



Strasbourg, 30/06/2022

CEPEJ(2022)4REV

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: 2021

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

Generated on

30/6/22 12:53 PM

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 2021

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

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 the beneficiaries for this exercise), whose responses are statistically processed analysed 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**

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 CEPEJ Secretariat when collecting and controlling 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 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 report is based on data from 2021 as well as on data from the previous cycles. 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 and comments per indicator (1 files)

Part 2- Beneficiary profiles (6 files). There is one beneficiary profile per beneficiary, each is divided in a Part A and a Part B.

This structure was discussed and agreed upon with the European Commission in 2021. It was agreed that the Part 1 will be delivered on 31 May while the Part 2 will be delivered on 30 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 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.

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

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. 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 2021 have not been collected yet, in this report only EU median 2020 is included while the reference year of the report is 2021. This difference should be considered when the medians are set in relation, especially in view of the possible different impacts of Covid-19 on the 2020 and 2021 data.

2) Some of the data might be updated or changed after each delivery (31 May and 30 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, previous cycles 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 wants to compare data between the 6 beneficiaries by constructing new charts and tables adding Kosovo*, 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.

6) A special difficulty in this cycle was caused by the very late arrival of initial set of data from half of the beneficiaries. Given the change of three correspondents out of six, and the unavailability of certain data for some beneficiaries before May, the Secretariat received part of the dataset very late, completing the quality control the same day of the deadline. The Secretariat proceeded with the quality check process to ensure the quality of data delivered, but there was not enough time to better contextualize certain data by asking the correspondents to provide more specific comments and explanations.

Providing data for the reference year by the beginning of the following year continues to be very problematic for the beneficiaries.

* 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 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	2021	Variation 2019 - 2021 (%)	2019	2020	2021	Variation 2019 - 2021 (%)	2019	2020	2021	2019	2020	2021	Variation 2019 - 2021 (%)
Albania	2 845 955	2 845 955	2 793 592	-1,8%	4 780 €	4 460 €	5 450 €	22,2%	123,43	123,62	120,87	5 097 €	5 200 €	5 561 €	6,9%
Bosnia and Herzegovina	3 496 121	3 491 000	3 475 000	-0,5%	5 168 €	5 168 €	5 038 €	-2,5%	1,96	1,96	1,96	8 724 €	9 056 €	9 461 €	4,5%
Montenegro	620 029	620 029	620 029	0,0%	7 959 €	7 959 €	6 737 €	-15,4%	1,00	1,00	1,00	9 276 €	9 396 €	9 516 €	1,3%
North Macedonia	2 077 132	2 076 255	1 836 713	-11,5%	5 463 €	5 187 €	5 693 €	9,8%	61,50	61,69	61,65	7 469 €	8 214 €	8 703 €	6,0%
Serbia	6 963 764	6 951 235	6 871 547	-1,1%	6 593 €	6 092 €	7 697 €	26,3%	117,59	117,58	117,58	7 737 €	8 471 €	9 156 €	8,1%
Kosovo*	1 782 115	1 782 115	1 798 188	0,0%	3 746 €	3 986	3 772	6,4%	1,00	1,00	1,00	6 696 €	7 224 €	5 592 €	7,9%
Average	3 200 600	3 196 895	3 119 376	-3,0%	5 993 €	5 773 €	6 123 €	8,1%	61,10	61,17	60,61	7 661 €	8 067 €	8 479 €	5,3%
Median	2 845 955	2 845 955	2 793 592	-1,1%	5 463 €	5 187 €	5 693 €	9,8%	61,50	61,69	61,65	7 737 €	8 471 €	9 156 €	6,0%
Minimum	620 029	620 029	620 029	-11,5%	4 780 €	4 460 €	5 038 €	-15,4%	1,00	1,00	1,00	5 097 €	5 200 €	5 561 €	1,3%
Maximum	6 963 764	6 951 235	6 871 547	0,0%	7 959 €	7 959 €	7 697 €	26,3%	123,43	123,62	120,87	9 276 €	9 396 €	9 516 €	8,1%
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%

* 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 - Overview

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

Implemented Judicial system budget per inhabitant (Tables no. 1.1.7 and 1.1.8)

	2018	2019	2020	2021	% variation 2018-2021	% variation 2020-2021
Albania	NA	NA	14,5 €	14,9 €	NA	2,6%
Bosnia and Herzegovina	35,0 €	35,6 €	37,8 €	39,0 €	11,2%	3,0%
Montenegro	65,0 €	67,6 €	64,0 €	61,0 €	-6,1%	-4,7%
North Macedonia	19,4 €	21,0 €	19,3 €	22,0 €	13,5%	14,2%
Serbia	NA	NA	40,2 €	43,3 €	NA	7,7%
Kosovo*	-	24,6 €	23,6 €	23,2 €	-	-1,6%
WB Average	39,8 €	41,4 €	35,2 €	36,0 €	6,21%	4,56%
WB Median	35,0 €	35,6 €	39,0 €	41,1 €	11,29%	5,37%

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

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

	2018	2019	2020	2021	Variation 2018-2021 (percentage points)	Variation 2020-2021 (percentage points)
Albania	NA	NA	0,33%	0,27%	NA	-0,05
Bosnia and Herzegovina	0,72%	0,69%	0,73%	0,77%	0,06	0,04
Montenegro	0,88%	0,85%	0,80%	0,91%	0,03	0,10
North Macedonia	0,38%	0,38%	0,37%	0,39%	0,01	0,01
Serbia	NA	NA	0,66%	0,56%	NA	-0,10
Kosovo*	-	0,66%	0,59%	0,61%	-	0,02
WB Average	0,66%	0,64%	0,58%	0,58%	0,03	0,00
WB Median	0,72%	0,69%	0,66%	0,56%	0,03	0,03

