his/her office, as well as of the engagement or private interest of members of his/her immediate family, if there exists a possibility of their incompatibility with his/her office.

A public prosecutor shall notify the immediately higher ranked prosecutor of such a function, engagement, or private interest, and the Republic Public Prosecutor shall notify the State Prosecutorial Council.

Article 67

A public prosecutor is required to initiate a procedure to decide on the incompatibility of office of a lower ranked public prosecutor or deputy public prosecutor before the Republic Public Prosecutor, when becoming cognizant of, and estimating as probable the existence of, grounds referred to in Article 65 paragraphs 1,3 and 4 of this Law.

The State Prosecutorial Council initiates and conducts proceedings to decide on the incompatibility of the office of the Republican Public Prosecutor with other offices, engagements, or private interests.

Article 68

If the Republic Public Prosecutor determines that another office or engagement performed by a public prosecutor or deputy public prosecutor, or a private interest that he/she realises, are incompatible with the prosecutorial function, and that there are no grounds for dismissal of function, the Republic Public Prosecutor shall accordingly notify the immediately higher ranked public prosecutor, as well as the public prosecutor, or deputy public prosecutor to whom the decision on incompatibility relates. If the State Prosecutors Council determines that another office or engagement performed by the Republic Public Prosecutor, or a private interest he/she realises, are incompatible with the public prosecutorial function, it shall accordingly notify the Republic Public Prosecutor thereof, and if there are grounds for dismissal of function, it shall notify the Government thereof.

The State Prosecutorial Council or the Republic Public Prosecutor referred to in paragraphs 1 and 2 of this Article are required to submit a disciplinary complaint.

1Regulation/procedure for recusal/withdrawal from a case

Criminal Procedure Code - Article 37

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall propose measures for the removal of conflict of interest.

Provisions of paragraph 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

According to the new Law on the Corruption Prevention:

VI GIFTS

Term of Gifts

Article 57

A gift shall be an item, right or service, given or made without the appropriate remuneration, i.e. benefit or advantage caused to a public official or a family member.

Prohibition of Receiving a Gift

Article 58

A public official and a family member cannot receive a gift in relation to discharging public office, except for protocol or another appropriate gift.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall

Question 227

Montenegro

(General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

The work of lecturers as well as the work of researchers and the publication of scientific papers are not in

and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

North Macedonia

(2020): Law on Public prosecution office (2020)

Article 71

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area. (2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, after a prior accord provided by the Chief Public Prosecutor of the Republic of North Macedonia, and the

(2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and

Serbia

(General Comment): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council.

A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of

(2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research,

(2019): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council. A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of public office. An official is required to report incomes from these activities to the Anti-Corruption Agency. The activities specified as that they could be performed must be in line with the Constitution, Article 65 of the Law on Public Prosecution Office and the Code of Ethics of Public Prosecution Office. Article 65 of the Law on Public Prosecution Office stipulates that public prosecutors and deputy public prosecutors cannot hold a position in legislative authorities and executive authorities, public services and authorities of provincial autonomy and units of local self-government, cannot be members of political parties, to engage in publicly or privately paid businesses, and provide legal services or legal advice for remuneration. Exceptionally from paragraph 1 of the Article, a public prosecutor, i.e. a deputy public prosecutor, can be member of an authority managing an institution competent for education in judiciary, based on a decision of the State Prosecutorial Council, in line with a special law. Other positions, affairs or private interests contradicting dignity and independence of public prosecution office or harming his/her reputation are also incompatible with prosecutorial position. The State Prosecutorial Council is determining other positions and affairs contradicting dignity, i.e. harming independence or damaging reputation of public prosecution office. After working hours, a public prosecutor and a deputy public prosecutor can engage in educational and scientific activities for remuneration, without special approval. In situations defined by the law, within his/her working hours, a public prosecutor and a deputy public prosecutor may perform educational and scientific activities. They can take part in activities with civil, religious or humanitarian character if those activities do not interfere with performing of the position or if it could negatively reflect to their impartiality. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from participation at political activities and campaigns. Public prosecutors and deputy public prosecutors may be members and

Kosovo*

(General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".

(2019): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the

Question 228

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of

Question 229

North Macedonia

(2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and

Serbia

(2020): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts,

(2019): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts,

Question 231

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

(a) A written warning which shall not be made public;

(b) Public reprimand;

(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d) Temporary or permanent reassignment to another court or prosecutor's office;

(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

(a) The number and severity of the disciplinary offence committed and its consequences;

(b) The degree of responsibility;

(c) The circumstances under which the disciplinary offence was committed;

(d) The previous work and behaviour of the offender; and

(e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

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- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

Montenegro

(General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention of

(2019): v "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

North Macedonia

(General Comment): In our country the full name of the law is Law on prevention of corruption and conflict

(2019): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Serbia

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

VI. PROCEDURE AND DECISION MAKING IN CASE OF VIOLATION OF THE LAW

Article 50

The procedure to establish whether there is a violation of this Law and order measures pursuant to this Law shall be initiated and conducted by the Agency ex officio.

The procedure referred to in paragraph 1 of this Article is also initiated upon the request of an official, his/her direct superior officer, and may also be initiated on the basis of the report of a legal entity or a natural person. The Agency shall notify the official specified in paragraph 1 of this Article of the initiation of the procedure. The Agency may summon the official, an associated person or the person who filed the report initiating the procedure in order to collect information, as well as request that they submit the necessary data, with an aim to establish whether a violation of this Law occurred.

The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

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The official must have an opportunity to give a statement in the procedure before the Agency.

The procedure before the Agency is closed to the public.

Measures

Article 51

Question 232

Albania

(General Comment): Please briefly describe the procedure: In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated

7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are

provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this

(2019): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor’s office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor;
- (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)
Principles for Determining Measures

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- (a) The number and severity of the disciplinary offence committed and its consequences;
- (b) The degree of responsibility;
- (c) The circumstances under which the disciplinary offence was committed;
- (d) The previous work and behaviour of the offender; and
- (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.

(2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
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North Macedonia

(General Comment): In our country the full name of the law is Law on prevention of corruption and conflict

(2019): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Kosovo*

(General Comment): When a prosecutor concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has breached these rules, the

Question 233

Albania

(2020): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of

this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of

Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by

assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal

Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate

declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day

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3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors

Bosnia and Herzegovina

(General Comment): One of the chief prosecutors was held liable for disciplinary offences “behaviour inside or outside the court or office that demeans the dignity of the public prosecutor” and “any other behaviour that represents a serious breach of official duties or that compromises the public confidence in the

(2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors in

Montenegro

(2019): Source: Agency for Prevention of Corruption

Serbia

(2020): 2 cases initiated in 2019

Kosovo*

(2019): During 2019, the Anti-Corruption Agency initiated and reviewed 2 conflict of interest cases for prosecutors. In those cases the conflict of interest was avoided and no further proceedings were necessary.

Question 234

Albania

(2020): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in

(2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own

initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,

Bosnia and Herzegovina

(General Comment): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary

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If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary

Montenegro

(General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the

(2019): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the

North Macedonia

(General Comment): Law on Judicial Council (2019)

A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62

(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the

Serbia

(2019): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor.

A judge is dismissed when s/he is convicted of a criminal offense for which s/he is sentenced to unconditional imprisonment of at least six months or of a punishable offense rendering him/her unworthy of

Kosovo*

(General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted

(2019): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article

Question 235

Albania

(2019): The judge shall be disciplinarily liable under the law.

The judge shall be dismissed by decision of the High Judicial Council when:

- a) Committing serious professional or ethical misconduct which discredit the position and the image of the judge in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

The judge shall be suspended from duty by decision of the High Judicial Council when:

- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
- b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

(General Comment): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an

(2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary

Montenegro

(General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are not

North Macedonia

Dismissal of a judge

Article 74

- (1) The judge shall be dismissed from the judicial office: ~~SEP~~ due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law and
- due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law.
- (2) Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia.
- (3) The judge shall be dismissed from the judicial office in accordance with the grounds stipulated in paragraph (1) of this Article if the violation is committed:
- with the intention or apparent negligence by the fault of the judge without justified reasons and
 - the injury caused severe consequences.
- (4) In case of an easier form of violation of the grounds referred to in paragraph (1) of this Article, a disciplinary measure may be imposed on the judge.
- (5) As of the day of entry into force of the decision on dismissal of the judge by the Judicial Council of the Republic of Macedonia on the grounds referred to in paragraph (1) of this Article, the judge's right to salary shall cease.

Serious disciplinary offence

Article 75

- (1) ~~A~~ more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:
- 1) ~~S~~evere violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
 - 2) ~~G~~ross influence and interference in the performance of the judicial function of another judge;
 - 3) ~~I~~f he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
 - 4) ~~M~~anifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.
- (2) ~~F~~or the disciplinary violation referred to in paragraph (1) of this Article, the president of the court shall

Question 236

Albania

(2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) The right that judgments shall be pronounced

Question 237

Albania

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

Bosnia and Herzegovina

(2020): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

Number of initiated cases is significantly lesser in 2020 than in the previous report (35). It should be noted

(2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating disciplinary proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

It should be noted that number of initiated proceedings is the highest since the establishment of the High

Montenegro

(2020): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three

(2019): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three

North Macedonia

on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) In two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) He was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) Publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) Without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) Does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) Takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) Intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges’ responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the Commission is elected by lot from among the members of the Commission. If a submitter of the request is a member of the Council, he/she cannot be a member of this Commission.

The Commission will reject the request for determining responsibility of the judge or president of the court if

Council from 2018 and 2019. Namely, according to the new provisions a request for initiation of a procedure for determination of liability of a judge or a president of a court can be filled also and from the court users, which was not a case according to the provisions of the previous law. Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) ~~if~~ in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) ~~if~~ he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) ~~is~~ publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) ~~is~~ without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) ~~is~~ does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) ~~is~~ takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) ~~is~~ intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the

Serbia

(General Comment): Disciplinary offenses in accordance with Article 90 of the Law on Judges:

Paragraph 2:

A severe disciplinary offense which caused a serious disruption in the exercise of judicial power or regular duties at the court or severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence Paragraph 2 :

Paragraph 1:

line 1- a violation of the principle of independence line3 - unjustifiable delays in the drafting of decisions:
the line7-unjustifiable prolonging of proceedings :

(2019): Disciplinary offenses in accordance with Article 90 of the Law on Judges: - A severe disciplinary offence which caused a serious disruption in the exercise of judicial power or regular duties at the court or a severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence;

-Paragraph 5 -unjustifiable failure to schedule a hearing (placed in the category of professional inadequacy),
- Paragraph 7 -unjustifiable prolonging of proceedings (placed in the category of professional inadequacy),
- Paragraph 9 -obviously incorrect treatment of participants in proceedings and the court staff, - Paragraph

Kosovo*

(General Comment): Professional inadequacy includes but is not limited to cases when a judge in continuity fails to timely perform official duties required by Law or when in continuity fails to participate in disciplinary

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 238

Albania

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

North Macedonia

(2020): The Commission of the JC (see comment on Q237, explanation about the Commission), rejected 71 requests.

In 2020 JC stopped 9 disciplinary procedures. For one judge the request was withdrawn. 4 judges were dismissed in 2020 and in 1 case there was liability on a judge, who at that time met the conditions for retirement, so the JC determined the termination of the function on that basis. From this 4 decisions for

(2019): From a total of 107 disciplinary proceedings initiated in 2019, the Commission (see comment on Q237, explanation about the Commission), rejected 58 requests.

In 2019 by the Council are rejected 9 requests for disciplinary proceedings initiated in 2019.

4 cases are stopped.

Judicial Council in 2019 dismissed 2 judges from the procedures initiated in 2019. In total by the JC in 2019 were dismissed six (6) judges (4 judges for proceedings initiated in 2017 and above mention 2 judges for proceedings initiated in 2019), but this decisions are not final. They are in appeal procedure in front of the

Kosovo*

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 239

Albania

(2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector

Bosnia and Herzegovina

(2020): “Other” measure - written warning which shall not be made public - was imposed against 4 judges; this is a non-public measure.

Although there were no suspensions imposed in 2020 as a disciplinary sanction, it should be noted that 2 judges were temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. In

(2019): As “other” measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure.

Number of imposed sanctions (25) is lesser than the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019.

Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was

North Macedonia

(2020): In 2020 five judges were dismissed with a final decision and for one judge JC issued a reprimand.

(2019): In 2019 one judge has been dismissed with a final decision.

Serbia

(2020): In 1 case, a procedure for dismissal of a judge was initiated due to a severe disciplinary offense under Article 90, paragraph 2 of the Law on Judges in connection with disciplinary offenses under Article 90, Paragraph 1, lines 9-obviously incorrect treatment of participants in proceedings and the court staff and 18-serious violation of provisions of the Code of Ethics In 3 cases the proposals of the Disciplinary Prosecutor were rejected (all three due to the disciplinary offences from Article 90, Paragraph 1, Line 7 -unjustifiable

(2019): In the part sanctions – temporary reduction of salary 2 cases - Article 90 of the Law on Judges - Paragraph 18 -serious violation of provisions of the Code of Ethics

In 3 cases the motions of the Disciplinary Prosecutor were declined.

Out of the total of 11 cases resolved, on the proposal of the Disciplinary Prosecutor, no complaints were filed in 3 cases.

In the HJC Official Report for 2019, a total of 8 disciplinary sanctions are recorded, instead of 6, having in mind two particular cases:

Kosovo*

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 240

North Macedonia

(2019): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision. The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal. The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

Question 241

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of HJPC/Court of B&H,

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial

North Macedonia

(General Comment): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, has only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal. The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the

Kosovo*

(General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

(2019): According to the article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Question 242

Albania

(2019): The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the

adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where: a) The misconduct is serious; b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

1. Magistrates shall be transferred without their consent only in the following cases:

a) Implementing a disciplinary measure;

b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or

prosecution offices, following an assessment based on objective and transparent criteria;

ç) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall:

a) Be transferred to a

position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to

Bosnia and Herzegovina

(General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the

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North Macedonia

(General Comment): The law on the Courts

Article 39

- (1) The judge shall exercise the judicial function in the court where he/she is elected.
- (2) As a rule, the judge shall be elected to try in specific areas.
- (3) The judge cannot be transferred from one to another court against his/her will.
- (4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.
- (5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.
- (6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.
- (8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.
- (9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred.

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Serbia

(General Comment): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be

(2019): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council.

Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary

(2019): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is

Question 243

Albania

(2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.

The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances. If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.

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Montenegro

(General Comment): Article 110 par. 1 of the Law on State Prosecution Service (“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017, 10/2018 and 76/2020)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution

(2019): Article 110 par. 1 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice

North Macedonia

(2020): Law on Public Prosecution office (2020)

Article 93

(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor's Office for public prosecutors in a Higher Public Prosecutor's Office, or the Basic Public Prosecutor of the Basic Public Prosecutor's Office for public prosecutor in a basic public prosecutor's office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding.

(2019): Proposals for initiating a procedure for disciplinary liability are submitted by: State Public Prosecutor for all public prosecutors; Higher Public Prosecutor for Public Prosecutors in the Higher Public Prosecution Office, for the Chief Basic Public Prosecutor of the BPPO under that Higher Prosecution office and Basic Public Prosecutors under that Higher Public Prosecution office; Basic Public Prosecutor from the Basic Public

Serbia

(General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State

(2020): The reply was changed due to more specific interpretation given in the Explanatory Note

(2019): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State Prosecutorial Council and the

Kosovo*

(General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority

(2019): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority

Question 244

Albania

- (2019):** 1. The prosecutor shall be disciplinarily liable in accordance with the law.
2. The prosecutor shall be dismissed upon decision of the High Prosecutorial Council when:
- a) Committing serious professional or ethical misconduct which discredit the position and the image of the prosecutor in the course of performing the duty;
 - b) Sentenced by a final court decision for commission of a crime.
3. Against the dismissal decision may be appealed to the Constitutional Court.
4. The prosecutor shall be suspended from duty upon decision of the High Prosecutorial Council when:
- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from

(2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from

Montenegro

(General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017, 10/2018 and 76/2020):

"The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary

Panel upon the motion to indict issued by the disciplinary plaintiff.

Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel.

Supreme State Prosecutor may not be a member of the Disciplinary Panel.

Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the

Prosecutorial Council President.

(2019): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018):

"The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary Panel upon the motion to indict issued by the disciplinary plaintiff.

Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel.

Supreme State Prosecutor may not be a member of the Disciplinary Panel.

Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the Prosecutorial Council President.

The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be

North Macedonia

(2020): Law on Public Prosecution office (2020)

Article 93

(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.

(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.

(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.

(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.

(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.

(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.

(8) Committee members shall start voting from the more serious to milder ones when they vote on the type of disciplinary measures.

(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.

(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a

(2019): According to the provisions of the Law on Public Prosecutors, Chief Public Prosecutor establish a Commission, composed of five members for conducting on a proceeding for establishment of the disciplinary

Serbia

(General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the

(2019): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Question 245

Albania

(2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina
Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) The right that judgments shall be pronounced

Question 246

Albania

(2019): In terms of Law “On the status of judges and prosecutors”, as amended, submitting a disciplinary complaint and the initiation of a disciplinary investigation by the Chief Justice Inspector are two different legal concepts. In the transitional provisions of this law is stipulated that, until the establishment of the Chief Justice Inspector (not yet established), the investigation of disciplinary violations for prosecutors shall be conducted by the General Prosecutor. While, disciplinary measure is taken by the High Prosecutorial Council. The General Prosecution, exercising the competencies of Chief Justice Inspector has 3 months to assess the admissibility of the complaint as well as 6 months to conduct a disciplinary investigation, with the option of

Bosnia and Herzegovina

(2020): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor’s office.

Number of initiated cases is significantly lesser in 2020 then in the previous report (11). It should be noted

(2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. ~~N~~eglect or careless exercise of official duties;
2. ~~U~~njustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. ~~F~~ailing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. ~~F~~ailure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. ~~F~~ailure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. ~~F~~ailure to comply with the decision on temporary transfer to another prosecutor’s office.

It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC,

Montenegro

(2020): Failure to submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest, referred to in Article 108, paragraph 2, item 8 of the Law on the State

(2019): During 2019, there were no disciplinary proceedings initiated.

North Macedonia

DISCIPLINARY INFRINGEMENT

Article 90

Disciplinary infringements committed by public prosecutor shall be:

- ~~S~~erious disciplinary infringement and
- ~~M~~ild disciplinary infringement.

Article 91

Serious disciplinary infringement shall be:

- serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, -~~I~~ he/she fails to submit declaration of assets and interests in accordance with the law, or if the data contained in the declaration are mostly untrue,
- ~~O~~bvious violation of rules for exemption is situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, -~~I~~ he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or
- ~~I~~ they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law,
- ~~I~~ they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosecutor,
- ~~E~~xcluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, -~~I~~ they fail to deal with the cases in the prescribed legal deadlines, without justifiable reasons, which leads to significant delay of the procedure or, the criminal prosecution falls within statute of limitation,
- ~~I~~ they do not start working on cases under the successive order as received though the Case Management Information System in the public prosecution, without any justifiable reason, -~~T~~hey were assessed negatively twice consecutively, in accordance with the procedure prescribed by law, or -~~T~~hey do not act

Serbia

(General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

(2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

Kosovo*

(2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not

Question 247

Bosnia and Herzegovina

(2020): Number of completed cases is significantly lesser in 2020 than in the previous report (13). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of

Montenegro

(2019): Severe disciplinary offence - failing to submit data on property and incomes in accordance with the legislation regulating prevention of conflict of interests, from art. 108 par. 2 point 8 of the Law on State

Serbia

(2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;

- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to

Kosovo*

(2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not

Question 248

Albania

(2020): The proposal of Chief Justice Inspector for disciplinary measure “Public remark” for a prosecutor was found not based in law from the majority of members of the Council and the proposal was rejected by

Bosnia and Herzegovina

should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of received complaints compared to prior year (15% for both judges and prosecutors). In 2020 only one sanction was pronounced against a prosecutor for the following reasons: out of 5 completed cases, 3 cases were dismissed and in one case a prosecutor died during the proceedings. Although no suspension was imposed as disciplinary sanction in 2020, it should be noted that 4 prosecutors remain suspended as a result of criminal proceedings initiated against them before 2020.

(2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.

The number of completed cases (13) is higher than the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.

Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating from criminal proceedings initiated against them before

Kosovo*

(2019): At the 'other' category, we put 2 cases where the report of the Office of the Disciplinary Counsel was

Question 251

Albania

(2020): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

(2019): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and

North Macedonia

(2020): Law on Public Prosecution office (2020)

Article 94

(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.

(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.

(3) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt the decision for dismissal of a public prosecutor as referred to in paragraph (2) of this Article with a majority of votes of the total number of members.

(4) A decision for dismissal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organised crime and corruption shall be adopted by two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.

(5) The public prosecutor shall be entitled to initiate a dispute before the competent court against the decision made by the Council of Public Prosecutors of the Republic of North Macedonia. (6) The Council of Public Prosecutors of the Republic of North Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors upon the proposal of the Chief Public Prosecutor of the Republic of North Macedonia. 22. DISCIPLINARY MEASURES Article 95

(2019): On the decision of the Commission, the person against whom the procedure is being conducted and the submitter of the proposal for initiating a procedure for disciplinary liability, within 8 days have the right to appeal to the Council of Public Prosecutors.

The decision on the appeal Council is adopt with a majority from the total number of members with a public vote.

In the case of a dismissal disciplinary measure from the position of Public Prosecutor, the Council is adopting the decision by a two-thirds majority vote of the total number of members of the Council.

Deciding on an appeal, the Council may repeal, amend, change or confirm the decision of the Commission.

Against the decision of the Council by which a measure of dismissal has been pronounced, the dismissed

Indicator 8 List

List of the tables presented in this indicator

8. Accountability and processes affecting public trust

Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2020 (Q156)

Table 8.1.2 System for compensating users: amounts by specific circumstances in 2020 (Q156)

Table 8.1.3 National or local procedure for filing complaints about the functioning of the judicial system: authority responsible and time limit for dealing with the complaint in 2020 (Q157 and Q158)

Table 8.1.4 National or local procedure for filing complaints about the functioning of the judicial system: number of complaints and granted compensation amount in 2020 (Q159)

Table 8.1.5 Procedure to effectively challenge a judge in 2020 and ratio between the total number of initiated procedures of challenges and the total number of finalised challenges between 2018 and 2020 (Q160 and Q161)

Table 8.1.6 Specific instructions to prosecute or not, addressed to a public prosecutor in 2020: existence and modalities (Q162, Q162-1, Q162-2, Q162-3, Q162-4 and Q162-5)

Table 8.1.7 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and to minors and victims of domestic violence in 2020 (Q163)

Table 8.1.8 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, disabled persons, juvenile offenders and other victims in 2020 (Q163)

Table 8.2.1 Type of legal provisions for guarantee of integrity of judges and prosecutors in 2020 (Q164 and Q166)

Table 8.2.2 Number of criminal cases against judges or prosecutors in 2020 (Q171)

Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2020 (Q172-0)

Table 8.2.4 Code of ethics for judges and prosecutors in 2020 (Q172, Q173, Q174 and Q175)

Table 8.2.5 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2020 (Q176, Q177, Q178, Q179, Q180 and Q181)

Table 8.2.6 System to report attempt for influence/corruption on judges and prosecutors in 2020 (Q182)

Table 8.2.7 Transparency and organisation of distribution of court cases in 2020 (Q183, Q184)

Table 8.2.8 Transparency and organisation of reassignment of court cases in 2020 (Q185, Q186, Q187 and Q188)

Table 8.2.9 Level of implementation of the recommendations addressed by GRECO to the country concerned in its Evaluation Report (in the framework of the 4th cycle of evaluation concerning the prevention of corruption in respect of members of parliament, judges and prosecutors) in 2020 (Q189)

Table 8.3.1 Declaration of assets for judges in 2020: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Table 8.3.2 Declaration of assets for judges in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.3.3 Declaration of assets for judges in 2020: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.3.4 Declaration of assets for judges in 2020: sanction in case of non-declaration (Q201)

Table 8.3.5 Declaration of assets for prosecutors in 2020: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.3.6 Declaration of assets for prosecutors in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.3.7 Declaration of assets for prosecutors in 2020: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.3.8 Declaration of assets for prosecutors in 2020: sanction in case of non-declaration of assets (Q214)

Table 8.3.9 Declaration of assets for judges and prosecutors in 2020: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Table 8.4.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2020 (Q217)

Table 8.4.2 Other functions/activities carried out by judges in 2020 (Q218, Q219, Q220 and Q221)

Table 8.4.3 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2020 (Q222 and Q223)

Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2020 (Q226)

Table 8.4.5 Other functions/activities carried out by prosecutors in 2020 (Q227, Q228, Q229 and Q230)

Table 8.4.6 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2020 (Q231 and Q232)

Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2020 (Q224 and Q233)

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2020 (Q234 and Q235)

Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q236, Q240, Q241 and Q242)

Table 8.5.3 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Q237, Q238 and Q239)

Table 8.5.4 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2020 (Q243 and Q244)

Table 8.5.5 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q245, Q250 and Q251)

Table 8.5.6 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Q246, Q247 and Q248)

Table 8.5.7 Description of professional inadequacy for prosecutors in 2020 (Q247 and Q249)

Indicator 8 - Accountability and processes affecting public trust

Indicator 8 - Accountability and processes affecting public trust

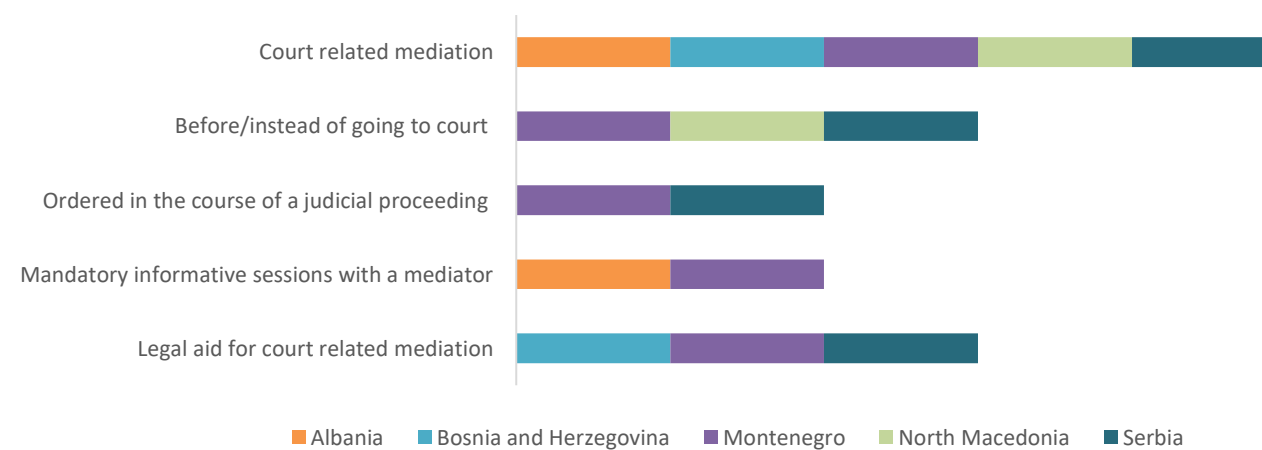
9. Alternative Dispute Resolution

Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Table no. 9.1.1)

Beneficiaries	Court related mediation	Mandatory mediation with mediator		Mandatory informative sessions with a mediator	Legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Albania	Yes	No	No	Yes	No
Bosnia and Herzegovina	Yes	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	No	No	No
Serbia	Yes	Yes	Yes	No	Yes
Kosovo*	Yes	No	No	No	Yes

Yes 
No 

ADR in 2020

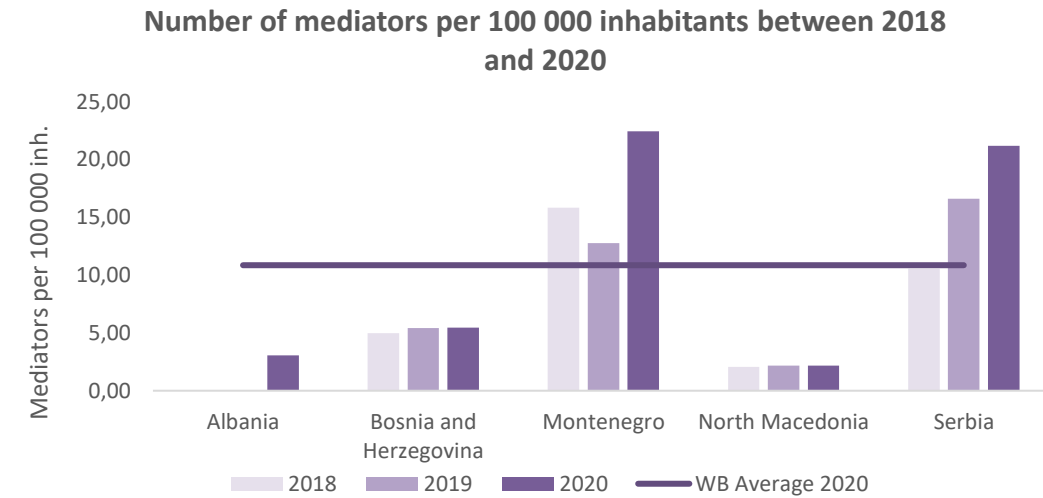


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Number of accredited mediators (Table no. 9.1.3)

Beneficiaries	2020		Variation 2018 - 2020 (%)	Variation 2019 - 2020 (%)
	Absolute number	Per 100 000 inhabitants		
Albania	87	3,1	NA	NA
Bosnia and Herzegovina	190	5,4	9,2%	0,5%
Montenegro	139	22,4	41,8%	75,9%
North Macedonia	45	2,2	4,7%	0,0%
Serbia	1470	21,1	100,0%	27,2%
Kosovo*	190	10,7	-	0,5%
WB Average	386	10,8	38,9%	25,9%

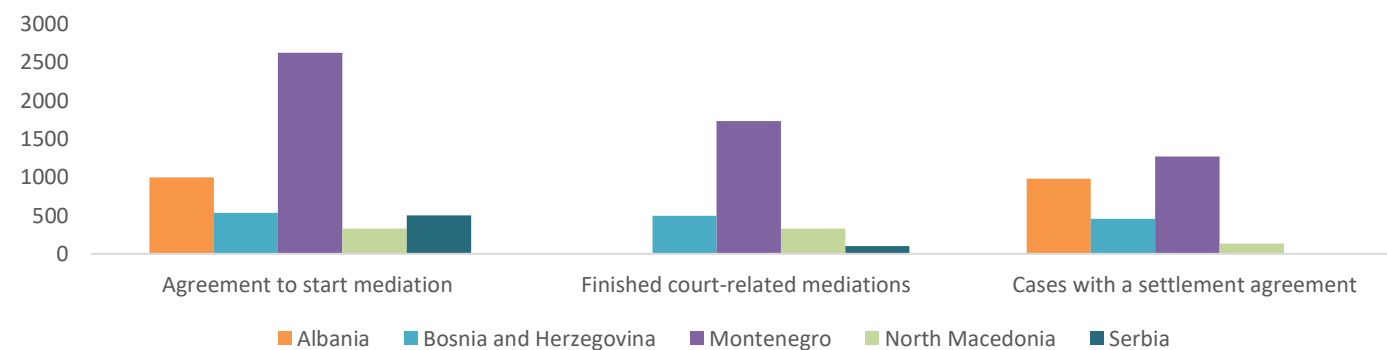


For reference only: the 2019 EU median is 14,3 number of mediators per 100 000 inhabitants.

Total number of cases in court related mediation in 2020 (Table no. 9.1.4)

Beneficiaries	Cases in court related mediation for which:					
	Agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2020	Variation 2019 - 2020 (%)	2020	Variation 2019 - 2020 (%)	2020	Variation 2019 - 2020 (%)
Albania	992	NA	NA	NA	979	NA
Bosnia and Herzegovina	531	10,6%	496	11,5%	458	3,6%
Montenegro	2617	75,2%	1730	90,7%	1269	50,2%
North Macedonia	329	42,4%	329	NA	131	81,9%
Serbia	498	108,4%	99	-55,0%	NA	NA
Kosovo*	3235	NA	3232	NA	2674	NA
WB Average	993	59,1%	664	15,7%	709,25	45,2%

Total number of cases in court related mediation in 2020 (Table no. 9.1.4)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

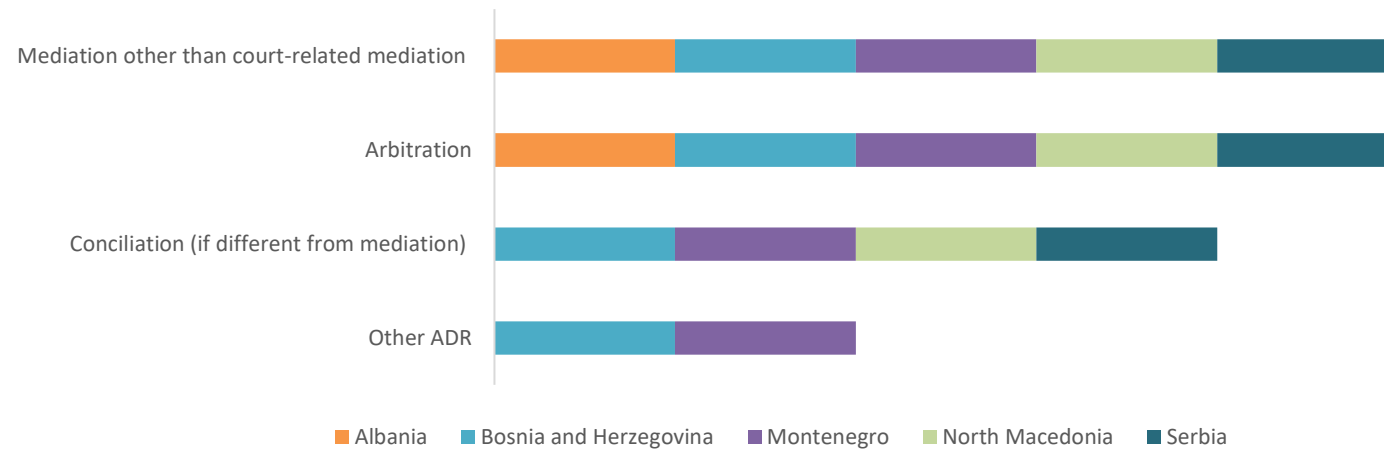
Existence of alternative dispute resolution methods in 2020 (Table no. 9.1.5)

Beneficiaries	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
Albania	Yes	Yes	No	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	No
Serbia	Yes	Yes	Yes	No
Kosovo*	Yes	Yes	No	No

Yes ■

No ■

Existence of alternative dispute resolution methods in 2020 (Table no. 9.1.5)



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the summary statistics.

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Q252, Q253, Q254 and Q256)

Beneficiaries	Court related mediation	Mandatory mediation with mediator		Mandatory informative sessions with a mediator	Legal aid for court related mediation
		Before/instead of going to court	Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding		
Albania	Yes	No/NAP	No/NAP	Yes	No/NAP
Bosnia and Herzegovina	Yes	No/NAP	No/NAP	No/NAP	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	No/NAP	No/NAP	No/NAP
Serbia	Yes	Yes	Yes	No/NAP	Yes
Kosovo*	Yes	No/NAP	No/NAP	No/NAP	Yes
Nb of Yes	5	3	2	2	3

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*


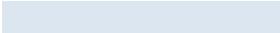

Yes	
No/NAP	
NA	

Table 9.1.2 Type of providers of court-related services in 2020 (Q255)

Beneficiaries	Civil and commercial cases	Family cases	Administrative cases	Labour cases including employment dismissals	Criminal cases	Consumer cases
Albania	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator
Bosnia and Herzegovina	Private mediator Public authority	Private mediator Public authority	None	Private mediator Public authority	Private mediator Public authority	Private mediator Public authority
Montenegro	Public authority	Public authority	None	Public authority	Public authority	Public authority
North Macedonia	Private mediator	Private mediator Judge	None	Private mediator	Private mediator	Private mediator
Serbia	Private mediator Judge	Private mediator Public authority Judge	Private mediator Judge	Private mediator Judge	Private mediator Public authority Judge	Private mediator Judge
Kosovo*	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator	Private mediator

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 9.1.3 Number of accredited mediators by gender in 2020 (Q257 and Q1)

Beneficiaries	Number of mediators			Gender distribution in 2020		Number of mediators per 100 000 inhabitants in 2020	Variation 2018 - 2020 (%)	Variation 2019 - 2020 (%)
	2018	2019	2020	% Males	% Females			
Albania	NA	NA	87	42,5%	57,5%	3,1	NA	NA
Bosnia and Herzegovina	174	189	190	45,3%	54,7%	5,4	9%	0,5%
Montenegro	98	79	139	30,2%	69,8%	22,4	42%	75,9%
North Macedonia	43	45	45	37,8%	62,2%	2,2	5%	0,0%
Serbia	735	1 156	1 470	NA	NA	21,1	100%	27,2%
Kosovo*	-	189	190	64,7%	35,3%	10,7	-	0,5%
Average	263	367	386	38,9%	61,1%	10,8	38,9%	25,9%
Median	136	134	139	40,2%	59,8%	5,4	25,5%	13,8%
Minimum	43	45	45	30,2%	54,7%	2,2	4,7%	0,0%
Maximum	735	1 156	1 470	45,3%	69,8%	22,4	100,0%	75,9%
Nb of values	5	5	5	5	5	5	5	5
% of NA	20%	20%	0%	20%	20%	0%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 9.1.4 Number of cases in court related mediation in 2020 (Q258)

Beneficiaries	Total			Civil and commercial cases			Family cases			Administrative cases			Labour cases including employment dismissal cases			Criminal cases			Consumer cases		
	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement	Parties agreed to start mediation	Finished court-related mediations	Cases with a settlement agreement
Albania	992	NA	979	651	NA	651	19	NA	8	110	NA	109	206	NA	205	3	NA	3	3	NA	3
Bosnia and Herzegovina	531	496	458	510	477	439	0	0	0	0	0	0	21	19	19	0	0	0	0	0	0
Montenegro	2 617	1 730	1 269	921	399	291	171	147	98	NAP	NAP	NAP	1 492	1 151	847	33	33	33	0	0	0
North Macedonia	329	329	131	199	199	41	2	2	1	NAP	NAP	NAP	127	127	89	0	0	0	1	1	0
Serbia	498	99	NA	206	53	NA	126	31	NA	3	0	NA	62	4	NA	12	11	NA	16	0	NA
Kosovo*	3235	3232	2674	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	993	664	709	497	282	356	64	45	27	38	NA	NA	382	325	290	10	11	9	4	0	1
Median	531	413	719	510	299	365	19	17	5	3	NA	NA	127	73	147	3	6	2	1	0	0
Minimum	329	99	131	199	53	41	0	0	0	0	NA	NA	21	4	19	0	0	0	0	0	0
Maximum	2 617	1 730	1 269	921	477	651	171	147	98	110	NA	NA	1 492	1 151	847	33	33	33	16	1	3
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	20%	20%	0%	20%	20%	0%	20%	20%	0%	20%	20%	0%	20%	20%	0%	20%	20%	0%	20%	20%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	40%	40%	40%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

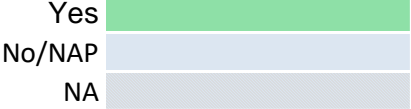
Kosovo is not included in the calculation of summary statistics*

Table 9.1.5 Existence of other alternative dispute resolution methods in 2020 (Q259)

Beneficiaries	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
Albania	Yes	Yes	No/NAP	No/NAP
Bosnia and Herzegovina	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	No/NAP
Serbia	Yes	Yes	Yes	No/NAP
Kosovo*	Yes	Yes	No/NAP	No/NAP
Nb of Yes	5	5	4	2

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*



Indicator 9- Alternative Dispute Resolution

by country

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Albania

Q253 (General Comment): If there is mandatory mediation, please specify which fields are concerned: The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision.

In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Q253 (2019): The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision.

In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

case, family case, criminal case, work case.

Q254 (2019): Civil case, family case, criminal case, work case

Q255 (General Comment): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer

Q255 (2019): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the

Q258 (2019): Statistics are not available at this time.

Q259 (General Comment): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by

Q259 (2019): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle

Bosnia and Herzegovina

Q252 (General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that

Q252 (2019): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In less complex juvenile cases involving

Q256 (General Comment): The legislation on free legal aid regulates that free legal assistance is available for poor litigants within procedures for peaceful settlement of disputes, including the mediation procedures.

Q258 (2020): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. According to the Association the number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned

Q258 (2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services),

Q259 (General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation. Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing

Q259 (2020): Other: ADR procedures handled by the various public agencies: The Consumer Ombudsman,

Q259 (2019): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing

Montenegro

Q253 (2020): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with

Q253 (2019): In the divorce disputes upon the lawsuit of one of the spouses, mediation procedure is carried out in accordance with the Law on Mediation and Family Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.

Upon receipt of the lawsuit, the court will schedule a hearing and ask the spouses to immediately state which mediator they want to address in order to attempt to reconcile or reach an agreement on regulating legal consequences of the divorce. If spouses do not reach an agreement on the mediator, they will be appointed by the court. If the spouses are reconciled, the lawsuit is deemed to be withdrawn.