Figure 1.1 Implemented Judicial system budget per inhabitant from 2018 to 2021

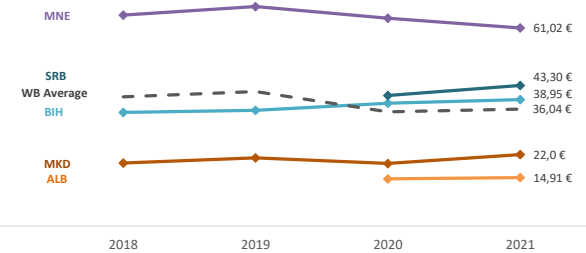


Figure 1.2 Implemented Judicial system budget as % of GDP from 2018 to 2021

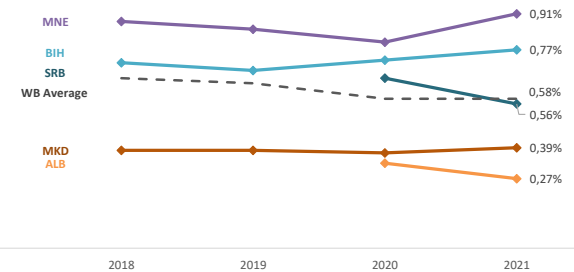
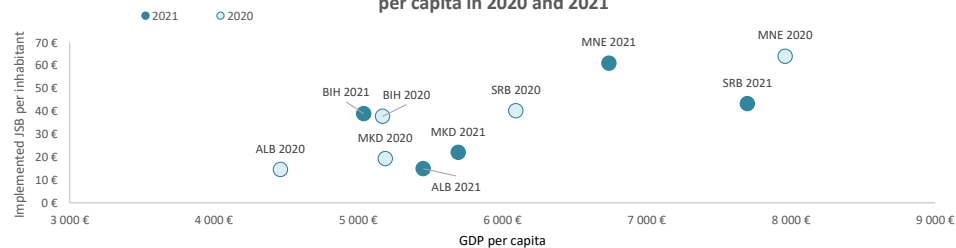


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GDP per capita in 2020 and 2021



* 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

Distribution of Implemented Judicial System Budget

Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2021 and variation compared to 2020 (Table no. 1.1.6)

	Implemented budget in 2021			% Variation 2020 - 2021		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Albania	22 803 909 €	245 739 €	18 590 196 €	-3,0%	74,9%	5,0%
Bosnia and Herzegovina	98 615 340 €	7 073 171 €	29 673 984 €	3,2%	-11,8%	4,4%
Montenegro	28 257 865 €	121 500 €	9 455 152 €	-6,0%	-17,1%	-0,4%
North Macedonia	31 147 869 €	518 070 €	8 735 797 €	0,7%	54,6%	0,2%
Serbia	258 143 077 €	3 208 €	39 424 459 €	2,7%	NA	-1,0%
Kosovo*	27 089 511 €	1 686 056 €	12 895 405 €	-0,7%	20,6%	-3,0%
WB Average	45 206 246 €	1 592 338 €	21 175 918 €	-1,3%	25,2%	2,3%
WB Median	31 147 869 €	245 739 €	18 590 196 €	0,7%	21,4%	0,2%

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2021

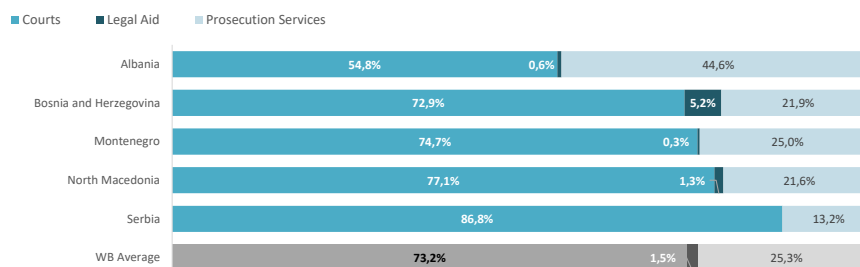
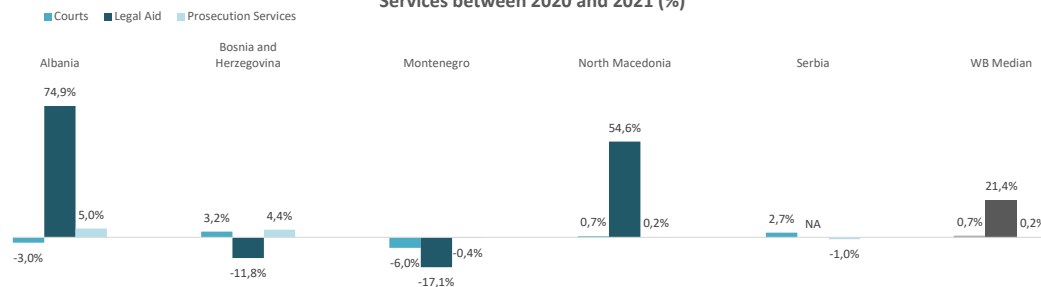


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2020 and 2021 (%)



* 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*

1. Budget - List of tables

Table 1.1.0 Approved court budget in 2021 in € (Q4)

Table 1.1.1 Implemented court budget in 2021 in € (Q4)

Table 1.1.2 Distribution of annual implemented court budget in 2021 (Q4)

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (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 2021 (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 and 2021 (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 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita from 2018 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

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 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.9 Estimated percentage of the external donor's contribution compared with the implemented judicial system and whole justice system budget between 2019 and 2021 (Q11)

Table 1.1.10 Whole justice system budget and its elements in 2021 (Q7, Q8 and Q9)

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2021 (Q1 and Q7)

Table 1.1.0 Approved court budget in 2021 in € (Q4)

Beneficiaries	2021 - Annual approved court budget									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total	Investments in computerisation	Maintenance of the IT equipment of courts					
Albania	25 965 914 €	20 894 349 €	NA	NA	NA	NA	NA	0 €	NAP	NA
Bosnia and Herzegovina	103 916 945 €	91 440 082 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	25 974 916 €	21 016 953 €	193 452 €	NA	88 000 €	NA	90 000 €	150 000 €	38 290 €	NA
North Macedonia	31 696 649 €	25 098 287 €	548 648 €	317 132 €	231 516 €	577 652 €	1 395 255 €	817 313 €	NAP	3 259 494 €
Serbia	264 175 485 €	159 710 735 €	6 910 518 €	1 942 927 €	4 967 591 €	90 404 259 €	21 290 €	42 980 €	NAP	175 185 €
Kosovo*	27 135 668 €	23 260 722 €	306 151 €	116 151 €	190 000 €	305 000 €	NA	660 000 €	12 000 €	NA
Average	90 345 982 €	63 632 081 €	2 550 873 €	-	1 762 369 €	-	502 182 €	252 573 €	-	-
Median	31 696 649 €	25 098 287 €	548 648 €	-	231 516 €	-	90 000 €	96 490 €	-	-
Minimum	25 965 914 €	20 894 349 €	193 452 €	-	88 000 €	-	21 290 €	0 €	-	-
Maximum	264 175 485 €	159 710 735 €	6 910 518 €	-	4 967 591 €	-	1 395 255 €	817 313 €	-	-

* 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 main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.1 Implemented court budget in 2021 in € (Q4)

Beneficiaries	2021 - Annual implemented court budget									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total	Investments in computerisation	Maintenance of the IT equipment of courts					
Albania	22 803 909 €	17 143 736 €	353 544 €	321 450 €	32 094 €	289 356 €	NA	0 €	NAP	NA
Bosnia and Herzegovina	98 615 340 €	84 054 855 €	1 645 393 €	NA	NA	347 034 €	8 459 954 €	6 956 €	73 866 €	4 027 282 €
Montenegro	28 257 865 €	20 918 398 €	166 203 €	NA	62 677 €	NA	72 098 €	57 218 €	2 801 €	NA
North Macedonia	31 147 869 €	25 063 863 €	517 618 €	296 709 €	220 909 €	552 081 €	1 284 678 €	744 583 €	NAP	2 985 046 €
Serbia	258 143 077 €	158 224 963 €	6 190 938 €	1 875 204 €	4 315 734 €	87 333 978 €	19 986 €	42 947 €	NAP	139 927 €
Kosovo*	27 089 511 €	23 256 313 €	298 000 €	116 151 €	181 849 €	296 519 €	NA	463 987 €	0 €	NA
Average	87 793 612 €	61 081 163 €	1 774 739 €	831 121 €	1 157 854 €	22 130 612 €	2 459 179 €	170 341 €	-	2 384 085 €
Median	31 147 869 €	25 063 863 €	517 618 €	321 450 €	141 793 €	449 558 €	678 388 €	42 947 €	-	2 985 046 €
Minimum	22 803 909 €	17 143 736 €	166 203 €	296 709 €	32 094 €	289 356 €	19 986 €	0 €	-	139 927 €
Maximum	258 143 077 €	158 224 963 €	6 190 938 €	1 875 204 €	4 315 734 €	87 333 978 €	8 459 954 €	744 583 €	-	4 027 282 €

* 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 main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.2 Distribution of annual implemented court budget in 2021 (Q4)

Beneficiaries	Distribution of annual implemented court budget in 2021								
	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
		Total	Investments in computerisation	Maintenance of the IT equipment of courts					
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	80,5%	1,7%	1,0%	0,7%	1,8%	4,1%	2,4%	NAP	9,6%
Serbia	61,3%	2,4%	0,7%	1,7%	33,8%	0,0%	0,0%	NAP	0,1%
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-

* 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 main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.3 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	2021							
	Annual approved budget (absolute value)				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	25 965 914 €	547 696 €	19 012 427 €	45 526 037 €	9,3 €	0,17%	16,3 €	0,30%
Bosnia and Herzegovina	103 916 945 €	NA	30 602 552 €	NA	29,9 €	0,59%	NA	NA
Montenegro	25 974 916 €	NA	9 190 892 €	NA	41,9 €	0,62%	NA	NA
North Macedonia	31 696 649 €	624 001 €	9 312 976 €	41 633 626 €	17,3 €	0,30%	22,7 €	0,40%
Serbia	264 175 485 €	41 460 €	40 243 744 €	304 460 689 €	38,4 €	0,50%	44,3 €	0,58%
Kosovo*	27 135 668 €	1 702 676 €	13 114 257 €	41 952 601 €	15,1 €	0,40%	23,3 €	0,62%
Average	90 345 982 €	404 386 €	21 672 518 €	130 540 117 €	27,4 €	0,44%	27,8 €	0,42%
Median	31 696 649 €	547 696 €	19 012 427 €	45 526 037 €	29,9 €	0,50%	22,7 €	0,40%
Minimum	25 965 914 €	41 460 €	9 190 892 €	41 633 626 €	9,3 €	0,17%	16,3 €	0,30%
Maximum	264 175 485 €	624 001 €	40 243 744 €	304 460 689 €	41,9 €	0,62%	44,3 €	0,58%

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.4 Evolution of the approved budget of the judicial system in € per capita from 2018 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Approved budget of the judicial system															
	(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	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021
Albania	6,0 €	7,8 €	8,7 €	9,3 €	NA	0,05 €	0,13 €	0,20 €	4,2 €	NA	6,6 €	6,8 €	NA	NA	15,5 €	16,3 €
Bosnia and Herzegovina	26,5 €	27,8 €	28,1 €	29,9 €	NA	NA	NA	NA	8,1 €	8,6 €	8,5 €	8,8 €	NA	NA	NA	NA
Montenegro	44,2 €	50,6 €	50,9 €	41,9 €	NA	NA	NA	NA	14,4 €	14,8 €	15,5 €	14,8 €	NA	NA	NA	NA
North Macedonia	14,0 €	16,1 €	15,0 €	17,3 €	0,15 €	0,24 €	0,21 €	0,34 €	5,8 €	6,6 €	4,5 €	5,1 €	20,0 €	22,9 €	19,7 €	22,7 €
Serbia	31,7 €	NA	37,1 €	38,4 €	NA	NA	NA	0,01 €	6,5 €	8,0 €	5,8 €	5,9 €	NA	NA	43,0 €	44,3 €
Kosovo*	-	16,3 €	16,2 €	15,1 €	-	1,2 €	1,0 €	0,9 €	-	8,0 €	7,7 €	7,3 €	-	25,5 €	24,9 €	23,3 €
Average	24,5 €	25,6 €	28,0 €	27,4 €	-	-	-	0,2 €	7,8 €	9,5 €	8,2 €	8,3 €	-	-	26,1 €	27,8 €
Median	26,5 €	21,9 €	28,1 €	29,9 €	-	-	-	0,2 €	6,5 €	8,3 €	6,6 €	6,8 €	-	-	19,7 €	22,7 €
Minimum	6,0 €	7,8 €	8,7 €	9,3 €	-	-	-	0,0 €	4,2 €	6,6 €	4,5 €	5,1 €	-	-	15,5 €	16,3 €
Maximum	44,2 €	50,6 €	50,9 €	41,9 €	-	-	-	0,3 €	14,4 €	14,8 €	15,5 €	14,8 €	-	-	43,0 €	44,3 €