The mediator is obliged to inform the court to which the lawsuit is filed about the success of the mediation and to provide him with the minutes of the conciliation and a record containing the agreement of spouses on exercising the parental right and on the division of the joint property or the statements of the spouses that the agreement has not been reached.

Also, in Article 27a of the Law on Mediation it is stipulated in which cases the court is obliged to refer the parties to a meeting with the mediator:

1. when provided for by a special law
2. when he or she determines that it is in the best interest of the child whose rights and interests it decides
3. when litigation in property law litigation is initiated requiring fulfillment of the obligation to perform, in:
 - the disputes in which Montenegro is liable
 - small claims

Q254 (2020): As explained in question 253, in accordance with new Law on ADR and Amendments to the

Q254 (2019): Not for the time being, although the proposal for the new Law on the ADR provides for such an

Q256 (General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being

Q256 (2019): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted

Q257 (2020): Adoption of the new Law on ADR, in August 2020, led to the significant increase of a number of cases referred to the Center for mediation procedure, by courts and citizens and thus to the need for training of new mediators. In addition, according to the analysis done by the Centre, there is a need for additional increase of a number of mediators in some municipalities.

When it comes to the numbers of male and female mediators, we have to say that there are still more

Q258 (2020): ADR Centre annual report for 2020 <https://centarzaars.me/izvjestaji/>

Number of cases resolved in the mediation procedure in 2020 has been increased mainly due to the adoption of new Law on ADR and raising of the public awareness on alternative dispute resolution methods,

Q258 (2019): There has been a significant increase since 2018 in the number of civil and commercial and labor cases for which parties agreed to start mediation, and therefore an increase of mediations in which an agreement has been reached for those categories of cases.

This is notably due to the promotion of mediation. First, in the last year the Center for Mediation implemented a large number of activities aimed at promoting and raising the level of information of citizens (broadcasting video, mobile application, billboards, mediation week, etc.). Also, the increase of mediation in any type of disputes leads to increased information of citizens and thus the decision of citizens to try to resolve their dispute before the Center. In general, the judges themselves in some courts who referred cases to the Center have a very positive experience with mediation, which increase the number of parties that they refer to mediation. As far as lawyers are concerned, there is still issue with accepting dispute resolution in mediation, although the situation is slowly changing and an increasing number of lawyers are accepting mediation.

Q259 (2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July

Q259 (2019): Parties in labor disputes - both individual and collective, may, in accordance with the Law on Peaceful Settlement of Disputes, voluntarily decide to entrust the settlement of the dispute to the facilitator or arbitrator.

Facilitator is a person who provides assistance to parties in a collective dispute and gives a recommendation with the aim of concluding a dispute settlement agreement, and arbitrator is the person who leads the dispute and decides on the subject of an individual dispute.

North Macedonia

Q252 (2019): Small commercial cases up to 15.000 Euro.

Q253 (General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

Q253 (2019): Small commercial cases up to 15.000 Euro

According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court

Q256 (General Comment): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State

Q256 (2019): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

Q257 (2020): There are no changes in the number of registered mediators between 2019 and 2020.

Q258 (General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.

According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to

Q258 (2020): Between 2019 and 2020, there was an increase of court related mediations for labour cases. Most of these procedures are mediations between administrative servants and the state institutions related

Q258 (2019): Source is Register for recording on mediation procedures in the Ministry of justice.

According to our Law on mediation mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where

Q259 (General Comment): Arbitration

The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily.

Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not

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otherwise agreed.

Serbia

Q252 (General Comment): Article 11 of the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator.

Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.

Q252 (2019): Please see general comments.

(Juvenile Justice Law) ("Official Gazette of RS", no. 85/2005) has introduced diversionary measures which aim to provide support to the juvenile to take responsibility for his/her actions and prevent re-offending. The purpose of a diversionary measure is to avoid instituting criminal proceedings against a juvenile or to suspend proceedings and/or influence proper development of a juvenile and enhance his/her personal responsibility in order to avoid a relapse into crime in future. Mediation is a possible diversionary measure, ordered when a judge/pp sees fit, and under the conditions provided in the law. Certain successful mediation programmes have been established, but their availability has not been expanded by information, training and supervision (only 191 diversionary measures-mediation/settlement for juvenile offenders were registered in 2018).

In general civil cases, although judges are required to inform the parties of a possibility of mediation, they cannot order it, i.e. there are no mandatory mediation provisions. Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The special law referred to in the Law on Civil Procedure is the Law on Mediation in Dispute Resolution, which entered into force on 31 May 2014 and is applicable from 1 January 2015.

However, there are other specific provisions. The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed“) by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By **Q253 (2019)**: Please see general comments.

Q254 (General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of

Q254 (2019): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of

Q255 (General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. The Law on

Q255 (2020): Registered mediators ,including judges. Such mediators may be private mediators (lawyers , etc) or employees of the Centers for Social work of local municipalities, etc.

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For more information, please see general comments.

Q256 (General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation.

The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by

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Q257 (2020): The number of mediators in the Republic of Serbia is significantly large due to the increased interest of citizens in performing the work of mediators, which is probably due to the documents adopted by

Q257 (2019): The Register of Mediators has been improved to include the gender criterion in January 2020, after which the relevant data has been manually inserted. The given data is therefore from the status of the Register on 10 February 2020.

The constant rise in the number of registered mediators is the result of the various promotional activities of the Ministry of Justice, continuous training of mediators, pursuant to the Action Plan for Chapter 23, and the anticipation that more mediations will be demanded in the future. Mediators are registered in the MoJ Register of Mediators, <https://www.mpravde.gov.rs/intermediaries.php>, for all types of mediation (not only

Q258 (2020): 498-these 6 categories are not all categories in which mediation proceedings were conducted, and therefore the total number of cases in which the parties agreed to initiate mediation proceedings is

Q258 (2019): Please note that the statistics of the Statistical Office of the Republic of Serbia on cases of diversionary measures for juvenile offenders - settlement with victims (criminal, court-related mediation) is currently not available due to COVID19 disruptions and is not displayed in the table, causing a variation with 2018 data.

Based on Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, during 2019, 569 mediation agreements were concluded (agreements to enter into mediation), while 403 cases successfully finished with the conclusion of a settlement agreement. Pursuant to the reports of mediators, in 266 proceedings the case was referred to mediation by the court.

Upon filing of additional, in-depth statistics by the mediators who conducted court-related mediations, it was determined that some of these cases were initiated in the previous year, while the number of cases for which the parties agreed to start mediation in 2019 was 239.

Comparatively, during 2018, 638 mediation agreements were concluded (agreements to enter into mediation). The Law on Mediation, adopted in 2015, applies also to mediation other than court-related mediation as it provides that "mediation is a procedure, regardless of its name, where the parties voluntarily seek to settle their dispute through negotiation, facilitated by one or more mediators assisting the parties to reach an agreement". Mediation may be applied to disputes in which the parties are free to dispose of their claims, unless another law prescribes exclusive jurisdiction of a court or another authority, regardless of whether mediation is carried out before or after the initiation of judicial or other proceedings. Mediation is possible especially in property-related disputes concerning the fulfilment of the obligation to act, in other property disputes, in family, commercial disputes, administrative matters, disputes relating to environmental protection issues, consumer disputes, and in all other contentious relations where mediation is appropriate to the nature of the contentious relations and can aid in their resolution. The Law also applies to mediation in criminal and misdemeanour proceedings with respect to property claims and claims for damages, as well as in labour disputes unless otherwise stipulated by a special law. Among the basic principles of mediation established by the law are voluntariness, equality, participation and presence in person during the mediation procedure, exclusion of the public, confidentiality, neutrality and urgency.

Dispute settlement through informal, flexible and voluntary mediation organised by the National Bank of Serbia is an example of non-judicial alternative for disputes between financial institutions and clients. The National Bank of Serbia began conducting such mediation proceedings in the field of insurance in December 2005 and institutionalised such procedures within its Centre for the Protection and Education of Users of Financial Services which reports that in 2014 101 mediation procedures were scheduled, out of which 77 cases were completed with 35.1% ending with a settlement between financial institutions and their clients. The Law on the Protection of Financial Services Consumers ("Official Gazette of RS" no. 36/2011 and 139/2014) provides that the consumer using banking services or leasing services has the right to complaint and the possibility of instituting mediation proceedings for out-of-court settlement of the dispute with the provider of the services. The latest amendments to the law which have become applicable on 27 March 2015, make these procedures more precise and efficient.

Other agencies and organisations, such as the Republic Agency for Electronic Communications (RATEL) also offer non-judicial within their respective purviews. Another example of non-judicial mediation is mediation in

Q259 (2020): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2) Specifying the position of judges in the mediation procedure; 3) Enforceability of clauses on settling disputes through mediation; 4) The principle of confidentiality; 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing

Q259 (2019): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2) Specifying the position of judges in the mediation procedure; 3) Enforceability of clauses on settling disputes through mediation; 4) The principle of confidentiality; 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing the first obligatory meeting as a procedural precondition for initiating litigation in certain types of cases, as

Kosovo*

Q252 (General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.

The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of

Q256 (General Comment): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Q256 (2019): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Q258 (2020): We can not divide cases based on these categories, but only based on regions.

Q258 (2019): Regarding this question, we do not have data based on these categories but only based on the

Indicator 9- Alternative Dispute Resolution

by question No.

Question 252. Does the judicial system provide for court-related mediation procedures?

Question 253. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Question 254. In some fields, does the legal system provide for mandatory informative sessions with a

Question 255. Please specify, by type of cases, who provides court-related mediation services:

Question 256. Is there a possibility to receive legal aid for court-related mediation or receive these services

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Question 252

Bosnia and Herzegovina

(General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may

(2019): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In less complex juvenile cases involving

North Macedonia

(2019): Small commercial cases up to 15.000 Euro.

Serbia

(General Comment): Article 11 of the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator.

Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.

(2019): Please see general comments.

Kosovo*

(General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.

The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of

Question 253

Albania

(General Comment): If there is mandatory mediation, please specify which fields are concerned: The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision.

In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

(2019): The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation.

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Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Montenegro

(2020): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with

(2019): In the divorce disputes upon the lawsuit of one of the spouses, mediation procedure is carried out in accordance with the Law on Mediation and Family Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.

Upon receipt of the lawsuit, the court will schedule a hearing and ask the spouses to immediately state which mediator they want to address in order to attempt to reconcile or reach an agreement on regulating legal consequences of the divorce. If spouses do not reach an agreement on the mediator, they will be appointed by the court. If the spouses are reconciled, the lawsuit is deemed to be withdrawn.

The mediator is obliged to inform the court to which the lawsuit is filed about the success of the mediation and to provide him with the minutes of the conciliation and a record containing the agreement of spouses on exercising the parental right and on the division of the joint property or the statements of the spouses that the agreement has not been reached.

Also, in Article 27a of the Law on Mediation it is stipulated in which cases the court is obliged to refer the parties to a meeting with the mediator:

1. when provided for by a special law
2. when he or she determines that it is in the best interest of the child whose rights and interests it decides
3. when litigation in property law litigation is initiated requiring fulfillment of the obligation to perform, in:
 - the disputes in which Montenegro is liable
 - small claims

North Macedonia

(General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

(2019): Small commercial cases up to 15.000 Euro

According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

Serbia

Justice Law) (“Official Gazette of RS”, no. 85/2005) has introduced diversionary measures which aim to provide support to the juvenile to take responsibility for his/her actions and prevent re-offending. The purpose of a diversionary measure is to avoid instituting criminal proceedings against a juvenile or to suspend proceedings and/or influence proper development of a juvenile and enhance his/her personal responsibility in order to avoid a relapse into crime in future. Mediation is a possible diversionary measure, ordered when a judge/pp sees fit, and under the conditions provided in the law. Certain successful mediation programmes have been established, but their availability has not been expanded by information, training and supervision (only 191 diversionary measures-mediation/settlement for juvenile offenders were registered in 2018).

In general civil cases, although judges are required to inform the parties of a possibility of mediation, they cannot order it, i.e. there are no mandatory mediation provisions. Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The special law referred to in the Law on Civil Procedure is the Law on Mediation in Dispute Resolution, which entered into force on 31 May 2014 and is applicable from 1 January 2015.

However, there are other specific provisions. The Law on Prevention of Harassment at Work (“Official Gazette of RS”, no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed”) by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By

(2019): Please see general comments.

Question 254

Albania

family case, criminal case,
work case.

(2019): Civil case, family case, criminal case, work case

Montenegro

(2020): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

(2019): Not for the time being, although the proposal for the new Law on the ADR provides for such an

Serbia

(General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of

(2019): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by

Question 255

Albania

(General Comment): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer

(2019): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the

Serbia

(General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. The Law on

(2020): Registered mediators ,including judges. Such mediators may be private mediators (lawyers , etc) or employees of the Centers for Social work of local municipalities, etc.

(2019): Registered mediators, including judges. Such mediators may be private mediators (lawyers, etc.) or employees of the Centers for Social Work of local municipalities, etc.
For more information, please see general comments.

Question 256

Bosnia and Herzegovina

(General Comment): The legislation on free legal aid regulates that free legal assistance is available for poor litigants within procedures for peaceful settlement of disputes, including the mediation procedures.

Montenegro

(General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being

(2019): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted

North Macedonia

(General Comment): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

(2019): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

Serbia

(General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation. The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by

(2019): The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by

Kosovo*

(General Comment): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

(2019): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Question 257

Montenegro

(2020): Adoption of the new Law on ADR, in August 2020, led to the significant increase of a number of cases referred to the Center for mediation procedure, by courts and citizens and thus to the need for training of new mediators. In addition, according to the analysis done by the Centre, there is a need for additional increase of a number of mediators in some municipalities.

When it comes to the numbers of male and female mediators, we have to say that there are still more

North Macedonia

(2020): There are no changes in the number of registered mediators between 2019 and 2020.

Serbia

(2020): The number of mediators in the Republic of Serbia is significantly large due to the increased interest of citizens in performing the work of mediators, which is probably due to the documents adopted by the

(2019): The Register of Mediators has been improved to include the gender criterion in January 2020, after which the relevant data has been manually inserted. The given data is therefore from the status of the Register on 10 February 2020.

The constant rise in the number of registered mediators is the result of the various promotional activities of the Ministry of Justice, continuous training of mediators, pursuant to the Action Plan for Chapter 23, and the anticipation that more mediations will be demanded in the future. Mediators are registered in the MoJ Register of Mediators, <https://www.mpravde.gov.rs/intermediaries.php>, for all types of mediation (not only

Question 258

Albania

(2019): Statistics are not available at this time.

Bosnia and Herzegovina

(2020): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. According to the Association the number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned

(2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services),

Montenegro

(2020): ADR Centre annual report for 2020 <https://centarzaars.me/izvjestaji/>

Number of cases resolved in the mediation procedure in 2020 has been increased mainly due to the adoption of new Law on ADR and raising of the public awareness on alternative dispute resolution methods,

(2019): There has been a significant increase since 2018 in the number of civil and commercial and labor cases for which parties agreed to start mediation, and therefore an increase of mediations in which an agreement has been reached for those categories of cases.

This is notably due to the promotion of mediation. First, in the last year the Center for Mediation implemented a large number of activities aimed at promoting and raising the level of information of citizens (broadcasting video, mobile application, billboards, mediation week, etc.). Also, the increase of mediation in any type of disputes leads to increased information of citizens and thus the decision of citizens to try to resolve their dispute before the Center. In general, the judges themselves in some courts who referred cases to the Center have a very positive experience with mediation, which increase the number of parties that they refer to mediation. As far as lawyers are concerned, there is still issue with accepting dispute resolution in mediation, although the situation is slowly changing and an increasing number of lawyers are accepting mediation.

North Macedonia

(General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.

According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to

(2020): Between 2019 and 2020, there was an increase of court related mediations for labour cases. Most of these procedures are mediations between administrative servants and the state institutions related to the

(2019): Source is Register for recording on mediation procedures in the Ministry of justice.

According to our Law on mediation mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where

Serbia

(2020): 498-these 6 categories are not all categories in which mediation proceedings were conducted, and therefore the total number of cases in which the parties agreed to initiate mediation proceedings is slightly

(2019): Please note that the statistics of the Statistical Office of the Republic of Serbia on cases of diversionary measures for juvenile offenders - settlement with victims (criminal, court-related mediation) is currently not available due to COVID19 disruptions and is not displayed in the table, causing a variation with 2018 data.

Based on Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, during 2019, 569 mediation agreements were concluded (agreements to enter into mediation), while 403 cases successfully finished with the conclusion of a settlement agreement. Pursuant to the reports of mediators, in 266 proceedings the case was referred to mediation by the court.

Upon filing of additional, in-depth statistics by the mediators who conducted court-related mediations, it was determined that some of these cases were initiated in the previous year, while the number of cases for which the parties agreed to start mediation in 2019 was 239.

Comparatively, during 2018, 638 mediation agreements were concluded (agreements to enter into

Kosovo*

(2020): We can not divide cases based on these categories, but only based on regions.

(2019): Regarding this question, we do not have data based on these categories but only based on the

Question 259

Albania

(General Comment): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by

(2019): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle

Bosnia and Herzegovina

(General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation. Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing

(2020): Other: ADR procedures handled by the various public agencies: The Consumer Ombudsman, The

(2019): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing

Montenegro

(2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020.²

(2019): Parties in labor disputes - both individual and collective, may, in accordance with the Law on Peaceful Settlement of Disputes, voluntarily decide to entrust the settlement of the dispute to the facilitator or arbitrator.

Facilitator is a person who provides assistance to parties in a collective dispute and gives a recommendation with the aim of concluding a dispute settlement agreement, and arbitrator is the person who leads the dispute and decides on the subject of an individual dispute.

North Macedonia

(General Comment): Arbitration

The arbitration is also available in the legal provisions, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily.

Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not

(2019): - Arbitration

The arbitration is also available in the legal provisions, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

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Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.

Serbia

applies also to mediation other than court-related mediation as it provides that “mediation is a procedure, regardless of its name, where the parties voluntarily seek to settle their dispute through negotiation, facilitated by one or more mediators assisting the parties to reach an agreement”. Mediation may be applied to disputes in which the parties are free to dispose of their claims, unless another law prescribes exclusive jurisdiction of a court or another authority, regardless of whether mediation is carried out before or after the initiation of judicial or other proceedings. Mediation is possible especially in property-related disputes concerning the fulfilment of the obligation to act, in other property disputes, in family, commercial disputes, administrative matters, disputes relating to environmental protection issues, consumer disputes, and in all other contentious relations where mediation is appropriate to the nature of the contentious relations and can aid in their resolution. The Law also applies to mediation in criminal and misdemeanour proceedings with respect to property claims and claims for damages, as well as in labour disputes unless otherwise stipulated by a special law. Among the basic principles of mediation established by the law are voluntariness, equality, participation and presence in person during the mediation procedure, exclusion of the public, confidentiality, neutrality and urgency.

Dispute settlement through informal, flexible and voluntary mediation organised by the National Bank of Serbia is an example of non-judicial alternative for disputes between financial institutions and clients. The National Bank of Serbia began conducting such mediation proceedings in the field of insurance in December 2005 and institutionalised such procedures within its Centre for the Protection and Education of Users of Financial Services which reports that in 2014 101 mediation procedures were scheduled, out of which 77 cases were completed with 35.1% ending with a settlement between financial institutions and their clients. The Law on the Protection of Financial Services Consumers (“Official Gazette of RS” no. 36/2011 and 139/2014) provides that the consumer using banking services or leasing services has the right to complaint and the possibility of instituting mediation proceedings for out-of-court settlement of the dispute with the provider of the services. The latest amendments to the law which have become applicable on 27 March 2015, make these procedures more precise and efficient.