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

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 and 2021 (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 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021
Albania	55,6%	19,1%	6,8%	NA	266,4%	49,6%	60,6%	NA	2,4%	NA	NA	5,3%
Bosnia and Herzegovina	12,7%	7,4%	6,5%	NA	NA	NA	8,2%	2,7%	3,5%	NA	NA	NA
Montenegro	-5,3%	-17,2%	-17,7%	NA	NA	NA	2,7%	0,3%	-4,6%	NA	NA	NA
North Macedonia	23,1%	7,5%	15,0%	23,2%	42,7%	59,4%	-12,6%	-23,6%	13,6%	13,5%	-1,1%	15,2%
Serbia	21,4%	NA	3,6%	NA	NA	NA	-9,9%	-26,6%	0,1%	NA	NA	3,0%
Kosovo*	-	-7,3%	-7,1%	-	-23,2%	-3,5%	-	-8,3%	-4,9%	-	-8,3%	-6,3%
Average	21,5%	4,2%	2,8%	-	-	-	9,8%	-11,8%	3,0%	-	-	7,8%
Median	21,4%	7,5%	6,5%	-	-	-	2,7%	-11,6%	2,4%	-	-	5,3%
Minimum	-5,3%	-17,2%	-17,7%	-	-	-	-12,6%	-26,6%	-4,6%	-	-	3,0%
Maximum	55,6%	19,1%	15,0%	-	-	-	60,6%	2,7%	13,6%	-	-	15,2%

* 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

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.6 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	2021							
	Annual implemented budget (absolute value)				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	22 803 909 €	245 739 €	18 590 196 €	41 639 844 €	8,2 €	0,15%	14,9 €	0,27%
Bosnia and Herzegovina	98 615 340 €	7 073 171 €	29 673 984 €	135 362 495 €	28,4 €	0,56%	39,0 €	0,77%
Montenegro	28 257 865 €	121 500 €	9 455 152 €	37 834 517 €	45,6 €	0,68%	61,0 €	0,91%
North Macedonia	31 147 869 €	518 070 €	8 735 797 €	40 401 736 €	17,0 €	0,30%	22,0 €	0,39%
Serbia	258 143 077 €	3 208 €	39 424 459 €	297 570 744 €	37,6 €	0,49%	43,3 €	0,56%
Kosovo*	27 089 511 €	1 686 056 €	12 895 405 €	41 670 972 €	15,1 €	0,40%	23,2 €	0,61%
Average	87 793 612 €	1 592 338 €	21 175 918 €	110 561 867 €	27,3 €	0,44%	36,0 €	0,58%
Median	31 147 869 €	245 739 €	18 590 196 €	41 639 844 €	28,4 €	0,49%	39,0 €	0,56%
Minimum	22 803 909 €	3 208 €	8 735 797 €	37 834 517 €	8,2 €	0,15%	14,9 €	0,27%
Maximum	258 143 077 €	7 073 171 €	39 424 459 €	297 570 744 €	45,6 €	0,68%	61,0 €	0,91%

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita from 2018 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Implemented budget of the judicial system															
	(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	2021	2018	2019	2020	2021	2018	2019	2020	2021	2018	2019	2020	2021
Albania	5,9 €	7,5 €	8,3 €	8,2 €	NA	0,02 €	0,05 €	0,09 €	4,2 €	NA	6,2 €	6,7 €	NA	NA	14,5 €	14,9 €
Bosnia and Herzegovina	25,3 €	26,2 €	27,4 €	28,4 €	2,08 €	2,27 €	2,30 €	2,04 €	7,6 €	7,1 €	8,1 €	8,5 €	35,0 €	35,6 €	37,8 €	39,0 €
Montenegro	50,3 €	52,1 €	48,5 €	45,6 €	0,26 €	0,33 €	0,24 €	0,20 €	14,5 €	15,2 €	15,3 €	15,2 €	65,0 €	67,6 €	64,0 €	61,0 €
North Macedonia	13,8 €	15,2 €	14,9 €	17,0 €	0,14 €	0,19 €	0,16 €	0,28 €	5,5 €	5,6 €	4,2 €	4,8 €	19,4 €	21,0 €	19,3 €	22,0 €
Serbia	31,0 €	NA	36,2 €	37,6 €	NA	NA	NA	0,00 €	6,2 €	7,7 €	5,7 €	5,7 €	NA	NA	40,2 €	43,3 €
Kosovo*	-	15,7 €	15,3 €	15,1 €	-	1,2 €	0,8 €	0,9 €	-	7,7 €	7,5 €	7,2 €	-	24,6 €	23,6 €	23,2 €
Average	25,3 €	25,3 €	27,0 €	27,3 €	0,8 €	0,7 €	0,7 €	0,5 €	7,6 €	8,9 €	7,9 €	8,2 €	39,8 €	41,4 €	35,2 €	36,0 €
Median	25,3 €	20,7 €	27,4 €	28,4 €	0,3 €	0,3 €	0,2 €	0,2 €	6,2 €	7,4 €	6,2 €	6,7 €	35,0 €	35,6 €	37,8 €	39,0 €
Minimum	5,9 €	7,5 €	8,3 €	8,2 €	0,1 €	0,0 €	0,0 €	0,0 €	4,2 €	5,6 €	4,2 €	4,8 €	19,4 €	21,0 €	14,5 €	14,9 €
Maximum	50,3 €	52,1 €	48,5 €	45,6 €	2,1 €	2,3 €	2,3 €	2,0 €	14,5 €	15,2 €	15,3 €	15,2 €	65,0 €	67,6 €	64,0 €	61,0 €

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: The main part of Legal Aid budget is included in Courts budget (under justice expenses) and cannot be separated.

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 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	% Variation of the annual implemented budget											
	(1) Courts			(2) Legal aid			(3) Public prosecution system			Judicial system (1) + (2) + (3)		
	2018 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021	2018 - 2021	2019 - 2021	2020 - 2021
Albania	38,9%	8,9%	-1,2%	NA	273,9%	78,2%	58,1%	NA	7,0%	NA	NA	2,6%
Bosnia and Herzegovina	12,0%	8,2%	3,7%	-2,3%	-10,3%	-11,4%	12,6%	19,6%	4,9%	11,3%	9,3%	3,0%
Montenegro	-9,3%	-12,6%	-6,0%	-25,9%	-40,2%	-17,1%	5,5%	0,6%	-0,4%	-6,1%	-9,7%	-4,7%
North Macedonia	23,2%	11,5%	13,8%	108,7%	46,0%	74,8%	-13,3%	-15,3%	13,2%	13,5%	4,7%	14,2%
Serbia	21,2%	NA	3,9%	NA	NA	NA	-7,6%	-25,9%	0,1%	NA	NA	7,7%
Kosovo*	-	-4,3%	-1,6%	-	-21,2%	19,5%	-	-6,8%	-3,9%	-	-5,9%	-1,6%
Average	17,2%	4,0%	2,8%	26,8%	67,4%	31,1%	11,0%	-5,3%	5,0%	6,2%	1,4%	4,6%
Median	21,2%	8,6%	3,7%	-2,3%	17,9%	31,7%	5,5%	-7,4%	4,9%	11,3%	4,7%	3,0%
Minimum	-9,3%	-12,6%	-6,0%	-25,9%	-40,2%	-17,1%	-13,3%	-25,9%	-0,4%	-6,1%	-9,7%	-4,7%
Maximum	38,9%	11,5%	13,8%	108,7%	273,9%	78,2%	58,1%	19,6%	13,2%	13,5%	9,3%	14,2%

* 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 1.1.9 Estimated percentage of the external donor's contribution compared with the implemented judicial system and whole justice system budget between 2019 and 2021 (Q11)

Beneficiaries	Estimated percentage of the external donor's contribution compared with the implemented judicial system and whole justice system budget											
	2019				2020				2021			
	Courts	Legal aid	Public prosecution system	Whole Justice system	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%	NA	NA	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA	2,0%	9,0%	6,0%	NA	3,0%	6,0%	8,0%	NA
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NAP	NAP	NAP	NAP	5,0%	75,0%	9,0%	7,0%	1,0%	49,0%	8,0%	6,0%
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	NAP	NAP	NAP	NAP	0,2%	3,3%	0,4%	12,2%	0,11%	2,80%	6,24%	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-
Median	-	-	-	-	-	-	-	-	-	-	-	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-





* 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

Kosovo*: the provided figures are conservative estimates

Table 1.1.10 Whole justice system budget and its elements in 2021 (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	High Prosecutorial 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																							
Bosnia and Herzegovina	226 376 857 €		11																				
Montenegro	51 037 761 €		10																				
North Macedonia	70 772 324 €	67 068 407 €	11																				
Serbia																							
Kosovo*																							
Average	116 062 314 € -																						
Median	70 772 324 € -																						
Minimum	51 037 761 € -																						
Maximum	226 376 857 € -																						

Yes 
 No 
 NA 
 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

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2021 (Q1 and Q7)

Beneficiaries	Approved whole justice system budget per capita				Implemented whole justice system budget per capita			
	2018	2019	2020	2021	2018	2019	2020	2021
Albania	NA	49,7 €	43,0 €	NA	NA	53,61 €	40,65 €	NA
Bosnia and Herzegovina	62,7 €	66,8 €	63,1 €	65,1 €	NA	NA	NA	NA
Montenegro	85,6 €	87,6 €	88,6 €	82,3 €	NA	NA	NA	NA
North Macedonia	32,0 €	37,0 €	33,0 €	38,5 €	30,66 €	32,66 €	31,39 €	36,52 €
Serbia	58,8 €	NA	NA	NA	54,80 €	NA	NA	NA
Kosovo*	-	37,9 €	40,8 €	NA	-	35,9 €	35,0 €	NA
Average	59,8 €	60,3 €	56,9 €	62,0 €	-	-	-	-
Median	60,7 €	58,3 €	53,0 €	65,1 €	-	-	-	-
Minimum	32,0 €	37,0 €	33,0 €	38,5 €	-	-	-	-
Maximum	85,6 €	87,6 €	88,6 €	82,3 €	-	-	-	-

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Indicator 1 - Budget

by country

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.

the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

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 9).

Question 8. Elements of the judicial system budget (Q4, Q5, Q6, Q12)

Question 9. Other budgetary elements

whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.

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

Expenses 49,500, Transportation services 302,042, Expenditure on security guards 710,995, Maintenance 503,604, Software program 475,221, Other maintenance and operating costs 1,199,516

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

note that training of judges and prosecutors is allocated to the budget of School of Magistrates.

The difference between approved budget and implemented budget consists mainly in savings of payments due to the vetting process (dismissal of prosecutors, some vacancies of administrative staff and prosecutors, savings from building reconstructions, etc

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

Commission,

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

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 in Albania and the other by a contractor of USAID. However, no data are available for these project.

Q011 (2020): 9 percent

has marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence 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 applicants. With the establishment of the

Bosnia and Herzegovina

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.

The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The implemented budgets for 2021, it is evident that the amount of annual public budget allocated to investments in new (court) buildings has significantly decreased compared to 2020. The decline in investments is due to the slow process of public procurement in the last two years, which is a result of the COVID-19 outbreak. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

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 relevant activities in the context of the measures undertaken against the spread of COVID-19 pandemic. Other costs are the expenditures such as travel expenses and 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 implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not compare 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, some of the funds allocated in the 2020 budget for the justice system were transferred to finance the measures easing the 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.

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 Herzegovina. The biggest donors are: the 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 Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and UNICEF.

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 or other proceedings), therefore it is not 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 or other proceedings), therefore it is not possible to split the 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 or other proceedings), therefore it is not possible to split the

Montenegro

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)

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 Commercial Court of

Q005 (2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is

pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

Judiciary: 27.444.237 € (including Judicial Council)

State Prosecution Office: 9.190.893€ (including Prosecutorial Council) Centre for Training in Judiciary and State Prosecution Office: 419.655 €

Ministry of Justice: 3.625.808€ Institute for Enforcement of Criminal Sanctions: 10.357.168 €

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 €

Q009 (2021): Centre for Training in Judiciary and State Prosecution Office

Q009 (2020): 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“

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“

3. IPA 2017 Regional project „Fight against serious crime in the Western Balkans“

Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight

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 separately.