Other agencies and organisations, such as the Republic Agency for Electronic Communications (RATEL) also offer non-judicial within their respective purviews. Another example of non-judicial mediation is mediation in

(2020): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2) Specifying the position of judges in the mediation procedure; 3) Enforceability of clauses on settling disputes through mediation; 4) The principle of confidentiality; 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing

(2019): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass:

- 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process;
- 2) Specifying the position of judges in the mediation procedure;
- 3) Enforceability of clauses on settling disputes through mediation;
- 4) The principle of confidentiality;
- 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and
- 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing the first obligatory meeting as a procedural precondition for initiating litigation in certain types of cases, as

Indicator 9 List

List of the tables presented in this indicator

9. Alternative Dispute Resolution

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Type of providers of court-related services in 2020 (Q255)

Table 9.1.3 Number of accredited mediators by gender in 2020 (Q257 and Q1)

Table 9.1.4 Number of cases in court related mediation in 2020 (Q258)

Table 9.1.5 Existence of other alternative dispute resolution methods in 2020 (Q259)

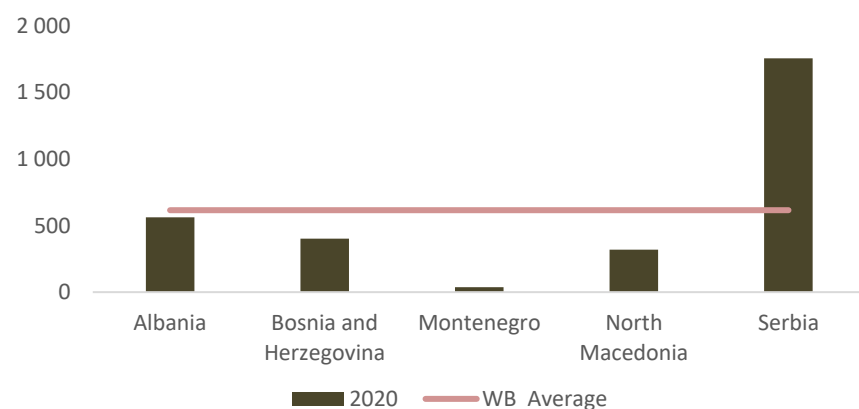
Indicator 9- Alternative Dispute Resolution

Indicator 9- Alternative Dispute Resolution

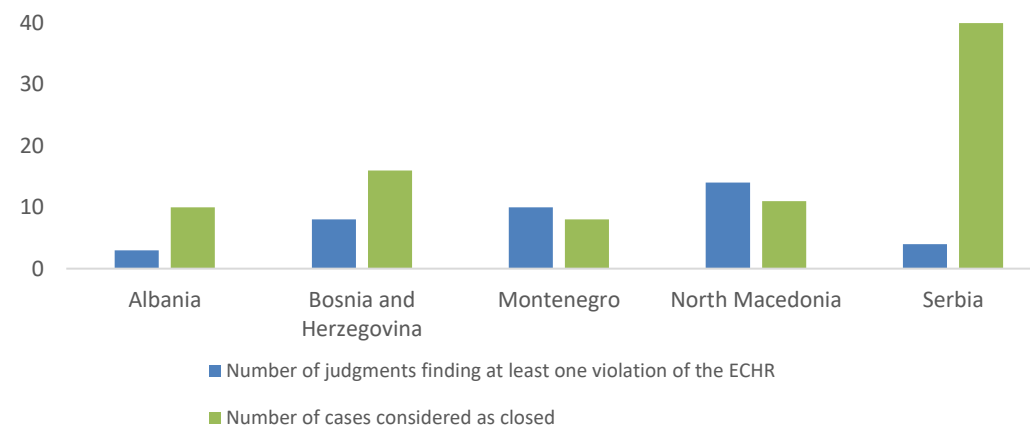
10. European Convention of Human Rights (ECHR)

Beneficiaries	Number of applications pending before a decision body		Number of judgments finding at least one violation of the ECHR		Number of cases considered as closed	
	2020	% Variation 2019 - 2020	2020	% Variation 2019 - 2020	2020	% Variation 2019 - 2020
Albania	563	-7,7%	3	-66,7%	10	150,0%
Bosnia and Herzegovina	403	-74,7%	8	162,5%	16	128,6%
Montenegro	37	-62,6%	10	-70,0%	8	166,7%
North Macedonia	320	-7,2%	14	-14,3%	11	-57,7%
Serbia	1 755	30,2%	4	380,0%	40	14,3%
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
WB Average	616	-24,4%	12	78,3%	17	80,4%

Number of applications pending before a decision body



Number of judgements finding at least one violation of the ECHR and number of cases considered closed in 2020



Source: European Court of Human Rights

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2020 (Q260 and Q261)

Beneficiaries	Monitoring system for violations related to Article 6 of the European Convention on Human Rights			Possibility to review a case after a decision on violation of human rights by the ECHR
	Non-enforcement for civil procedures	Timeframe		
		For civil procedures	For criminal procedures	
Albania				
Bosnia and Herzegovina				
Montenegro				
North Macedonia				
Serbia				
Kosovo*	NAP	NAP	NAP	NAP
Nb of Yes	5	5	5	5

Yes 
 No 

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2019 and 2020 (Q262 and Q263)**

Beneficiaries	Number of applications pending before a decision body		Number of judgements	
			Judgements finding at least one violation	
	31.12.2019	31.12.2020	2019	2020
Albania	610	563	1	3
Bosnia and Herzegovina	1 595	403	21	8
Montenegro	99	37	2	10
North Macedonia	345	320	9	14
Serbia	1 348	1 755	22	4
Kosovo*	NAP	NAP	NAP	NAP
Average	799,4	615,6	11	7,8
Median	610	403	9	8
Minimum	99	37	1	3
Maximum	1595	1755	22	14
Nb of values	5	5	5	5
% of NA	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%

** Source ECHR

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 10.1.3 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process in 2019 and 2020 (Q264*)**

Beneficiaries	Total number of cases	
	2019	2020
Albania	4	10
Bosnia and Herzegovina	7	16
Montenegro	3	8
North Macedonia	26	11
Serbia	35	40
Kosovo*	NAP	NAP
Average	15	17
Median	7	11
Minimum	3	8
Maximum	35	40
Nb of values	5	5
% of NA	0%	0%
% of NAP	0%	0%

*** Source Department of Execution of sanctions of the Council of Europe

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?
Question 261. Is there in your country a possibility to review a case after a decision on violation of human rights?

Albania

Q260 (General Comment): The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”.

The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgment, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights' judgments and the measures

Q260 (2019): The final judgments of the European Court of Human Rights (herein after ECtHR), in every case where Albania is a party are binding and are enforced following the procedures provided by the Law Nr. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”.

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The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy

Q261 (General Comment): Yes it is possible to review a case after a decision on violation of human rights by the European Court of Human Rights. This is provided by the legal basis as follows:

- Article 450 of Criminal Procedure Code “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...” and

-Article 494 of Civil Procedure Code “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of

Q261 (2019): Legal basis:

-Criminal Procedure Code - Article 450 “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...”

-Civil Procedure Code – Article 494 “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental

Bosnia and Herzegovina

Q260 (General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHR's decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional safeguard for the rights and freedoms protected by the Constitution of BiH and European Convention (including rights provided in article 6), derives from appellate jurisdiction of the Constitutional Court of BiH. Based on Article VI of the Constitution, Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. Under terms provided by its Rules, the Constitutional Court may decide on the appeal even when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and

Q261 (General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case *Avdic and Others vs Bosnia and Herzegovina*, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants' rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the *Avdic* case. Based on the verdict of the European Court in the case *Maktouf & Damjanovic vs Bosnia and Herzegovina*, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before

Montenegro

Q260 (2020): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme

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Q261 (2020): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure.

In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on

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North Macedonia

Q260 (2020): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of

internal systems to prevent other similar violations in future.

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internal systems to prevent other similar violations in future.

Q261 (2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil

Q261 (2019): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil

Serbia

Q260 (General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court) , performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future.

the European Convention on Human Rights, and reaction/compensation for the purpose of protection of Right to Trial within a Reasonable Time.

According to Article 46 of the European Convention on Human Rights, Committee of Ministers of the Council of Europe monitors enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on regular basis and number of Action plans and action reports have been submitted to the Committee of Ministers.

Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor - only if they have submitted a property claim (pecuniary damages). The protection of other various aspects of the rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution (Official Gazette of the Republic of Serbia No 98/06), the Law on the Constitutional Court ("Official Gazette of the RS", No. 109/2007, 99/2011, 18/2013 - decision of the CC, 103/2015 and 40/2015 - other Law), the Law on the Organization of Courts ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the CC, 87/2018 and 88/2018 - decision of the CC), and the Law on the Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015).

Since the Republic of Serbia became part of the Convention system in 2004 the European Court has adopted many judgments and decisions establishing a violation of the right to trial within a reasonable time in respect of the Republic of Serbia (Nemet v. Serbia, no. 22543/05, judgment of 8 December 2009; Ridić and Others v. Serbia, no. 53736/08, judgment of 1 July 2014; etc.). In order to fully execute the mentioned judgments and

Q261 (General Comment): Yes. Law of the Republic of Serbia enables a review of a case of the Court previously established a violation of rights guaranteed by the Convention. Actually, Law on Civil Procedure, Criminal Procedure Code and Law of the Administrative Procedure, through prescribed extra-ordinary legal

Q261 (2019): In criminal proceedings, on the basis of Article 485 para. 1 point 3) of the Law on Criminal Procedure ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019) a criminal case can be reviewed upon a decision of the European Court. It is possible to file a request for the protection of legality after a decision of the European Court of Human Rights if human rights and freedoms of the defendant or other participant in the procedure guaranteed by the Constitution or the European Convention have been violated or denied, as established by a decision of the Constitutional Court or the European Court of Human Rights.

Pursuant to the Law on Civil Procedure ("Official Gazette of the RS", No. 72/2011, 49/2013 - decision of CC, 74/2013 - decision of CC, 55/2014 and 87/2018), there is a possibility for reopening a litigation proceedings which has ended with legally binding court decision in case a decision of the European Court was issued by which a violation of human rights was found, which can be of significance for adopting more favorable decision for the applicant.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?
Question 261. Is there in your country a possibility to review a case after a decision on violation of human rights?

Question 260**Albania**

(General Comment): The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 "On the State Advocature", Chapter V/I "On the execution of Judgments and Decisions of the European Court of Human Rights".

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The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights' judgments and the measures

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The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy

Bosnia and Herzegovina

(General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHR's decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional safeguard for the rights and freedoms protected by the Constitution of BiH and European Convention (including rights provided in article 6), derives from appellate jurisdiction of the Constitutional Court of BiH. Based on Article VI of the Constitution, Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. Under terms provided by its Rules, the Constitutional Court may decide on the appeal even when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and

Montenegro

(2020): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme

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North Macedonia

(2020): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of

internal systems to prevent other similar violations in future.

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internal systems to prevent other similar violations in future.

Serbia

(General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court), performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future.

European Convention on Human Rights, and reaction/compensation for the purpose of protection of Right to Trial within a Reasonable Time.

According to Article 46 of the European Convention on Human Rights, Committee of Ministers of the Council of Europe monitors enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on regular basis and number of Action plans and action reports have been submitted to the Committee of Ministers.

Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor - only if they have submitted a property claim (pecuniary damages). The protection of other various aspects of the rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution (Official Gazette of the Republic of Serbia No 98/06), the Law on the Constitutional Court ("Official Gazette of the RS", No. 109/2007, 99/2011, 18/2013 - decision of the CC, 103/2015 and 40/2015 - other Law), the Law on the Organization of Courts ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the CC, 87/2018 and 88/2018 - decision of the CC), and the Law on the Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015). Since the Republic of Serbia became part of the Convention system in 2004 the European Court has adopted many judgments and decisions establishing a violation of the right to trial within a reasonable time in respect of the Republic of Serbia (Nemet v. Serbia, no. 22543/05, judgment of 8 December 2009; Ridić and Others v. Serbia, no. 53736/08, judgment of 1 July 2014; etc.). In order to fully execute the mentioned judgments and

Question 261

Albania

(General Comment): Yes it is possible to review a case after a decision on violation of human rights by the European Court of Human Rights. This is provided by the legal basis as follows:

- Article 450 of Criminal Procedure Code "Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision..." and
-Article 494 of Civil Procedure Code "Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention "On protection of

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-Civil Procedure Code – Article 494 "Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention "On protection of fundamental

Bosnia and Herzegovina

(General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case *Avdic and Others vs Bosnia and Herzegovina*, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case *Maktouf & Damjanovic vs Bosnia and Herzegovina*, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before

Montenegro

(2020): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure.

In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on

(2019): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure.

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North Macedonia

(2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil

(2019): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil

Serbia

(General Comment): Yes. Law of the Republic of Serbia enables a review of a case of the Court previously established a violation of rights guaranteed by the Convention. Actually, Law on Civil Procedure, Criminal Procedure Code and Law of the Administrative Procedure, through prescribed extra-ordinary legal remedies,

(2019): In criminal proceedings, on the basis of Article 485 para. 1 point 3) of the Law on Criminal Procedure ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019) a criminal case can be reviewed upon a decision of the European Court. It is possible to file a request for the protection of legality after a decision of the European Court of Human Rights if human rights and freedoms of the defendant or other participant in the procedure guaranteed by the Constitution or the European Convention have been violated or denied, as established by a decision of the Constitutional Court or the European Court of Human Rights.

Pursuant to the Law on Civil Procedure ("Official Gazette of the RS", No. 72/2011, 49/2013 - decision of CC, 74/2013 - decision of CC, 55/2014 and 87/2018), there is a possibility for reopening a litigation proceedings which has ended with legally binding court decision in case a decision of the European Court was issued by which a violation of human rights was found, which can be of significance for adopting more favorable decision for the applicant.

Indicator 10 List

List of the tables presented in this indicator

10. European Convention of Human Rights (ECHR)

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2020 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2019 and 2020 (Q262 and Q263**)

Table 10.1.3 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process in 2019 and 2020 (Q264***)

Indicator 10- ECtHR

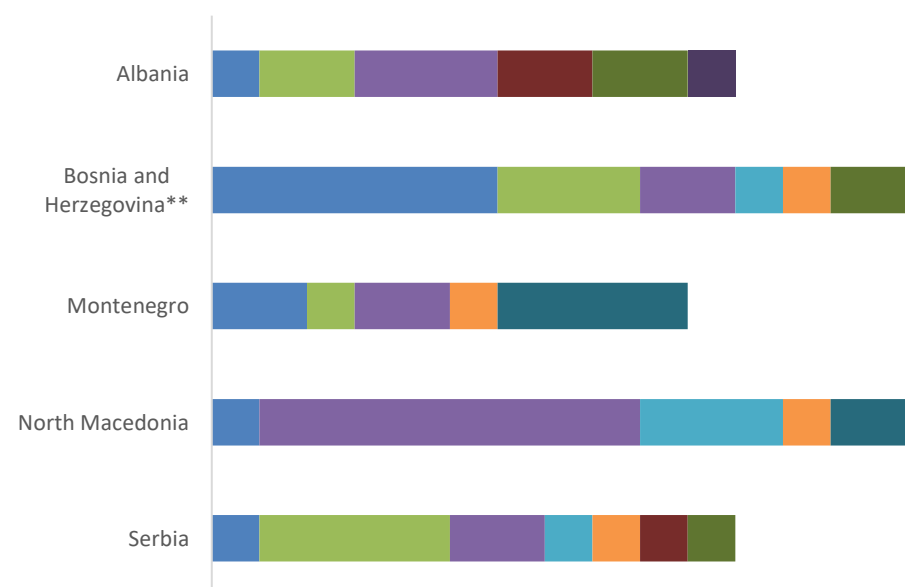
Indicator 10- ECtHR

11. Council for the judiciary

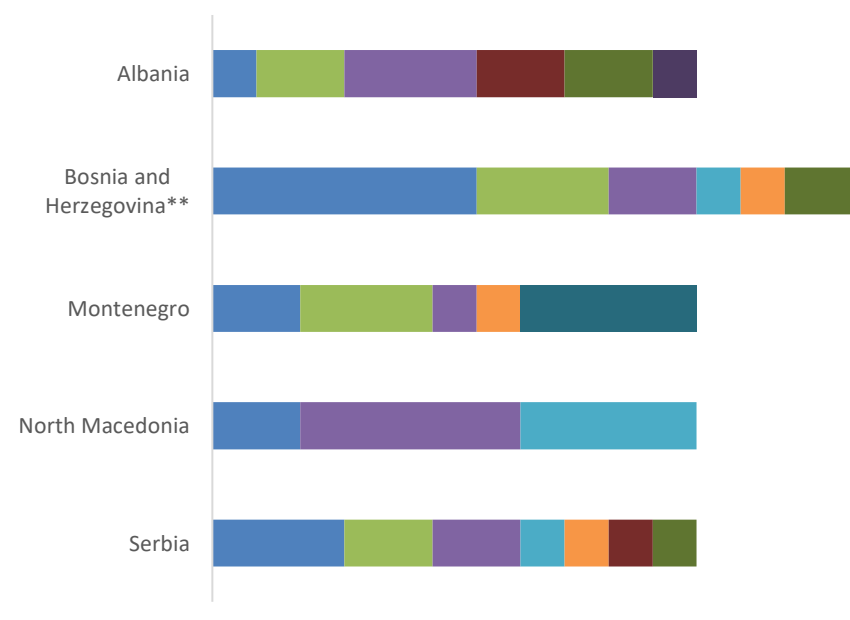
Composition of the council for the judiciary and prosecutorial council (Table no. 11.1.2)

Beneficiaries	Single Council for the judiciary		Council only for judges		Council only for prosecutors	
	2020	% Variation 2019 - 2020	2020	% Variation 2019 - 2020	2020	% Variation 2019 - 2020
Albania	NAP	NAP	11	0,0%	11	0,0%
Bosnia and Herzegovina	15	0,0%	NAP	NAP	NAP	NAP
Montenegro	NAP	NAP	10	0,0%	11	0,0%
North Macedonia	NAP	NAP	15	0,0%	11	0,0%
Serbia	NAP	NAP	11	0,0%	11	0,0%
Kosovo*	NAP	NAP	13	0%	13	0%

Composition of the Council for judges in 2020



Composition of Council for prosecutors in 2020



** Please note that Bosnia and Herzegovina has a one Council for both judges and prosecutors.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

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Kosovo* is not included in the summary statistics

CEPEJ report - Dashboard Western Balkan

Table 11.1.1 Council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2020 (Q265 and Q268)

Beneficiaries	Council for the Judiciary			Selection criteria for non-judge/non-prosecutor members in the council(s)
	Only for judges	Only for prosecutors	For judges and prosecutors	
Albania	Yes	Yes	No	Yes
Bosnia and Herzegovina	No	No	Yes	Yes
Montenegro	Yes	Yes	No	Yes
North Macedonia	Yes	Yes	No	Yes
Serbia	Yes	Yes	No	Yes
Kosovo*	Yes	Yes	No	No
Nb of Yes	4	4	1	5

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 11.1.2 Number of members and composition of the Council(s) for judiciary and in 2020 (Q266)

Beneficiaries	Single Council for the judiciary												Council only for judges												Council only for prosecutors											
	Total	Proposed by:											Total	Proposed by:											Total	Proposed by:										
		Highest authority (Supreme Court/Highest Constitutional Court)	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other	Highest authority (Supreme Court/Highest Constitutional Court)		Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other	Highest authority (Supreme Court/Highest Constitutional Court)	Second instance (courts/prosecution offices)		First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations	Other			
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP	11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP
Bosnia and Herzegovina	15	6	NAP	3	2	1	1	NAP	NAP	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	10	2	NAP	1	2	NAP	1	NAP	NAP	NAP	NAP	4	11	2	NAP	3	1	NAP	1	NAP	NAP	NAP	NAP	4
North Macedonia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	1	NAP	NAP	8	3	1	NAP	NAP	NAP	NAP	2	11	2	NAP	NAP	5	4	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	4	2	1	1	NAP	1	1	NAP	NAP	11	3	NAP	2	2	1	1	NAP	1	1	NAP	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	13	2	NAP	2	3	NAP	NAP	NAP	NAP	1	NAP	5	13	1	NAP	1	8	NAP	NAP	NAP	1	1	1	NAP
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
% of NAP	80%	80%	100%	80%	80%	80%	80%	100%	100%	80%	100%	100%	20%	20%	100%	40%	20%	60%	40%	100%	60%	60%	80%	60%	20%	20%	100%	40%	20%	60%	60%	100%	60%	60%	80%	80%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2020 (Q269 and Q270)

Beneficiaries	Term of office as member of the council (in years)			Conditions for the term of office of members of the Council(s)								
	Single council for the judiciary	Council for judges only	Council for prosecutors only	Single council for the judiciary			Council for judges only			Council for prosecutors only		
				Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure	Term of office of members renewable	Full-time position	If not a full-time position, members subject to evaluation procedure
Albania	NAP	5	5									
Bosnia and Herzegovina	4	NAP	NAP									
Montenegro	NAP	4	4									
North Macedonia	NAP	6	4									
Serbia	NAP	5	5									
Kosovo*	NAP	5	5									
Nb of Yes				1	0	0	3	3	1	3	3	0
Nb of values	5	5	5									
% of NA	0%	0%	0%									
% of NAP	80%	20%	20%									

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics


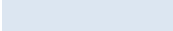
Yes 
No 

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2020 (Q273 and Q274)

Beneficiaries	Accountability measures in place regarding the activities of the Council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor					
	Single council for the judiciary				Council for judges only				Council for prosecutors only				Single council for the judiciary		Council for judges only		Council for prosecutors only	
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors	For judges	For prosecutors	For judges	For prosecutors
Albania																		
Bosnia and Herzegovina																		
Montenegro																		
North Macedonia																		
Serbia																		
Kosovo*																		
Nb of Yes	1	1	1	1	4	4	4	1	4	4	2	2	1	1	4	0	0	4

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes 
 No 

Indicator 11-Council for the judiciary/ Prosecutorial Council

by country

Question 265. Do you have a Council for the Judiciary?

Question 266. What is the composition of the Council(s)? Please specify the number of members from

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-

concentration of powers in the same hands concerning the different functions to be performed by members

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Albania

Q265 (General Comment): There are two Councils, one for the judiciary and one for the prosecution service, each composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from prosecutors the constitutions provides that 5 members are elected by the Assembly in a procedures prescribed by the constitutions and law. Two lay members are elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates and one member from civil society. Hence, in the response to the questions, each of these options has been completed.

The procedure for electing laymembers is as follows:

2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges.
3. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.
4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.
5. The Secretary General of the Assembly, not later than 10 days from the submission candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria for the member of the High Judicial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary General of the Assembly shall not include their names in the list.
6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article. 7. The standing committee responsible for legal affairs in the Assembly shall

Q266 (2020): The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.

Q266 (2019): 5 members that are elected by the Assembly, for each council, they are elected through a procedure, that the proposal comes from academics (2 members), bar association (2 members) and civil lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria. The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by

selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria. The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

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- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
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- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by

Q269 (General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying

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Q270 (General Comment): As per article 3.4, Law 115/2016 "The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with

Q270 (2019): As per article 3.4, Law 115/2016 "The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with

Q273 (General Comment): Meetings' minutes and recordings published in their respective websites.

Q273 (2019): Meetings' minutes and recordings published in their respective websites

Q274 (General Comment): According to Article 185, of the Law "On the governance institutions of the justice system", as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

Q274 (2019): According to the Law "On the governance institutions of the justice system", as amended, the both councils may, on its own initiative or on the basis of prosecutors' or judges' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is

Bosnia and Herzegovina

Q265 (General Comment): There is a single regulatory body in Bosnia and Herzegovina (BiH), the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the

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7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;

Q268 (General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on

Q268 (2019): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and

Q270 (General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two

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Q273 (General Comment): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.

The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.

The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).

The HJPC regularly processes the requests for free access to information relating to the work of the HJPC.

The HJPC holds annual conferences for courts presidents and chief prosecutors, as well as thematic

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The HJPC organizes annual conferences for courts presidents and chief prosecutors, as well as thematic conferences which are open to journalists and to the public, and by which the public is informed about the

Q274 (General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special

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Montenegro

Q266 (General Comment): CONSTITUTION OF MONTENEGRO ("Official Gazette of Montenegro", No. 1/2007, 38/2013)

„Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

LAW ON STATE PROSECUTION SERVICE

("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018)

„Composition of the Prosecutorial Council

Article 18

Prosecutorial Council shall have a president and ten members.

The Supreme State Prosecutor shall be the President of the Prosecutorial Council. The following shall be the members of the Prosecutorial Council:

- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four of whom from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;

Q266 (2019): CONSTITUTION OF MONTENEGRO

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- 2) four eminent lawyers elected and dismissed by the Parliament of Montenegro (hereinafter referred to as "the Parliament") upon proposal of the relevant working body;
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter referred to

Q267 (General Comment): 267/3 Unofficial translation.

Q268 (General Comment): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and professional reputation and if he/she is not

Q268 (2019): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

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PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at

Q270 (General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of

Q270 (2019): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the

Q273 (General Comment): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

Q273 (2019): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

Q274 (General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.

No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.

State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)

Council of Prosecutors Article 136

The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding. The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor;

2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4)

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State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)

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2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4)

propose to the Government the amount of funds for the work of the state prosecution; 5) submit the Report

North Macedonia

Q266 (General Comment): The Judicial Council shall consist of 15 members, out of whom: ~~The~~ president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; ~~Eight~~ eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; ~~The~~ Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and ~~Two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

The Council of Public Prosecutors is composed by 11 members:

~~The~~ Chief Public Prosecutor of the Republic of North Macedonia as ex officio member;

~~One~~ one member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;

~~Public~~ public prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;

~~One~~ one member of the Council, a member of a community that does not constitute a majority in the Republic of North Macedonia, shall be elected by all public prosecutors in the Republic of North Macedonia, from

Q266 (2019): The Judicial Council shall consist of 15 members, out of whom: -The president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; -Eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -The Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -Two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. The Council of Public Prosecutors is composed by 11 members:

-The Chief Public Prosecutor of the Republic of Macedonia as ex officio member;

-One member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;

-Public prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: -To be a citizen of the Republic of North Macedonia, -To be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-Not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

-Has a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: -

to be a citizen of the Republic of North Macedonia, -To be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-Not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

-Has a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office or a person who has been dismissed from a judicial or public prosecutor's office shall not be elected as a member of the Council, except for cases when the European Court of Human Rights has established violation of the Convention in the dismissal procedure, or a person who in the last four years was an MP, a member of the Government, or held office in a political party.

The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.

Q268 (2019): Law on Judicial Council

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: -~~to~~ be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offense with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: -

to be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offense with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office

Q273 (General Comment):

http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwwwsvA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBtkRhikOyoqAgBZeVF9/dz/d5/L2dBISEvZ0FBIS9nQSEh/
<http://sjorm.gov.mk/>

Q273 (2019):

http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwwwsvA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBtkRhikOyoqAgBZeVF9/dz/d5/L2dBISEvZ0FBIS9nQSEh/

independent judicial body that ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws. According to article 11 of Law on courts, the judge shall decide impartially by applying the law on the basis of free evaluation of the evidence. Any form of influence on the independence, impartiality and autonomy of the judge in the exercise of the judicial office on any grounds and by any entity shall be prohibited.

The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law. The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office. The judge cannot be a member of a managing or supervisory board of a trade company, or another legal entity established for the purpose of gaining profit. The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects. The Judge must not use his office or the reputation of the court to accomplish his personal interests. The judge cannot be a member or hold a political office within a political party or carry out political or party activity. In this case, The Judicial Council shall at the latest within ten days from the day of knowing of the fulfillment of these conditions determine the termination of the judicial office, except when the judicial function is in abeyance under conditions determined by law. The judge cannot accept gifts or enjoy privileges and conveniences during the exercise of the judicial office.

According to articles 74 and 75 of Law on courts, the judge shall be dismissed from the judicial office due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law. Decision on dismissal of the judge shall be adopted by Judicial Council, if the violation is committed with the intention or apparent negligence by the fault of the judge without justified reasons and if the injury caused severe consequences. Serious disciplinary offences are:

- 1) gross influence and interference in the performance of the judicial function of another judge;
- 2) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.

In the exercise of the judicial office, the judges shall enjoy immunity. A judge cannot be held criminally liable

judicial body that ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws. According to article 11 of Law on courts, the judge shall decide impartially by applying the law on the basis of free evaluation of the evidence. Any form of influence on the independence, impartiality and autonomy of the judge in the exercise of the judicial office on any grounds and by any entity shall be prohibited.

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- 1) gross influence and interference in the performance of the judicial function of another judge;
- 2) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.

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Serbia

Q265 (General Comment): Two councils exist: the High Court Council (Competent only for judges) and the

Q265 (2019): Two councils exist: the High Court Council (Competent only for judges) and the State

Q268 (General Comment): The Law on High Judicial Council prescribed that the elected members of the council

from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Per prosecutor's--Election members consist of six public prosecutors or deputy public prosecutors with a full-time position, at

Q268 (2019): The Law on High Judicial Council ("Official Gazette of the RS", No. 116/2008, 101/2010, 88/2011 and 106/2015)prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

Q269 (2020): The term of office of Council members is five years, except for the ex officio members.

Q270 (General Comment): Elected members of the Council may be re-elected, but not consecutively.

Q270 (2019): The elective members may be re-elected, but not consecutively.

Q273 (2019):

[https://vss.sud.rs/sites/default/files/files/%C4%8DI_%2090%20st_%201%20alineja%2018%20ZS_predmet%](https://vss.sud.rs/sites/default/files/files/%C4%8DI_%2090%20st_%201%20alineja%2018%20ZS_predmet%20)

performing

his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribes that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on judges all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

The High Judicial Council, at the session held on 25 October 2016, adopted amendments to the Rules of Procedure of the High Judicial Council, which was published in the "Official Gazette of the RS", no. 91/16. The above mentioned amendment stipulates the procedures of public reactions of the High Judicial Council in cases of political interference in the judiciary. The judge, who considers that there is a political influence on his work, may address the Council in writing.

The President of the Council, on his own initiative, on the proposal of one member of the Council or on the basis of the address of the judge, convenes a session of the Council which the political influence on the work of the judiciary will be considered.

The statement of the judge, the initiative of the President of the Council and the proposal of the member of the Council must be reasoned.

The session shall be convened without delay.

The President of the Council shall determine in advance the agenda of the session at which political influence on the work of the judiciary is discussed. The agenda so established is not voted on and cannot be changed. The Council shall, after the session, inform the public of the conclusions of the session by holding a press conference, by making a statement to the media or by publishing

Q274 (2019): With regard to judges:

The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No 98/06) in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsive only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

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The President of the Council, on his own initiative, on the proposal of one member of the Council or on the basis of the address of the judge, convenes a session of the Council which the political influence on the work of the judiciary will be considered.

The statement of the judge, the initiative of the President of the Council and the proposal of the member of the Council must be reasoned.

The session shall be convened without delay.

The President of the Council shall determine in advance the agenda of the session at which political influence

Kosovo*

Q265 (General Comment): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo Prosecutorial Council)

Q265 (2019): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo Prosecutorial Council)

Q266 (General Comment): Based on article 108 of the Constitution of Kosovo, The Kosovo Judicial Council shall be composed of thirteen (13) members:

(1) five (5) members shall be judges elected by the members of the judiciary;

(2) four (4) members shall be elected by deputies of the Assembly holding seats attributed during the general distribution of seats; at least two (2) of the four (4) must be judges and one (1) must be a member of the Kosovo Chamber of Advocates;

(3) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for the Kosovo Serb community and at least one of the two must be a judge;

(4) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for other Communities and at least one of the two must be a judge. According to the Law on Kosovo Judicial Council, Council Members can be from legal field but also outside the legal field. The Law does not specify any specific legal profession. Based on the article 8 of this Law, except for 7 members who are elected by members of the judiciary, six other members are elected as follows: two members are elected by the Assembly Members, who shall hold their seats during the general allocation of seats, and at least one of them must be a judge;

two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of the Serb community in Kosovo, and at least one of them must be a judge; two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives

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(1) five (5) members shall be judges elected by the members of the judiciary;

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Q268 (General Comment): Article 9 of the Law on Kosovo Prosecutorial Council "Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

3.1. one (1) member from the Kosovo Bar Association;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3. one (1) representative from civil society. The civil society representative is selected through a public vacancy announcement by the Assembly, who must have a high professional background, evidenced knowledge in the area of law, knowledge in the field of human rights, work experience in legal issues of five

Q268 (2019): Article 9 of the Law on Kosovo Prosecutorial Council "Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

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The position is full time only for the following: The Chair, Vice-Chair, Chairman of the Normative Committee, Chairman of the Performance Evaluation Committee and Chairman for Administration of Prosecution Offices, who suspend the duty of a prosecutor. The other prosecutor members continue their work as prosecutors as well and are evaluated as foreseen by the regulation on the evaluation of the performance of prosecutors.

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Q274 (General Comment): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the

Q274 (2019): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the articles 5 and

Indicator 11-Council for the judiciary/ Prosecutorial Council

by question No.

Question 265. Do you have a Council for the Judiciary?

Question 266. What is the composition of the Council(s)? Please specify the number of members from

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 265

Albania

(General Comment): There are two Councils, one for the judiciary and one for the prosecution service, each composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from academia, 2

Bosnia and Herzegovina

(General Comment): There is a single regulatory body in Bosnia and Herzegovina (BiH), the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH.

Serbia

(General Comment): Two councils exist: the High Court Council (Competent only for judges) and the State

(2019): Two councils exist: the High Court Council (Competent only for judges) and the State Prosecutorial

Kosovo*

(General Comment): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo Prosecutorial Council)

(2019): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo Prosecutorial Council)

Question 266

Albania

prosecutors the constitutions provides that 5 members are elected by the Assembly in a procedures prescribed by the constitutions and law. Two lay members are elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates and one member from civil society. Hence, in the response to the questions, each of these options has been completed.

The procedure for electing laymembers is as follows:

2. The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges.

3. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.

4. Two lay members shall be elected from the ranks of advocates, two members from the corps of pedagogues of law faculties and the School of Magistrates, and one member from civil society. The Secretary General of the Assembly, based on an open and transparent procedure, shall announce the vacancies in accordance with the law.

5. The Secretary General of the Assembly, not later than 10 days from the submission candidatures, shall verify if the candidates fulfil the criteria foreseen in the Constitution and the law and shall assess the professional and moral criteria for the member of the High Judicial Council and shall prepare the list. In case the candidates do not fulfil the criteria and conditions to be elected, the Secretary General of the Assembly shall not include their names in the list.

6. The Secretary General of the Assembly, upon completion of the verification, shall immediately send the list of candidates who fulfil the formal criteria to the parliamentary subcommittee, in accordance with paragraph 7 of this article. 7. The standing committee responsible for legal affairs in the Assembly shall

(2020): The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.

(2019): 5 members that are elected by the Assembly, for each council, they are elected through a procedure, that the proposal comes from academics (2 members), bar association (2 members) and civil

Bosnia and Herzegovina

Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the

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4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the prosecutors of that Office;

Montenegro

(General Comment): CONSTITUTION OF MONTENEGRO (“Official Gazette of Montenegro”, No. 1/2007, 38/2013)

„Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

LAW ON STATE PROSECUTION SERVICE

(“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017 and 10/2018)

„Composition of the Prosecutorial Council

Article 18

Prosecutorial Council shall have a president and ten members.

The Supreme State Prosecutor shall be the President of the Prosecutorial Council. The following shall be the members of the Prosecutorial Council:

- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four of whom from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;

(2019): CONSTITUTION OF MONTENEGRO

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- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four of whom from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;
- 2) four eminent lawyers elected and dismissed by the Parliament of Montenegro (hereinafter referred to as "the Parliament") upon proposal of the relevant working body;
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter referred to

North Macedonia

(General Comment): The Judicial Council shall consist of 15 members, out of whom: ~~The~~ president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; ~~Eight~~ eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; ~~The~~ the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and ~~Two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

The Council of Public Prosecutors is composed by 11 members:

~~The~~ The Chief Public Prosecutor of the Republic of North Macedonia as ex officio member;

~~One~~ One member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;

~~Public~~ Public prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;

~~One~~ One member of the Council, a member of a community that does not constitute a majority in the Republic of North Macedonia, shall be elected by all public prosecutors in the Republic of North Macedonia, from

(2019): The Judicial Council shall consist of 15 members, out of whom: ~~The~~ president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; ~~Eight~~ eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; ~~The~~ the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and ~~Two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

The Council of Public Prosecutors is composed by 11 members:

~~The~~ The Chief Public Prosecutor of the Republic of Macedonia as ex officio member;

~~One~~ One member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;

~~Public~~ Public prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;

Kosovo*

(General Comment): Based on article 108 of the Constitution of Kosovo, The Kosovo Judicial Council shall be composed of thirteen (13) members:

(1) five (5) members shall be judges elected by the members of the judiciary;

(2) four (4) members shall be elected by deputies of the Assembly holding seats attributed during the general distribution of seats; at least two (2) of the four (4) must be judges and one (1) must be a member of the Kosovo Chamber of Advocates;

(3) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for the Kosovo Serb community and at least one of the two must be a judge;

(4) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for other Communities and at least one of the two must be a judge. According to the Law on Kosovo Judicial Council, Council Members can be from legal field but also outside the legal field. The Law does not specify any specific legal profession. Based on the article 8 of this Law, except for 7 members who are elected by members of the judiciary, six other members are elected as follows: two members are elected by the Assembly Members, who shall hold their seats during the general allocation of seats, and at least one of them must be a judge;

two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of the Serb community in Kosovo, and at least one of them must be a judge; two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives

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Question 267

Montenegro

(General Comment): 267/3 Unofficial translation.

Question 268

Albania

lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria. The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by

from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.

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- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by

Bosnia and Herzegovina

(General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on

(2019): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and

Montenegro

(General Comment): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and professional reputation and if he/she is not

(2019): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at

North Macedonia

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: -~~to~~ be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: -

to be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office or a person who has been dismissed from a judicial or public prosecutor's office shall not be elected as a member of the Council, except for cases when the European Court of Human Rights has established violation of the Convention in the dismissal procedure, or a person who in the last four years was an MP, a member of the Government, or held office in a political party.

The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia, are from among the university law professors, lawyers, former Constitutional Court judges, international judges and other prominent lawyers.

(2019): Law on Judicial Council

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: -~~to~~ be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: -

to be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

-~~to~~ as a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office

Serbia

(General Comment): The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Per prosecutor's--Election members consist of six public prosecutors or deputy public prosecutors with a full-time position, at

least one from the territory of the Autonomous Provinces and two distinguished and prominent lawyers with

(2019): The Law on High Judicial Council ("Official Gazette of the RS", No. 116/2008, 101/2010, 88/2011 and 106/2015)prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

Kosovo*

(General Comment): Article 9 of the Law on Kosovo Prosecutorial Council "Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

3.1. one (1) member from the Kosovo Bar Association;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3. one (1) representative from civil society. The civil society representative is selected through a public vacancy announcement by the Assembly, who must have a high professional background, evidenced knowledge in the area of law, knowledge in the field of human rights, work experience in legal issues of five

(2019): Article 9 of the Law on Kosovo Prosecutorial Council "Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

3.1. one (1) member from the Kosovo Bar Association;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3. one (1) representative from civil society. The civil society representative is selected through a public vacancy announcement by the Assembly, who must have a high professional background, evidenced knowledge in the area of law, knowledge in the field of human rights, work experience in legal issues of five

Question 269

Albania

(General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying

(2019): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership

Serbia

(2020): The term of office of Council members is five years, except for the ex officio members.

Question 270

Albania

(General Comment): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with

(2019): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to

Bosnia and Herzegovina

(General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of

(2019): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of

Montenegro

(General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the

(2019): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate

Serbia

(General Comment): Elected members of the Council may be re-elected, but not consecutively.

(2019): The elective members may be re-elected, but not consecutively.

Kosovo*

The position is full time only for the following: The Chair, Vice-Chair, Chairman of the Normative Committee, Chairman of the Performance Evaluation Committee and Chairman for Administration of Prosecution Offices, who suspend the duty of a prosecutor. The other prosecutor members continue their work as prosecutors as well and are evaluated as foreseen by the regulation on the evaluation of the performance of prosecutors.

The position is full time only for the following: The Chair, Vice-Chair, Chairman of the Normative Committee, Chairman of the Performance Evaluation Committee and Chairman for Administration of Prosecution Offices, who suspend the duty of a prosecutor. The other prosecutor members continue their work as prosecutors as well and are evaluated as foreseen by the regulation on the evaluation of the performance of prosecutors.

Question 273

Albania

(General Comment): Meetings' minutes and recordings published in their respective websites.

(2019): Meetings' minutes and recordings published in their respective websites

Bosnia and Herzegovina

(General Comment): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.

The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.

The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).

The HJPC regularly processes the requests for free access to information relating to the work of the HJPC. The HJPC holds annual conferences for courts presidents and chief prosecutors, as well as thematic

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Montenegro

(General Comment): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

(2019): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

North Macedonia

(General Comment):

http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwsvA183A39LQwcQ_1DzSw93lxCCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBISEvZ0FBIS9nQSEh/

(2019):

http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwsvA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBISEvZ0FBIS9nQSEh/

Serbia

(2019):

[https://vss.sud.rs/sites/default/files/files/%C4%8DI_%2090%20st_%201%20alineja%2018%20ZS_predmet%](https://vss.sud.rs/sites/default/files/files/%C4%8DI_%2090%20st_%201%20alineja%2018%20ZS_predmet%20)

Question 274

Albania

(General Comment): According to Article 185, of the Law “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

(2019): According to the Law “On the governance institutions of the justice system”, as amended, the both councils may, on its own initiative or on the basis of prosecutors' or judges' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is

Bosnia and Herzegovina

(General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special

(2019): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations. The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

Montenegro

(General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.

No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.

State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)

Council of Prosecutors Article 136

The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding. The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor; 2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4)

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North Macedonia

independent judicial body that ensure and guarantee the autonomy and independence of the judicial authority, through performing its function in accordance with the Constitution and the laws. According to article 11 of Law on courts, the judge shall decide impartially by applying the law on the basis of free evaluation of the evidence. Any form of influence on the independence, impartiality and autonomy of the judge in the exercise of the judicial office on any grounds and by any entity shall be prohibited.