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

North Macedonia

Q004 (General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for **Q004 (2021):** 2. In 2020 the courts were supplied with more IT equipment.

3. The expenses are higher due to higher amount of court expertise.

4. Expected increased amount of bills. 5. Reconstruction of the building of the Administrative court.

7. No supply on new cars and all cost are decreased because other expenses in other lines are higher.

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.

Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the

distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the Macedonian justice system.

Judicial Council, budget of Public Prosecution offices, budget of the Council of Public Prosecutors, Academy for judges and public prosecutors, Ministry of justice, Constitutional court, Prisons, State Attorney office and Ombudsman office.

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 and a lower court budget and the budget of the Academy for judges and public prosecutors. For the reasons please see **Q009 (2021)**: Ombudsman budget, Judicial Academy budget and Council of Public Prosecutor's budget.

According to the new amendments in article 55 of the Law on the Council of Public Prosecutors of the Republic of North Macedonia(2020), the Council for Public Prosecutors has the separate budget as a user.

Q009 (2020): Ombudsman budget.

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 2021, 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. The amount is lower in the column budget allocated to courts in comparison to the last year, because for many of the projects where a larger amount of funds was allocated (ex. projects related with supply on equipment) finished at the end of 2020.

All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2021 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit 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 Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans, Open Regional Fund for SEE-Legal reform, external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.

Q012 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

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 budget for free legal aid. Because of that it not possible to be given separately.

Q013 (2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.

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 we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

Serbia

one account. The collected court fees are a revenue of the Republic of Serbia, from which 40% is allocated to the High Judicial Council for current expenses of the courts, except for expenses for court staff and staff at the public prosecutor's office, and 20% is allocated to the Ministry of Justice to improve the financial situation of employees in the courts and the public prosecutors' offices who are court staff and the staff of the Public Prosecutor's Office, other expenditures as well as investments in accordance with the law. Therefore, the amounts which the High

Q004 (2021): E.g. New furniture

The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

Q004 (2020): Other: Additional furniture for new court buildings

Part of the legal aid budget is included in "justice expenses" and cannot be calculated separately

Q006 (2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

Q007 (2020): All data was collected except information from the State Council of Prosecutors, we did not obtain data 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, Mol 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 Mol, and it is not possible to divide cost for each institution. Also, certification courses for fraud and money laundering (82 454 EUR) was organized for representatives of different state authorities (Mol, prosecution, etc.), whose costs is not possible to divide. 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 Mol, 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 of activities is being implements with funding from other donors. OEBS organized joint trainings for courts, prosecution and Mol, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police

Q012 (2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

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 budget. The actual payment (local governments) and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.

The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts,

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.

Kosovo*

restrictions, more expertise and interpretation expenses became indispensable.

Budget allocated to court buildings was lowered due to budget cuts.

As regards budget allocated to court buildings, the new court buildings that began in the previous years were in process, therefore in 2021 the budget was lowered to the amount on finalising those court buildings projects.

As regards training budget, due to the other essential needs appeared during the year for the KJC, the training budget was cut.

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 sub-Q. 4,5 and, the discrepancy between approved and implemented budget is a result of budgetary cuts because of the pandemic Covid 19. The differences

Q005 (2021): /

Q005 (2020): /

approved in the value of 13,536,237.31€ in total. The sum of 13,114,257.84 does not include the amount approved for lawyers (421,979.5€). In prosecution's budget categories there is no separate category for budget for lawyers, but the budget code is named "legal representation cost" which includes lawyers and experts. The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

previous year, the whole justice system budget included more elements of the system and consequently more budget.

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.

Q009 (2021): The figures of the Question 007 provided for 2021 include the budget only for courts, prosecution and the courts (legal officer, translator).

The value of the donation from UNDP was € 26,997.77 while from GIZ was € 3,037.62

-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.

-Free Legal Aid Agency was supported by the donor GIZ and UNDP. The project of Providing Free Legal Aid, supported by the Donor GIZ, for the period 1 year January-December 2021, has employed 4 officials to provide free legal aid.

The budget from the donor was in the amount of € 36,948.00. Meanwhile, the project Immediate Support for Recovery to COVID-19 supported by the Donor UNDP, has supported the Agency during 2021 with the amount of 10,240.00 €, has hired officials to provide free legal aid and a mobile clinic driver, from their salary € 8,018.76 and 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 included or for other reasons. The external donor funds which contribute to the budget of courts is not linear. These donations are annually based and can change from one

Q011 (2021): Since the system does not allow decimals, below are the exact ratios for the above categories:

For Courts: 0.11%

For Prosecution services: 6.24%

For Legal Aid: 2,80%

Q011 (2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0 22 is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.

As for the discrepancies, they are due to Covid pandemic aftermath and budget review.

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 Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases

Q013 (2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was 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 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the

Indicator 1 - Budget

by question No.

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 5. If you are able to answer this question, please answer NA to question 5.

the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

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 9).

Question 8. Elements of the judicial system budget (Q4, Q5, Q6, Q12)

Question 9. Other budgetary elements

whole justice system (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 11.

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

49,500, Transportation services 302,042, Expenditure on security guards 710,995, Maintenance 503,604, Software program 475,221, Other maintenance and operating costs 1,199,516

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

Bosnia and Herzegovina

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.

The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The

implemented budgets for 2021, it is evident that the amount of annual public budget allocated to investments in new (court) buildings has significantly decreased compared to 2020. The decline in investments is due to the slow process of public procurement in the last two years, which is a result of the COVID-19 outbreak. Other costs are the expenditures such as travel expenses and the costs for the purchase of office material and office equipment.

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 relevant activities in the context of the measures undertaken against the spread of COVID-19 pandemic. Other costs are the expenditures such as travel expenses and

Montenegro

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 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 Commercial Court of

North Macedonia

(General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for renting

(2021): 2. In 2020 the courts were supplied with more IT equipment.

3. The expenses are higher due to higher amount of court expertise.

4. Expected increased amount of bills. 5. Reconstruction of the building of the Administrative court.

7. No supply on new cars and all cost are decreased because other expenses in other lines are higher.

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.

Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the

Serbia

account. The collected court fees are a revenue of the Republic of Serbia, from which 40% is allocated to the High Judicial Council for current expenses of the courts, except for expenses for court staff and staff at the public prosecutor's office, and 20% is allocated to the Ministry of Justice to improve the financial situation of employees in the courts and the public prosecutors' offices who are court staff and the staff of the Public Prosecutor's Office, other expenditures as well as investments in accordance with the law. Therefore, the amounts which the High

(2021): E.g. New furniture

The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

(2020): Other: Additional furniture for new court buildings

Part of the legal aid budget is included in "justice expenses" and cannot be calculated separately

Kosovo*

restrictions, more expertise and interpretation expenses became indispensable.

Budget allocated to court buildings was lowered due to budget cuts.

As regards budget allocated to court buildings, the new court buildings that began in the previous years were in process, therefore in 2021 the budget was lowered to the amount on finalising those court buildings projects.

As regards training budget, due to the other essential needs appeared during the year for the KJC, the training budget was cut.

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 sub-Q. 4,5 and, the discrepancy between approved and implemented budget is a result of budgetary cuts because of the pandemic Covid 19. The differences

Question 005

Montenegro

(2020): In 2020, courts did not have individually allocated amount for providing free legal aid, namely this is included

Kosovo*

(2021): /

(2020): /

Question 006

Albania

that training of judges and prosecutors is allocated to the budget of School of Magistrates.

The difference between approved budget and implemented budget consists mainly in savings of payments due to the vetting process (dismissal of prosecutors, some vacancies of administrative staff and prosecutors, savings from building reconstructions, etc

Bosnia and Herzegovina

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 implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not

Montenegro

pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

North Macedonia

distributed for the Special Public Prosecution office last year. The SPO is not exist anymore in the Macedonian justice system.

Serbia

(2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

Kosovo*

the value of 13,536,237.31€ in total. The sum of 13,114,257.84 does not include the amount approved for lawyers (421,979.5€). In prosecution's budget categories there is no separate category for budget for lawyers, but the budget code is named "legal representation cost" which includes lawyers and experts. The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final

The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

Question 007

Albania

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

Bosnia and Herzegovina

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, some of the funds allocated in the 2020 budget for the justice system were transferred to finance the measures easing the

Montenegro

Judiciary: 27.444.237 € (including Judicial Council)

State Prosecution Office: 9.190.893€ (including Prosecutorial Council) Centre for Training in Judiciary and State Prosecution Office: 419.655 €

Ministry of Justice: 3.625.808€ Institute for Enforcement of Criminal Sanctions: 10.357.168 €

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 €

North Macedonia

Council, budget of Public Prosecution offices, budget of the Council of Public Prosecutors, Academy for judges and public prosecutors, 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 offices.

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 and a lower court budget and the budget of the Academy for judges and public prosecutors. For the reasons please see

Serbia

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

Kosovo*

previous year, the whole justice system budget included more elements of the system and consequently more budget.

(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

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.

Question 009

Albania

Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organized Crime.

Montenegro

(2021): Centre for Training in Judiciary and State Prosecution Office

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

North Macedonia

(2021): Ombudsman budget, Judicial Academy budget and Council of Public Prosecutor's budget.

According to the new amendments in article 55 of the Law on the Council of Public Prosecutors of the Republic of North Macedonia(2020), the Council for Public Prosecutors has the separate budget as a user.

(2020): Ombudsman budget.

Kosovo*

(2021): The figures of the Question 007 provided for 2021 include the budget only for courts, prosecution and free

Question 010

Albania

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 in Albania and the other by a contractor of USAID. However, no data are available for these project.

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“

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“

3. IPA 2017 Regional project „Fight against serious crime in the Western Balkans“

Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight

North Macedonia

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 2021, 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.

The amount is lower in the column budget allocated to courts in comparison to the last year, because for many of the projects where a larger amount of funds was allocated (ex. projects related with supply on equipment) finished at the end of 2020.

All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2021 by the external donors in North Macedonia were: Regional Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit

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 Rule of Law initiative, Strengthening Enforcement in North Macedonia, Serbia, Kosovo, Albania, Global Program Combating Illicit Financial Flows, Countering Serious Crimes in the Western Balkans, Open Regional Fund for SEE-Legal reform,

Serbia

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, Mol 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 Mol, 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 (Mol, prosecution, etc.), whose costs is not possible to divide. 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 Mol, 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 of activities is being implements with funding from other donors. OEBS organized joint trainings for courts, prosecution and Mol, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police

Kosovo*

courts (legal officer, translator).

The value of the donation from UNDP was € 26,997.77 while from GIZ was € 3,037.62

-Prosecutorial system is constantly being supported by international partners, donors and projects through trainings, events, roundtables and donations. The sum in the table includes all of these activities.

-Free Legal Aid Agency was supported by the donor GIZ and UNDP. The project of Providing Free Legal Aid, supported by the Donor GIZ, for the period 1 year January-December 2021, has employed 4 officials to provide free legal aid. The budget from the donor was in the amount of € 36,948.00. Meanwhile, the project Immediate Support for Recovery to COVID-19 supported by the Donor UNDP, has supported the Agency during 2021 with the amount of 10,240.00 €, has hired officials to provide free legal aid and a mobile clinic driver, from their salary € 8,018.76 and

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 included or for other reasons. The external donor funds

Question 011

Albania

(2020): 9 percent

Bosnia and Herzegovina

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 Herzegovina. The biggest donors are: the

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 Herzegovina. The biggest donors are: the

North Macedonia

donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.

Kosovo*

(2021): Since the system does not allow decimals, below are the exact ratios for the above categories:

For Courts: 0.11%

For Prosecution services: 6.24%

For Legal Aid: 2,80%

(2020): Since the system does not allow decimals, the space between the numbers refers to a comma. i.e. 0 22 is

Question 012

Bosnia and Herzegovina

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 or other proceedings), therefore it is not possible to split the

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 or other proceedings), therefore it is not possible to split the

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

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are calculated according to the Lawyers tariff, which was not a case in the previous years.

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 planned in total budget for free legal aid. Because of that it not possible to be given separately.

Serbia

(2021): The methodology of collecting budgetary data has been changed with cooperation with CEPEJ.

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 budget. The actual payment

Kosovo*

named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 843,959€ which we divided in 2 and the budget approved for lawyers being 421,979.5€.

As for the discrepancies, they are due to Covid pandemic aftermath and budget review.