The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law. The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office. The judge cannot be a member of a managing or supervisory board of a trade company, or another legal entity established for the purpose of gaining profit. The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects. The Judge must not use his office or the reputation of the court to accomplish his personal interests. The judge cannot be a member or hold a political office within a political party or carry out political or party activity. In this case, The Judicial Council shall at the latest within ten days from the day of knowing of the fulfillment of these conditions determine the termination of the judicial office, except when the judicial function is in abeyance under conditions determined by law. The judge cannot accept gifts or enjoy privileges and conveniences during the exercise of the judicial office.

According to articles 74 and 75 of Law on courts, the judge shall be dismissed from the judicial office due to serious disciplinary offence that makes him/her discreditable to exercise the judicial office prescribed by law. Decision on dismissal of the judge shall be adopted by Judicial Council, if the violation is committed with the intention or apparent negligence by the fault of the judge without justified reasons and if the injury caused severe consequences. Serious disciplinary offences are:

- 1) gross influence and interference in the performance of the judicial function of another judge;
- 2) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about the existence of one of the grounds for exemption provided for by law.

In the exercise of the judicial office, the judges shall enjoy immunity. A judge cannot be held criminally liable

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In the exercise of the judicial office, the judges shall enjoy immunity. A judge cannot be held criminally liable

Serbia

his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on judges all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

The High Judicial Council, at the session held on 25 October 2016, adopted amendments to the Rules of Procedure of the High Judicial Council, which was published in the "Official Gazette of the RS", no. 91/16. The above mentioned amendment stipulates the procedures of public reactions of the High Judicial Council in cases of political interference in the judiciary. The judge, who considers that there is a political influence on his work, may address the Council in writing.

The President of the Council, on his own initiative, on the proposal of one member of the Council or on the basis of the address of the judge, convenes a session of the Council which the political influence on the work of the judiciary will be considered.

The statement of the judge, the initiative of the President of the Council and the proposal of the member of the Council must be reasoned.

The session shall be convened without delay.

The President of the Council shall determine in advance the agenda of the session at which political influence on the work of the judiciary is discussed. The agenda so established is not voted on and cannot be changed. The Council shall, after the session, inform the public of the conclusions of the session by holding a press conference, by making a statement to the media or by publishing the conclusions on the Council's website. Persecutors - The State Prosecutorial Council is defined by the

(2019): With regard to judges:

The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No 98/06) in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsive only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

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The statement of the judge, the initiative of the President of the Council and the proposal of the member of the Council must be reasoned.

The session shall be convened without delay.

The President of the Council shall determine in advance the agenda of the session at which political influence

Kosovo*

(General Comment): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the

(2019): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the articles 5 and

Indicator 11 List

List of the tables presented in this indicator

11. Council for the judiciary

Table 11.1.1 Council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2020 (Q265 and Q268)

Table 11.1.2 Number of members and composition of the Council(s) for judiciary and in 2020 (Q266)

Table 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2020 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2020 (Q273 and Q274)

Indicator 11-Council for the judiciary/ Prosecutorial Council

Indicator 11-Council for the judiciary/ Prosecutorial Council

12. Gender Equality

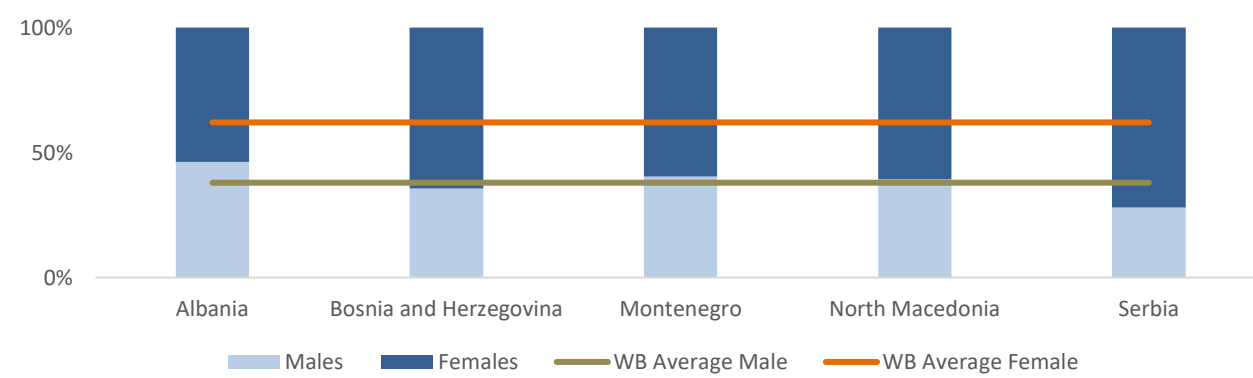
Distribution of males and females in the judiciary in 2020

Professionals by gender distribution and variation by gender 2019-2020 (Tables no. 12.1.1, 12.1.2, 12.1.3, 12.1.4, 12.1.5, 12.1.6 and 12.1.7)

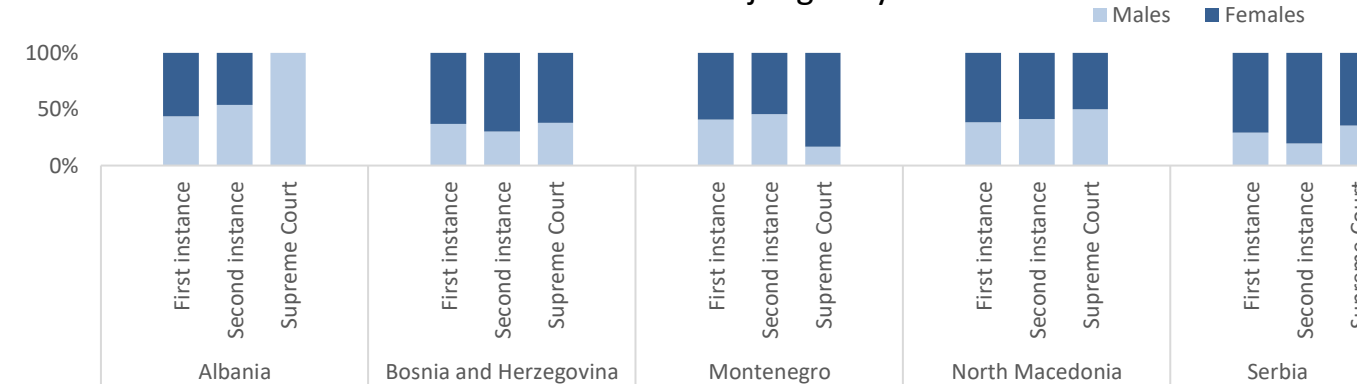
Beneficiaries	Professional judges				Non-judge staff				Prosecutors				Non-prosecutor staff				Lawyers			
	Male	Female	Variation 2019 - 2020		Male	Female	Variation 2019 - 2020		Male	Female	Variation 2019 - 2020		Male	Female	Variation 2019 - 2020		Male	Female	Variation 2019 - 2020	
			Male	Female			Male	Female			Male	Female			Male	Female			Male	Female
Albania	46,3%	53,7%	-5,4	5,4	29,7%	70,3%	2,3	-2,3	29,7%	70,3%	2,3	-2,3	52,2%	47,8%	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	35,6%	64,4%	-0,2	0,2	25,4%	74,6%	1,1	-1,1	25,4%	74,6%	1,1	-1,1	29,6%	70,4%	0,5	-0,5	67,7%	32,3%	-0,5	0,5
Montenegro	40,5%	59,5%	0,8	-0,8	27,3%	72,7%	-0,8	0,8	27,3%	72,7%	-0,8	0,8	29,4%	70,6%	2,4	-2,4	66,3%	33,7%	0,4	-0,4
North Macedonia	39,4%	60,6%	-0,6	0,6	37,3%	62,7%	-0,9	0,9	37,3%	62,7%	-0,9	0,9	27,8%	72,2%	-6,3	6,3	50,1%	49,9%	0,2	-0,2
Serbia	28,0%	72,0%	-0,1	0,1	28,0%	72,0%	-0,6	0,6	28,0%	72,0%	-0,6	0,6	23,5%	76,5%	0,0	0,0	61,0%	39,0%	-3,0	3,0
Kosovo*	66,5%	33,5%	-0,6	0,6	50,3%	49,7%	0,2	-0,2	50,3%	49,7%	0,2	-0,2	44,4%	55,6%	0,5	-0,5	77,9%	22,1%	-1,8	1,8
WB Average	37,9%	62,1%	-1,1	1,1	30%	70%	0,2	-0,2	30%	70%	0,2	-0,2	33%	67%	-0,8	0,8	61%	39%	-0,7	0,7

For reference only: the 2019 EU median is 60,4% for total female judges, 76,6% for total female non-judge staff and 46,6% for female lawyers.

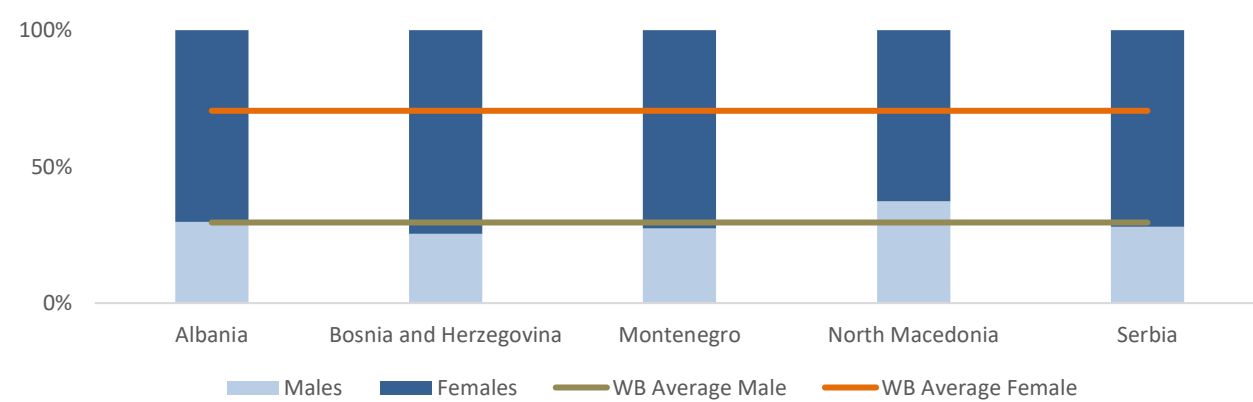
Distribution of the total male and female judges in 2020



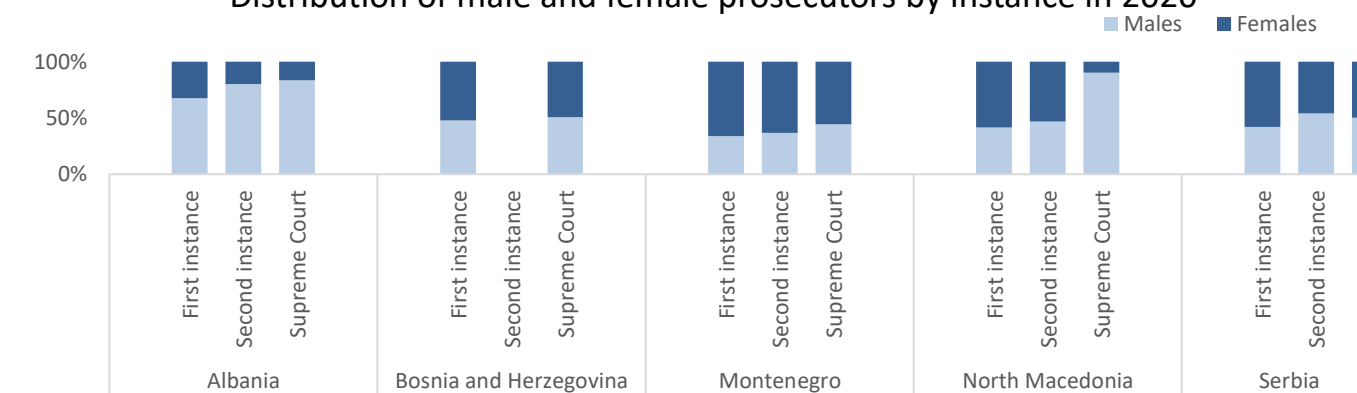
Distribution of male and female judges by instance in 2020



Distribution of the total male and female prosecutors in 2020

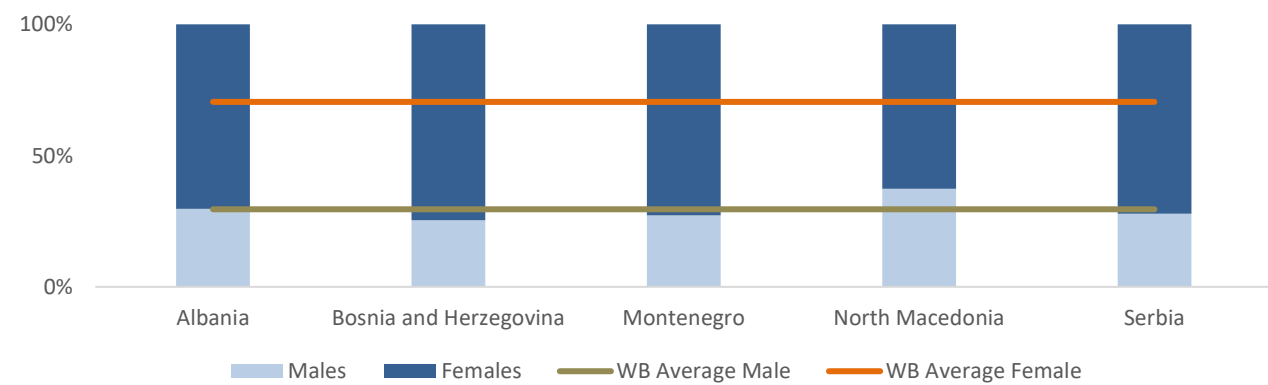


Distribution of male and female prosecutors by instance in 2020

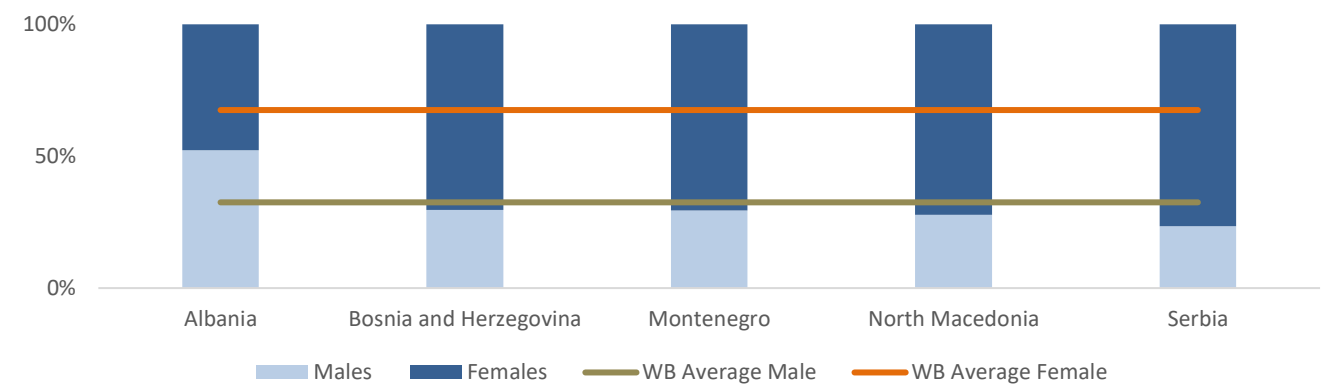


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.
Kosovo* is not included in the summary statistics
CEPEJ report - Dashboard Western Balkan

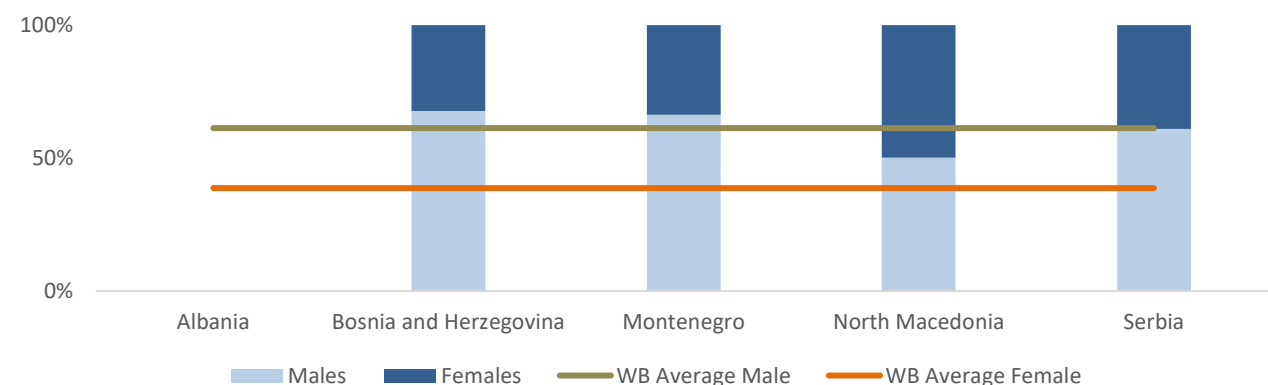
Distribution of male and female non-judge staff in 2020



Distribution of male and female non-prosecutor staff in 2020



Distribution of male and female lawyers in 2020



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 Kosovo* is not included in the summary statistics
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Policies on gender equality

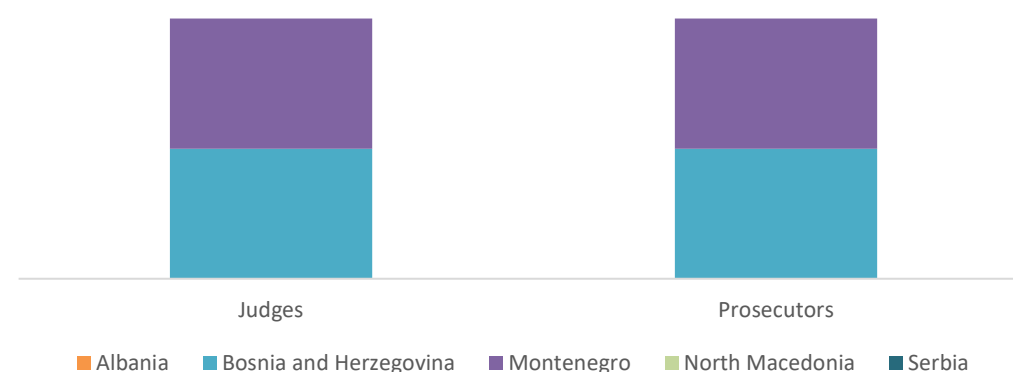
Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (table no. 12.1.8)

Beneficiaries	Specific provisions for recruiting						Specific provisions for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Albania												
Bosnia and Herzegovina	Yes	Yes					Yes	Yes				
Montenegro	Yes	Yes					Yes	Yes				
North Macedonia												
Serbia												
Kosovo*		Yes										

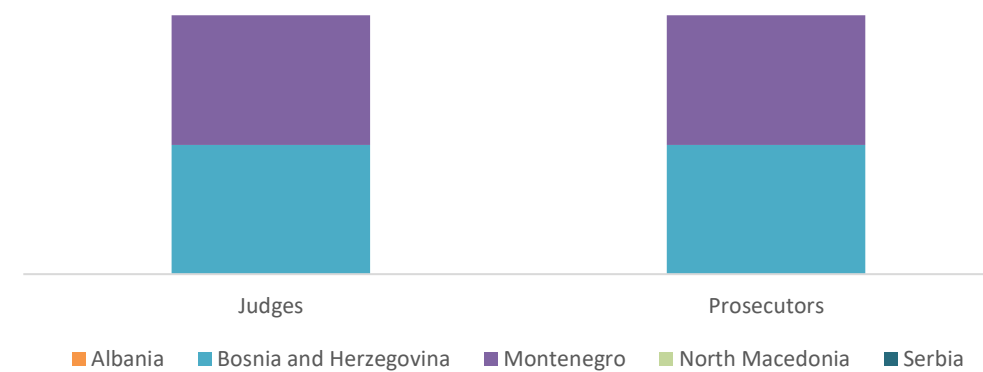
Yes ■

No ■

Specific provisions - Recruiting in 2020




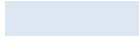
Specific provisions - Promoting in 2020

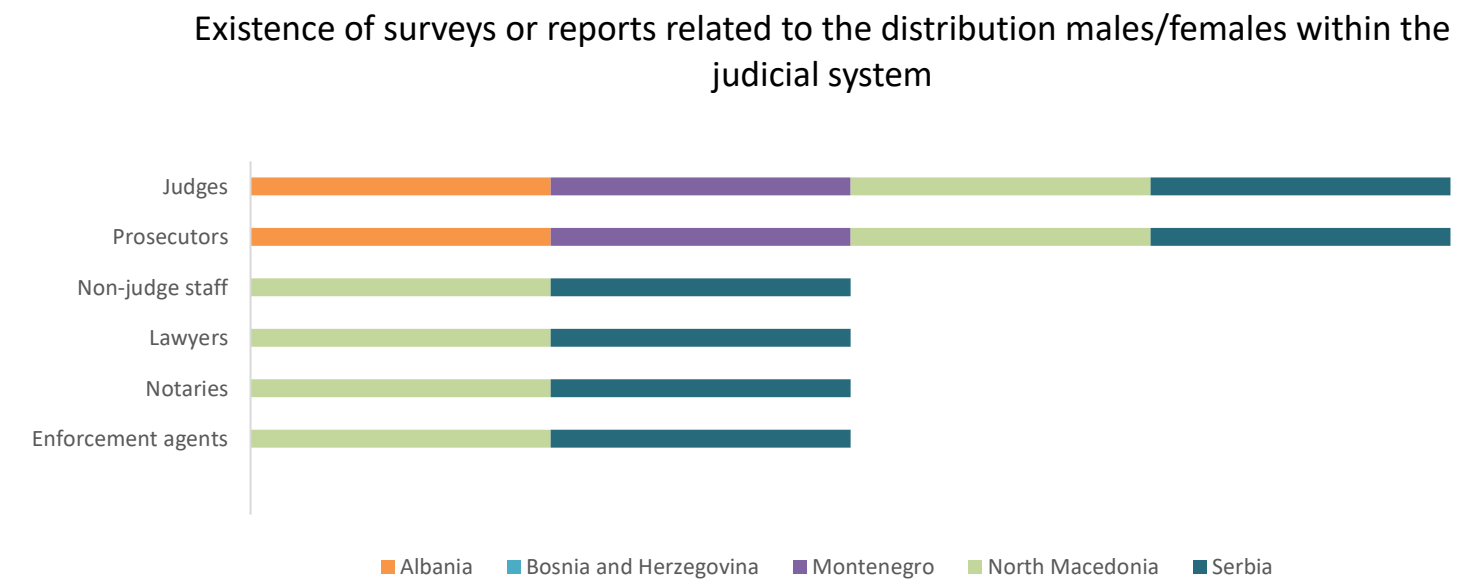


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 Kosovo* is not included in the summary statistics
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Surveys for males/females equality at national level in 2020 (12.1.9)

Beneficiaries	Existence of surveys or reports related to the distribution males/females within the judicial system					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Albania	Yes	Yes	No	No	No	No
Bosnia and Herzegovina	No	No	No	No	No	No
Montenegro	Yes	Yes	No	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	No	Yes	No	No

Yes 
 No 



* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Table 12.1.1 Distribution of total male and female professional judges in 2019 and 2020 (Q19)

Beneficiaries	Total professional judges					
	2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Albania	51,7%	48,3%	46,3%	53,7%	-5,4	5,4
Bosnia and Herzegovina	35,8%	64,2%	35,6%	64,4%	-0,2	0,2
Montenegro	39,7%	60,3%	40,5%	59,5%	0,8	-0,8
North Macedonia	39,9%	60,1%	39,4%	60,6%	-0,6	0,6
Serbia	28,1%	71,9%	28,0%	72,0%	-0,1	0,1
Kosovo*	67,1%	32,9%	66,5%	33,5%	-0,6	0,6
Average	39,0%	61,0%	37,9%	62,1%	-1,1	1,1
Median	39,7%	60,3%	39,4%	60,6%	-0,2	0,2
Minimum	28,1%	48,3%	28,0%	53,7%	-5,4	-0,8
Maximum	51,7%	71,9%	46,3%	72,0%	0,8	5,4
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.2 Distribution of male and female professional judges by instance in 2019 and 2020 (Q19)

Beneficiaries	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2019		2020		Variation 2019 - 2020		2019		2020		Variation 2019 - 2020		2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	50,2%	49,8%	43,8%	56,2%	-6,4	6,4	55,7%	44,3%	53,7%	46,3%	-2,0	2,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Bosnia and Herzegovina	36,9%	63,1%	37,1%	62,9%	0,2	-0,2	30,5%	69,5%	30,2%	69,8%	-0,4	0,4	39,7%	60,3%	37,8%	62,2%	-1,9	1,9
Montenegro	40,0%	60,0%	40,7%	59,3%	0,7	-0,7	42,1%	57,9%	45,5%	54,5%	3,3	-3,3	26,3%	73,7%	16,7%	83,3%	-9,6	9,6
North Macedonia	38,8%	61,2%	38,3%	61,7%	-0,5	0,5	41,7%	58,3%	41,1%	58,9%	-0,6	0,6	52,6%	47,4%	50,0%	50,0%	-2,6	2,6
Serbia	29,2%	70,8%	29,1%	70,9%	-0,2	0,2	19,9%	80,1%	19,5%	80,5%	-0,4	0,4	33,3%	66,7%	35,7%	64,3%	2,4	-2,4
Kosovo*	66,4%	33,6%	65,7%	34,3%	-0,7	0,7	73,1%	26,9%	73,3%	26,7%	0,3	-0,3	62,5%	37,5%	64,3%	35,7%	1,8	-1,8
Average	39,0%	61,0%	37,8%	62,2%	-1,2	1,2	38,0%	62,0%	38,0%	62,0%	0,0	0,0	50,4%	49,6%	48,0%	52,0%	-2,4	2,4
Median	38,8%	61,2%	38,3%	61,7%	-0,2	0,2	41,7%	58,3%	41,1%	58,9%	-0,4	0,4	39,7%	60,3%	37,8%	62,2%	-1,9	1,9
Minimum	29,2%	49,8%	29,1%	56,2%	-6,4	-0,7	19,9%	44,3%	19,5%	46,3%	-2,0	-3,3	26,3%	0,0%	16,7%	0,0%	-9,6	-2,4
Maximum	50,2%	70,8%	43,8%	70,9%	0,7	6,4	55,7%	80,1%	53,7%	80,5%	3,3	2,0	100,0%	73,7%	100,0%	83,3%	2,4	9,6
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 12.1.3 Distribution of male and female non-judge staff in 2019 and 2020 (Q26)

Beneficiaries	Total non-judge staff					
	2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Albania	27,4%	72,6%	29,7%	70,3%	2,3	-2,3
Bosnia and Herzegovina	24,4%	75,6%	25,4%	74,6%	1,1	-1,1
Montenegro	28,2%	71,8%	27,3%	72,7%	-0,8	0,8
North Macedonia	38,3%	61,7%	37,3%	62,7%	-0,9	0,9
Serbia	28,6%	71,4%	28,0%	72,0%	-0,6	0,6
Kosovo*	50,1%	49,9%	50,3%	49,7%	0,2	-0,2
Average	29,4%	70,6%	29,5%	70,5%	0,2	-0,2
Median	28,2%	71,8%	28,0%	72,0%	-0,6	0,6
Minimum	24,4%	61,7%	25,4%	62,7%	-0,9	-2,3
Maximum	38,3%	75,6%	37,3%	74,6%	2,3	0,9
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 12.1.4 Distribution of total male and female prosecutors in 2019 and 2020 (Q28)

Beneficiaries	Total prosecutors					
	2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Albania	69,9%	30,1%	68,7%	31,3%	-1,2	1,2
Bosnia and Herzegovina	48,7%	51,3%	48,3%	51,7%	-0,3	0,3
Montenegro	35,8%	64,2%	35,2%	64,8%	-0,6	0,6
North Macedonia	46,8%	53,2%	44,9%	55,1%	-1,9	1,9
Serbia	43,6%	56,4%	42,8%	57,2%	-0,8	0,8
Kosovo*	56,9%	43,1%	56,0%	44,0%	-0,9	0,9
Average	49,0%	51,0%	48,0%	52,0%	-1,0	1,0
Median	46,8%	53,2%	44,9%	55,1%	-0,8	0,8
Minimum	35,8%	30,1%	35,2%	31,3%	-1,9	0,3
Maximum	69,9%	64,2%	68,7%	64,8%	-0,3	1,9
Nb of values	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.5 Distribution of male and female prosecutors by instance in 2019 and 2020 (Q28)

Beneficiaries	Prosecutors at first instance						Prosecutors at second instance (court of appeal)						Prosecutors at Supreme Court					
	2019		2020		Variation 2019 - 2020		2019		2020		Variation 2019 - 2020		2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	67,8%	32,2%	67,4%	32,6%	-0,4	0,4	86,4%	13,6%	54,5%	13,6%	0,0	0,0	81,8%	18,2%	83,3%	16,7%	1,5	-1,5
Bosnia and Herzegovina	47,6%	52,4%	47,7%	52,3%	0,1	-0,1	NAP	NAP	NAP	NAP	NAP	NAP	52,6%	47,4%	50,6%	49,4%	-1,9	1,9
Montenegro	34,7%	65,3%	34,0%	66,0%	-0,7	0,7	38,9%	61,1%	38,9%	66,7%	-5,6	5,6	40,0%	60,0%	44,4%	55,6%	4,4	-4,4
North Macedonia	42,6%	57,4%	41,5%	58,5%	-1,1	1,1	54,8%	45,2%	45,2%	51,6%	-6,5	6,5	81,8%	18,2%	90,0%	10,0%	8,2	-8,2
Serbia	42,9%	57,1%	41,9%	58,1%	-0,9	0,9	52,9%	47,1%	51,0%	43,1%	3,9	-3,9	50,0%	50,0%	50,0%	50,0%	0,0	0,0
Kosovo*	56,5%	43,5%	55,2%	44,8%	-1,3	1,3	50,0%	50,0%	66,7%	33,3%	16,7	-16,7	71,4%	28,6%	71,4%	28,6%	0,0	0,0
Average	47,1%	52,9%	46,5%	53,5%	-0,6	0,6	58,3%	41,7%	47,4%	43,8%	-2,0	2,0	61,2%	38,8%	63,7%	36,3%	2,4	-2,4
Median	42,9%	57,1%	41,9%	58,1%	-0,7	0,7	53,9%	46,1%	48,1%	47,4%	-2,8	2,8	52,6%	47,4%	50,6%	49,4%	1,5	-1,5
Minimum	34,7%	32,2%	34,0%	32,6%	-1,1	-0,1	38,9%	13,6%	38,9%	13,6%	-6,5	-3,9	40,0%	18,2%	44,4%	10,0%	-1,9	-8,2
Maximum	67,8%	65,3%	67,4%	66,0%	0,1	1,1	86,4%	61,1%	54,5%	66,7%	3,9	6,5	81,8%	60,0%	90,0%	55,6%	8,2	1,9
Nb of values	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
% of NA	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
% of NAP	0%	0%	0%	0%	0%	0%	20%	20%	20%	20%	20%	20%	0%	0%	0%	0%	0%	0%

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 12.1.6 Distribution of male and female non-prosecutor staff in 2019 and 2020 (Q32)

Beneficiaries	Total non-prosecutor staff					
	2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	52,2%	47,8%	NA	NA
Bosnia and Herzegovina	29,1%	70,9%	29,6%	70,4%	0,5	-0,5
Montenegro	27,0%	73,0%	29,4%	70,6%	2,4	-2,4
North Macedonia	34,0%	66,0%	27,8%	72,2%	-6,3	6,3
Serbia	23,5%	76,5%	23,5%	76,5%	0,0	0,0
Kosovo*	43,9%	56,1%	44,4%	55,6%	0,5	-0,5
Average	28,4%	71,6%	32,5%	67,5%	-0,8	0,8
Median	28,0%	72,0%	29,4%	70,6%	0,3	-0,3
Minimum	23,5%	66,0%	23,5%	47,8%	-6,3	-2,4
Maximum	34,0%	76,5%	52,2%	76,5%	2,4	6,3
Nb of values	5	5	5	5	5,00	5,00
% of NA	20%	20%	0%	0%	0,20	0,20
% of NAP	0%	0%	0%	0%	0,00	0,00

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.7 Distribution of male and female lawyers in 2019 and 2020 (Q33)

Beneficiaries	Lawyers					
	2019		2020		Variation 2019 - 2020	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	68,2%	31,8%	67,7%	32,3%	-0,5	0,5
Montenegro	65,9%	34,1%	66,3%	33,7%	0,4	-0,4
North Macedonia	49,9%	50,1%	50,1%	49,9%	0,2	-0,2
Serbia	63,9%	36,1%	61,0%	39,0%	-3,0	3,0
Kosovo*	79,8%	20,2%	77,9%	22,1%	-1,8	1,8
Average	62,0%	38,0%	61,3%	38,7%	-0,7	0,7
Median	64,9%	35,1%	63,6%	36,4%	-0,2	0,2
Minimum	49,9%	31,8%	50,1%	32,3%	-3,0	-0,4
Maximum	68,2%	50,1%	67,7%	49,9%	0,4	3,0
Nb of values	5	5	5	5	5,00	5,00
% of NA	20%	20%	20%	20%	0,20	0,20
% of NAP	0%	0%	0%	0%	0,00	0,00

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.8 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (Q275 and Q276)

Beneficiaries	Specific provisions for recruiting						Specific provisions for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Albania												
Bosnia and Herzegovina	Yes	Yes					Yes	Yes				
Montenegro	Yes	Yes					Yes	Yes				
North Macedonia												
Serbia												
Kosovo*		Yes										
Nb of Yes	2	2	0	0	0	0	2	2	0	0	0	0

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo
Kosovo is not included in the calculation of summary statistics*

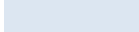
Yes 
 No 

Table 12.1.9 Surveys and policies for males/females equality at national level in 2020 (Q277, Q278 and Q279)

Beneficiaries	At national level													
	Existence of surveys or reports related to the distribution males/females for:						Existence of a national programme or document to promote males/females equality	Existence of specific person/institution dealing with gender issues for:						
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff	
Albania	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	
Bosnia and Herzegovina	No	No	No	No	No	No	Yes	No	No	No	No	No	No	
Montenegro	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	Yes	
Kosovo*	Yes	Yes	No	Yes	No	No	No	No	No	No	No	No	No	
Nb of Yes	4	4	2	2	2	2	2	1	1	1	1	1	2	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Yes
No


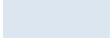
Table 12.1.10 Policies for males/females equality at court and prosecution services level in 2020 (Q283 and Q284)

Beneficiaries	At court and prosecution services level									
	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work			Existence of feminisation of certain functions results in concrete changes in the work organisation						
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-judge staff	Assignment in different positions	Workload distribution	Working hours	Modalities of teleworking and presence in the work space	Replacement of absent persons	Organisation of the hearings	Other
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia										
Kosovo*										
Nb of Yes	0	0	0	0	0	0	0	1	0	0
								Yes		
								No		

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Table 12.1.11 Attention given to gender issues regarding the public and users of justice at court level in 2020 (Q287)

Beneficiaries	Judges and court staff are more chosen among males or females according to the type of cases	Composition of hearings with several judges is always mixed	Statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	
Albania				
Bosnia and Herzegovina				
Montenegro				
North Macedonia				
Serbia				
				Yes 
Kosovo*				No 
Nb of Yes	0	1	1	

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 12.1.12 Open-ended questions in Indicator 12 (Q280, 281 and 282)

Beneficiaries	Details on a specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system		
	Question 280. Please specify the text which set up this person/institution:	Question 281. Please specify the status of this person/institution:	Question 282. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:
Albania	The Commissioner against Discrimination is a special mandate institution who provides effective protection against discrimination and any form of behaviour that promotes discrimination, including recruitment and promotion of prosecutors in the justice system. Law No.10 221, dated 4.2.2010 "on the protection from discrimination".	The Commissioner against Discrimination is an independent institution which reports to the Assembly.	In case of discrimination, the Commissioner against Discrimination takes a decision, containing the necessary adjustments and measures, setting a deadline for their implementation from the responsible public institution. If the Commissioner orders adjustments or measures, the person/institution against whom the complaint is filed reports within 30 days to the Commissioner about the actions taken to enforce the decision. If the person/institution against whom the complaint is filed does not inform the Commissioner or fails to comply with the decision, the Commissioner may impose a fine on the person/institution against whom the complaint is filed.
Bosnia and Herzegovina	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP
North Macedonia	NAP	NAP	NAP
Serbia	The competence of the Commissioner for Protection of Equality is established and regulated by the Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/2009).	The Commissioner for Protection of Equality in Serbia is an independent, autonomous and specialized state authority established on the basis of the Law on Prohibition of Discrimination from 2009. The task of this state authority is to prevent all forms, types and cases of discrimination, to protect the equality of natural persons and legal entities in all spheres of social relations, to oversee the enforcement of antidiscrimination regulations, and to improve realization and protection of equality. In line with the Law on Prohibition of Discrimination, the Commissioner has the Professional Service which helps them to perform their duties. The Professional Service is established on the basis of the Act on Internal Organization and Job Systematization, which was approved by the National Assembly. The Professional Service consists of sectors, as the basic organizational units, the Commissioner's Office as a separate internal unit, departments and groups.	The Commissioner gives his/her opinion on whether there has been a violation of the provisions of the Law on Prohibition of Discrimination within 90 days of the day of receiving a complaint, of which he/she shall inform the person who submitted the complaint and the person against whom the complaint was submitted. If he/she decides that there has been a violation of the provisions of this Law, the Commissioner issues a recommendation to the person against whom the complaint was submitted, suggesting a way of redressing the violation in question. The person to whom the recommendation is addressed is obligated to act upon it and to redress the violation in question within 30 days of the day of receiving it and to inform the Commissioner of it. If the person to whom a recommendation is addressed fails to act upon it, that is, if he/she fails to redress the violation in question, the Commissioner shall caution him/her. Should this person fail to redress the violation in question within 30 days of having been cautioned, the Commissioner may inform the public about it. For activities of the Commissioner for Protection of Equality regarding gender equality please see: http://ravnopravnost.gov.rs/en/gender-equality-in-serbia-and-prevention-of-discrimination-against-women/ .
Kosovo*	NAP	NAP	NAP

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Indicator 12-Gender Equality

by country

*Question 275. Are there specific provisions for facilitating gender equality within the framework of the
Question 276. Are there specific provisions for facilitating gender equality within the framework of the
Question 277. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:*

*Question 278. Is there a national programme or an orientation document to promote males/females equality
Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:*

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation

Question 284. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

Question 286. In your judicial system, and eventually based on evaluation, studies or official reports, what

Question 287. In your courts, is there particular attention given to gender issues regarding the public and

Albania

Q277 (2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

Q277 (2019): http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf

is the Commissioner against Discrimination.

Q279 (2019): At national level, there is an independent institution dealing with gender equality issues which

Bosnia and Herzegovina

Q275 (General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment

and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and

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Q277 (General Comment): The Statistics agencies publish data on the distribution between males and

Q277 (2019): The Statistics agencies publish data on the distribution between males and females within all

Q278 (2020): In October 2020, the HJPC adopted the Strategy on Improving Gender Equality in the Judiciary of BiH, based on which all judicial institutions will prepare their implementation plans.

The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In accordance with the recommendations of HJPC all courts and prosecutors' offices have appointed one or

Q279 (General Comment): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included

Q279 (2019): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included

Q283 (General Comment): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.

Q283 (2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.

Montenegro

Q275 (2020): Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of

Q275 (2019): Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

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When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-

Q277 (2020): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

Data on the gender and age structure of Presidents of courts and judges is published in the Annual Reports on the Work of the Judicial

Q277 (2019): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

Data on the gender and age structure of Presidents of courts and judges is published in the Annual Reports

North Macedonia

Q277 (General Comment): Within the framework of the regular reporting for the implementation of the conventions, survey for distribution males/females in the judiciary is elaborated.

Q277 (2020): Attachments: "Law on Equal Opportunities for women and men promulgated in 2012" and

Q277 (2019): Within the framework of the regular reporting for the implementation of the conventions, survey for distribution males/females in the judiciary is elaborated.

Q278 (General Comment): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy

Q278 (2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men

Q278 (2019): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that,

Q279 (General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The

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Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The

Serbia

Q275 (General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation:

<http://www.legislationline.org/documents/action/popup/id/16015> and in Serbian:

https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection

Q275 (2020): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of

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For example, Article 3 of the Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of RS", No 94/2016) prescribes that in the election of judges with permanent tenure in another or higher court, as well as in the process of proposing

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Q277 (2020): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309,

<http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia

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With respect to public prosecutors, while the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime, throughout the cycles. In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO's: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor's office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female

Q278 (2020): NAP

Q278 (2019): NAP

Q279 (2020): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister

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Q287 (2020): Relevant statistics do not exist.

Q287 (2019): Relevant statistics do not exist.

Kosovo*

Q275 (2020): Prosecutors : Article 7, paragraph 5 and article 20 par. 6 of the Law on Kosovo Prosecutorial

Q276 (General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the

Q276 (2019): There are no specific provisions for facilitating gender equality. The article of the Law we referred earlier is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified

Q277 (General Comment): These reports are being drafted and published by KPC and KJC. These annual working reports, contain data with regard to functioning of the courts/prosecution, including the number of judges and prosecutors. With regard to distribution of men/women, these reports have a special annex, for instance, with the performance of each judge individually. So, there is not a single specific report on the distribution, but these reports, inside, provide these information. There is a full list of judges with the number of cases solved throughout that year. Unfortunately, these reports are not available in English, but I

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Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the Question 276. Are there specific provisions for facilitating gender equality within the framework of the Question 277. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

Question 278. Is there a national programme or an orientation document to promote males/females equality Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

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Question 284. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

Question 286. In your judicial system, and eventually based on evaluation, studies or official reports, what

Question 287. In your courts, is there particular attention given to gender issues regarding the public and

Question 275

Bosnia and Herzegovina

(General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment

and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and

Montenegro

(2020): Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of

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(General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation:

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Question 276

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Kosovo*

(General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it

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Question 277

Albania

(2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

(2019): http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf

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Montenegro

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North Macedonia

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(2020): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia

(2019): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia throughout the evaluation cycles show more female than male professional judges in courts at all levels. Also, generally, among Court Presidents at first instance courts, the proportion of women is greater than men. This is reflected in the proportion of candidates for presidency of courts that are women. However, among Court Presidents at the second instance, men far outnumber women. The vast majority of non-judge staff in the courts are women. The overwhelming majority of professional judges sitting in courts are female: Generally, throughout the cycles: total: 70%; -First instance: 70%; -Second instance: 75%; and even at supreme court level: 58%. Therefore, the conclusions on gender representation made in 2014 by the MDTF Serbia Judicial Functional Review likewise stand today, although female second instance court presidents have become significantly more represented.

With respect to public prosecutors, while the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime, throughout the cycles. In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO's: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor's office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female

Kosovo*

(General Comment): These reports are being drafted and published by KPC and KJC. These annual working reports, contain data with regard to functioning of the courts/prosecution, including the number of judges and prosecutors. With regard to distribution of men/women, these reports have a special annex, for instance, with the performance of each judge individually. So, there is not a single specific report on the distribution, but these reports, inside, provide these information. There is a full list of judges with the number of cases solved throughout that year. Unfortunately, these reports are not available in English, but I

(2019): These reports are being drafted and published by KPC and KJC. These annual working reports, contain data with regard to functioning of the courts/prosecution, including the number of judges and prosecutors. With regard to distribution of men/women, these reports have a special annex, for instance, with the performance of each judge individually. So, there is not a single specific report on the distribution, but these reports, inside, provide these information. There is a full list of judges with the number of cases

Question 278

Bosnia and Herzegovina

(2020): In October 2020, the HJPC adopted the Strategy on Improving Gender Equality in the Judiciary of BiH, based on which all judicial institutions will prepare their implementation plans.

The Strategy was created within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 2, financed by the Government of Sweden, in cooperation with the Swedish National Courts Administration, as the coordinator of gender mainstreaming activities in the courts of Sweden and HJPC's long-term partner.

In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In accordance with the recommendations of HJPC all courts and prosecutors' offices have appointed one or

North Macedonia

(General Comment): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy

(2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men promulgated in

(2019): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law

Serbia

(2020): NAP

(2019): NAP

Question 279

Albania

Commissioner against Discrimination.

(2019): At national level, there is an independent institution dealing with gender equality issues which is the

Bosnia and Herzegovina

(General Comment): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included

(2019): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included

North Macedonia

(General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The

(2019): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The

Serbia

(2020): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister

(2019): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister

Question 283

Bosnia and Herzegovina

(General Comment): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.

(2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender equality.

Question 287

Serbia

(2020): Relevant statistics do not exist.

(2019): Relevant statistics do not exist.

Indicator 12 List

List of the tables presented in this indicator

12. Gender Equality

Table 12.1.1 Distribution of total male and female professional judges in 2019 and 2020 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance in 2019 and 2020 (Q19)

Table 12.1.3 Distribution of male and female non-judge staff in 2019 and 2020 (Q26)

Table 12.1.4 Distribution of total male and female prosecutors in 2019 and 2020 (Q28)

Table 12.1.5 Distribution of male and female prosecutors by instance in 2019 and 2020 (Q28)

Table 12.1.6 Distribution of male and female non-prosecutor staff in 2019 and 2020 (Q32)

Table 12.1.7 Distribution of male and female lawyers in 2019 and 2020 (Q33)

Table 12.1.8 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (Q275 and Q276)

Table 12.1.9 Surveys and policies for males/females equality at national level in 2020 (Q277, Q278 and Q279)

Table 12.1.10 Policies for males/females equality at court and prosecution services level in 2020 (Q283 and Q284)

Table 12.1.11 Attention given to gender issues regarding the public and users of justice at court level in 2020 (Q287)

Table 12.1.12 Open-ended questions in Indicator 12 (Q280, 281 and 282)

Indicator 12-Gender Equality

Indicator 12-Gender Equality

Annex 1

List of the tables presented in the Study

Table 0.0.1 General information (Q1, Q2, Q3 and Q14)

1. Budget

Table 1.1.0 Approved court budget in 2020 in € (Q4)

Table 1.1.1 Implemented court budget in 2020 in € (Q4)

Table 1.1.2 Distribution of annual implemented court budget in 2020 (Q4)

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita from 2018 to 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.5 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2020 (Q1, Q2, Q4, Q6 and Q13)

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita between 2018 and 2020 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.8 Variation in % of the annual implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018, 2019 and 2020 (Q1, Q2, Q4, Q5, Q6 and Q13)

Table 1.1.9 Estimated percentage from the total implemented budget in 2019 and 2020 (Q11)

Table 1.1.10 Whole justice system budget and its elements in 2020 (Q7, Q8 and Q9)

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2020 (Q1 and Q7)

Indicator 1 - Budget

Indicator 1 - Budget

2. Profile of judiciary

Table 2.1.1 Gross annual salaries of judges (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.2 Net annual salaries of judges (in €) between in 2018 and 2020 (Q15)

Table 2.1.3 Gross annual salaries of prosecutors (in €) between in 2018 and 2020, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.4 Net annual salaries of prosecutors (in €) between in 2018 and 2020 (Q15)

Table 2.1.5 Salaries of judges and prosecutors in € in 2020 (Q15)

Table 2.1.5LC Salaries of judges and prosecutors in local currency in 2020 (Q15)

Table 2.1.6 Additional benefits and productivity bonuses for judges and prosecutors in 2020 (Q16 and Q18)

Table 2.2.1 Number of professional judges by instance between 2018 and 2020 (Q19)

Table 2.2.2 Distribution of professional judges by instance in 2019 and 2020 (Q19)

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2020 (Q19)

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2020 (Q20, Q21, Q22, Q23, Q24)

Table 2.2.5 Number of prosecutors by instance between 2018 and 2020, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.6 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2020 (Q28)

Table 2.2.7 Number of non-judge staff by type between 2018 and 2020 (Q26)

Table 2.2.8 Number and distribution of non-judge staff by instance between 2018 and 2020 (Q27)

Table 2.2.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q27)

Table 2.2.10 Ratio of non-judge staff and professional judges between 2018 and 2020 (Q19 and Q27)

Table 2.2.11 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q32)

Table 2.2.12 Ratio of non-prosecutor staff and prosecutors between 2018 and 2020 (Q28 and Q32)

Table 2.2.13 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2020 (Q33 and Q34)

Table 2.2.14 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2020 (Q19 and Q33)

Indicator 2 - Profile of the judiciary

Indicator 2 - Profile of the judiciary

3. Efficiency

Table 3.1.1 First instance courts: number of other than criminal law cases in 2020 (Q35)

Table 3.1.2 First instance courts: percentage variation of number of other than criminal law cases between 2019 and 2020 (Q35)

Table 3.1.3 First instance courts: number of other than criminal law cases per 100 inhabitants in 2020 (Q35)

Table 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q35)

Table 3.1.5 First instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.6 First instance courts: number of criminal law cases in 2020 (Q38)

Table 3.1.7 First instance courts: percentage variation of the number of criminal law cases between 2019 and 2020 (Q38)

Table 3.1.8 First instance courts: number of criminal law cases per 100 inhabitants in 2020 (Q38)

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2020 (Q38)

Table 3.1.10 First instance Criminal Law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.11 Second instance courts (appeal): Number of "other than criminal law" cases in 2020 (Q39)

Table 3.1.12 Second instance courts (appeal): percentage variation of the number of "other than criminal law" cases between 2019 and 2020 (Q39)

Table 3.1.13 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2020 (Q39)

Table 3.1.14 Second instance courts (appeal): Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2020 (Q39)

Table 3.1.15 Second instance Other than criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q39)

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2020 (Q40)

Table 3.1.17 Second instance courts (appeal): percentage variation in number of criminal law cases between 2019 and 2020 (Q40)

Table 3.1.18 Second instance courts (appeal): Number of criminal law cases per 100 inhabitants in 2020 (Q40)

Table 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2020 (Q40)

Table 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2019 and 2020 (Q38)

Table 3.1.21 Average length of proceedings in days for Civil and commercial litigious cases and Litigious divorce cases in 2020 (Q41)

Table 3.1.22 Average length of proceedings in days for Employment dismissal cases and Insolvency cases in 2020 (Q41)

Table 3.1.23 Average length of proceedings in days for Robbery cases and Intentional homicide cases in 2020 (Q41)

Table 3.1.24 Average length of proceedings in days for Bribery cases and Trading in influence cases in 2020 (Q41)

Table 3.1.25 Variation of average length of proceedings (percentage change and percentage points) for Civil and commercial litigious cases and Litigious divorce cases between 2019 and 2020 (Q41)

Table 3.1.26 Variation of average length of proceedings (percentage change and percentage points) for Employment dismissal cases and Insolvency cases between 2019 and 2020 (Q41)

Table 3.1.27 Variation of average length of proceedings (percentage change and percentage points) for Robbery cases and Intentional homicide cases between 2019 and 2020 (Q41)

Table 3.1.28 Open questions in Indicator 3.1 (Q36 and Q37)

Table 3.2.1 National policies applied in courts and public prosecution services and personnel entrusted in 2020 (Q42 and Q43)

Table 3.2.2 Performance and quality objectives at court level in 2020 (Q44 and Q45)

Table 3.2.3 Performance and quality objectives at public prosecution services level in 2020 (Q46 and Q47)

Table 3.2.4 Evaluation of performance at court level in 2020 (Q48, Q49, Q50, Q51 and Q56)

Table 3.2.5 Evaluation of performance at public prosecution services level in 2020 (Q52, Q53, Q54, Q55 and Q57)

Table 3.2.6 Measuring courts' activity in 2020 (Q58)

Table 3.2.7 Measuring public prosecution services' activity in 2020 (Q59)

Table 3.2.8 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2020 (Q60 and Q61)

Table 3.2.9 Information regarding courts and public prosecution services' activity in 2020 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Table 3.2.10 Courts administration in 2020 (Q72 and Q73)

Table 3.2.11 Performance and evaluation of judges in 2020 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.2.12 Performance and evaluation of public prosecutors in 2020 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Table 3.3.1 IT Strategy and Case management system in 2020 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.3.2 CMS Index in 2020 (Q83)

Table 3.3.3 Centralised national database of court decisions in 2020 (Q84, Q85)

Indicator 3 - Efficiency and productivity

Indicator 3 - Efficiency and productivity

4. Access to justice - legal aid

Table 4.1.1 Access to justice - Number of cases where legal aid was granted in 2020 (Q86)

Table 4.1.2 Income and assets evaluation for granting full or partial legal aid in 2020 (Q87, Q88)

Indicator 4. Access to justice-legal aid

Indicator 4. Access to justice-legal aid

5 Appointment / recruitment / mandate of judges and prosecutors

Table 5.1.1 Recruitment of judges and prosecutors in 2020 (Q89 and Q111)

Table 5.1.2 Entry criteria to become a judge in 2020 (Q90)

Table 5.1.3 Entry criteria to become a prosecutor in 2020 (Q112)

Table 5.1.4 Authority competent during the entry selection and appeal after the selection for judges in 2020 (Q91, Q95 and Q96)

Table 5.1.5 Authority competent during the entry selection and appeal after selection for prosecutors in 2020 (Q113, Q117 and Q118)

Table 5.1.6 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2020 (Q92, Q93 and Q94)

Table 5.1.7 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2020 (Q114, Q115 and Q116)

Table 5.1.8 Criteria in selection procedure (after exam/interview, etc) for judges in 2020 (Q97)

Table 5.1.9 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2020 (Q119)

Table 5.1.10 Authority competent for selection of judges and prosecutors in 2020 (Q98 and Q120)

Table 5.1.11 Authority competent for the final appointment of judges in 2020 (Q99 and Q100)

Table 5.1.12 Authority competent for the final appointment of prosecutors in 2020 (Q121 and Q121-1)

Table 5.1.13 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q101 and Q102)

Table 5.1.14 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body in 2020 (Q122 and Q123)

Table 5.1.15 Mandate of judges in 2020 (Q104, Q108 and Q109)

Table 5.1.16 Mandate of prosecutors in 2020 (Q125, Q129 and Q130)

Table 5.1.17 Probation period for judges and institution responsible to decide if the probation period is successful in 2020 (Q105, Q106 and Q107)

Table 5.1.18 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2020 (Q126, Q127 and Q128)

Table 5.1.19 Open questions in the Indicator 5 (Q103 and Q124)

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

6. Promotion

Table 6.1.1 Authority competent for the promotion of judges in 2020 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2020 (Q135 and Q136)

Table 6.1.3 Authority competent for the promotion of prosecutors in 2020 (Q137)

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2020 (Q140 and Q141)

Table 6.1.5 Procedure and criteria for the promotion of judges in 2020 (Q133 and Q134)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2020 (Q138 and Q139)

Indicator 6- Promotion

Indicator 6- Promotion

7. Training

Table 7.1.1 Budget of the training institutions and training budget of court and prosecution services in 2018, 2019 and 2020 (Q4, Q6, Q142)

Table 7.1.2 Types and frequency of training courses for judges (Q143 and Q145)

Table 7.1.3 Types and frequency of training courses for prosecutors (Q144 and Q146)

Table 7.1.4 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.5 Number of in-service training courses (in days) available and delivered by the public institution(s) responsible for training and number of participants in 2020 (Q147 and Q147-1)

Table 7.1.6 In-service trainings for judges and prosecutors in 2020 (Q148 and Q149)

Table 7.1.7 In-service trainings for judges and prosecutors in 2020 (Q150, Q151, Q152 and Q153)

Table 7.2.1 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.2 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2020 (Q154)

Table 7.2.3 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Table 7.2.4 Training courses in EU law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2020 (Q155)

Indicator 7- Training

Indicator 7- Training

8. Accountability and processes affecting public trust

Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2020 (Q156)

Table 8.1.2 System for compensating users: amounts by specific circumstances in 2020 (Q156)

Table 8.1.3 National or local procedure for filing complaints about the functioning of the judicial system: authority responsible and time limit for dealing with the complaint in 2020 (Q157 and Q158)

Table 8.1.4 National or local procedure for filing complaints about the functioning of the judicial system: number of complaints and granted compensation amount in 2020 (Q159)

Table 8.1.5 Procedure to effectively challenge a judge in 2020 and ratio between the total number of initiated procedures of challenges and the total number of finalised challenges between 2018 and 2020 (Q160 and Q161)

Table 8.1.6 Specific instructions to prosecute or not, addressed to a public prosecutor in 2020: existence and modalities (Q162, Q162-1, Q162-2, Q162-3, Q162-4 and Q162-5)

Table 8.1.7 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism and to minors and victims of domestic violence in 2020 (Q163)

Table 8.1.8 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, disabled persons, juvenile offenders and other victims in 2020 (Q163)

Table 8.2.1 Type of legal provisions for guarantee of integrity of judges and prosecutors in 2020 (Q164 and Q166)

Table 8.2.2 Number of criminal cases against judges or prosecutors in 2020 (Q171)

Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2020 (Q172-0)

Table 8.2.4 Code of ethics for judges and prosecutors in 2020 (Q172, Q173, Q174 and Q175)

Table 8.2.5 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2020 (Q176, Q177, Q178, Q179, Q180 and Q181)

Table 8.2.6 System to report attempt for influence/corruption on judges and prosecutors in 2020 (Q182)

Table 8.2.7 Transparency and organisation of distribution of court cases in 2020 (Q183, Q184)

Table 8.2.8 Transparency and organisation of reassignment of court cases in 2020 (Q185, Q186, Q187 and Q188)

Table 8.2.9 Level of implementation of the recommendations addressed by GRECO to the country concerned in its Evaluation Report (in the framework of the 4th cycle of evaluation concerning the prevention of corruption in respect of members of parliament, judges and prosecutors) in 2020 (Q189)

Table 8.3.1 Declaration of assets for judges in 2020: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Table 8.3.2 Declaration of assets for judges in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.3.3 Declaration of assets for judges in 2020: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.3.4 Declaration of assets for judges in 2020: sanction in case of non-declaration (Q201)

Table 8.3.5 Declaration of assets for prosecutors in 2020: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.3.6 Declaration of assets for prosecutors in 2020: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.3.7 Declaration of assets for prosecutors in 2020: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.3.8 Declaration of assets for prosecutors in 2020: sanction in case of non-declaration of assets (Q214)

Table 8.3.9 Declaration of assets for judges and prosecutors in 2020: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Table 8.4.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2020 (Q217)

Table 8.4.2 Other functions/activities carried out by judges in 2020 (Q218, Q219, Q220 and Q221)

Table 8.4.3 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2020 (Q222 and Q223)

Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2020 (Q226)

Table 8.4.5 Other functions/activities carried out by prosecutors in 2020 (Q227, Q228, Q229 and Q230)

Table 8.4.6 Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2020 (Q231 and Q232)

Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2020 (Q224 and Q233)

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2020 (Q234 and Q235)

Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q236, Q240, Q241 and Q242)

Table 8.5.3 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2020 (Q237, Q238 and Q239)

Table 8.5.4 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2020 (Q243 and Q244)

Table 8.5.5 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2020 (Q245, Q250 and Q251)

Table 8.5.6 Number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2020 (Q246, Q247 and Q248)

Table 8.5.7 Description of professional inadequacy for prosecutors in 2020 (Q247 and Q249)

Indicator 8 - Accountability and processes affecting public trust

Indicator 8 - Accountability and processes affecting public trust

9. Alternative Dispute Resolution

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and possibility for legal aid in 2020 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Type of providers of court-related services in 2020 (Q255)

Table 9.1.3 Number of accredited mediators by gender in 2020 (Q257 and Q1)

Table 9.1.4 Number of cases in court related mediation in 2020 (Q258)

Table 9.1.5 Existence of other alternative dispute resolution methods in 2020 (Q259)

Indicator 9- Alternative Dispute Resolution

Indicator 9- Alternative Dispute Resolution

10. European Convention of Human Rights (ECHR)

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2020 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2019 and 2020 (Q262 and Q263**)

Table 10.1.3 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process in 2019 and 2020 (Q264***)

Indicator 10- ECtHR

Indicator 10- ECtHR

11. Council for the judiciary

Table 11.1.1 Council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2020 (Q265 and Q268)

Table 11.1.2 Number of members and composition of the Council(s) for judiciary and in 2020 (Q266)

Table 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2020 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2020 (Q273 and Q274)

Indicator 11-Council for the judiciary/ Prosecutorial Council

Indicator 11-Council for the judiciary/ Prosecutorial Council

12. Gender Equality

Table 12.1.1 Distribution of total male and female professional judges in 2019 and 2020 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance in 2019 and 2020 (Q19)

Table 12.1.3 Distribution of male and female non-judge staff in 2019 and 2020 (Q26)

Table 12.1.4 Distribution of total male and female prosecutors in 2019 and 2020 (Q28)

Table 12.1.5 Distribution of male and female prosecutors by instance in 2019 and 2020 (Q28)

Table 12.1.6 Distribution of male and female non-prosecutor staff in 2019 and 2020 (Q32)

Table 12.1.7 Distribution of male and female lawyers in 2019 and 2020 (Q33)

Table 12.1.8 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2020 (Q275 and Q276)

Table 12.1.9 Surveys and policies for males/females equality at national level in 2020 (Q277, Q278 and Q279)

Table 12.1.10 Policies for males/females equality at court and prosecution services level in 2020 (Q283 and Q284)

Table 12.1.11 Attention given to gender issues regarding the public and users of justice at court level in 2020 (Q287)

Table 12.1.12 Open-ended questions in Indicator 12 (Q280, 281 and 282)

Indicator 12-Gender Equality

Indicator 12-Gender Equality