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 Kosovo Judicial Council(KJC). Therefore, for cases not brought to court, we have used the data offered by KPC, while for cases

Question 013

Albania

marked an increase in the number of court decisions that grant applicants the right to secondary legal aid and exemption from court fees and costs. We emphasize that the planning of funds is done based on the number of decisions received by the court, while the liquidation of payments is done after all the procedural steps of judicial representation have been completed. Trials take time, especially in the nowadays conditions regarding the absence

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 applicants. With the establishment of the

Bosnia and Herzegovina

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 or other proceedings), therefore it is not possible to split the

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 or other proceedings), therefore it is not possible to split the

Montenegro

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

North Macedonia

(2021): The amount is increased because from 2021, money for the lawyers that are engaged ex officio are payed according to the Lawyers tariff, which was not a case in the previous years.

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 we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

Serbia

and can cover only up to 50% of the total budget spent annually by municipalities (local governments), based on the Law on Legal Aid.

The Legal Aid does not include "mandatory representation in criminal cases" by lawyers, before the Serbian courts,

(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.

Kosovo*

(2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.

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 situation deteriorated again in July. The budget was reviewed in June, and significant reallocation in the budget were made. And of course, due to the lockdown, the

2. Profile of Judiciary - Overview

2.1 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges (Tables no. 2.1.3 and 2.1.5)

Beneficiaries	Judges						Prosecutors					
	At the beginning of the career		At the Supreme Court		2021- Ratio with average gross annual national salary		At the beginning of the career		At the Supreme Court		2021- Ratio with average gross annual national salary	
	2021	% Variation 2018-2021	2021	% Variation 2018-2021	At the beginning of the career	At the Supreme Court	2021	% Variation 2018-2021	2021	% Variation 2018-2021	At the beginning of the career	At the Supreme Court
Albania	21 611 €	58,0%	26 287 €	33,6%	3,89	4,73	23 449 €	105,0%	28 608 €	80,1%	4,22	5,14
Bosnia and Herzegovina	27 462 €	13,0%	45 503 €	7,4%	2,90	4,81	27 688 €	13,9%	44 929 €	6,1%	2,93	4,75
Montenegro	18 233 €	-15,3%	34 897 €	-28,2%	1,92	3,67	18 360 €	-1,6%	31 500 €	-3,2%	1,93	3,31
North Macedonia	15 103 €	-23,4%	24 154 €	1,5%	1,74	2,78	15 178 €	6,9%	18 503 €	-14,0%	1,74	2,13
Serbia	20 015 €	22,3%	46 584 €	21,2%	2,19	5,09	20 916 €	13,2%	40 084 €	13,7%	2,28	4,38
Kosovo*	22 939 €	-	31 860 €	-	4,10	5,70	22 939 €	-	31 860 €	-	4,10	5,70
WB Average	20 485 €	10,9%	35 485 €	7,1%	2,53	4,21	21 118 €	27,5%	32 725 €	16,5%	2,62	3,94
WB Median	20 015 €	13,0%	34 897 €	7,4%	2,19	4,73	20 916 €	13,2%	31 500 €	6,1%	2,28	4,38

For reference only, the 2020 EU median for:

- the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 2,02
- the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,09

For reference only, the 2020 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,71
- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,61

Figure 2.1.1 Judges' salary - Ratio with average gross annual national salary in 2021

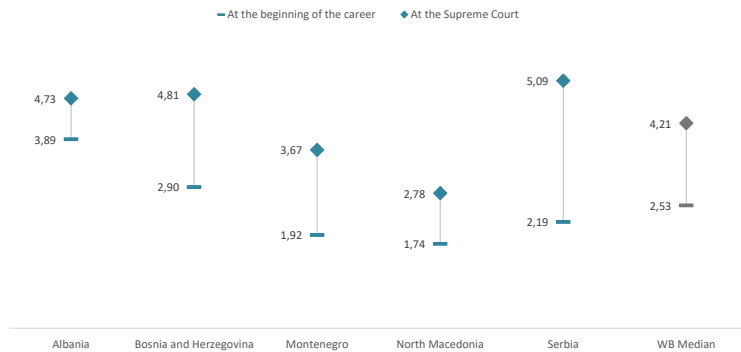
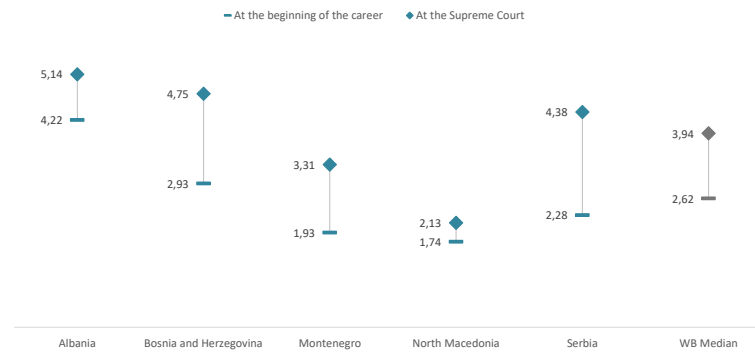


Figure 2.1.2 Prosecutors' salary - Ratio with average gross annual national salary in 2021



NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

* 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*

2.2 Number of justice professionals

Justice professionals per 100 000 inhabitants 2021 and variation (%) between 2018 and 2021 (Tables no. 2.2.1, 2.2.3, 2.2.6, 2.2.8, 2.2.9, 2.2.11, 2.2.15, 2.2.17 and 2.2.19)

Beneficiaries	Justice professionals per 100 000 inhabitants													
	Judges		Court Presidents		Non-judge staff		Prosecutors		Heads of prosecution services		Non-prosecutor staff		Lawyers	
	2021	% Variation 2018-2021	2021	% Variation 2018-2021	2021	% Variation 2018-2021	2021	% Variation 2018-2021	2021	% Variation 2018-2021	2021	% Variation 2018-2021	2021	% Variation 2018-2021
Albania	11,8	-4,9%	0,5	-63,2%	36,9	19,3%	7,3	NA	1,0	NA	21,7	NA	94,3	9,3%
Bosnia and Herzegovina	28,7	-1,5%	2,3	3,9%	97,9	2,0%	10,4	-4,0%	0,5	-5,3%	21,1	0,6%	55,0	11,9%
Montenegro	43,2	-13,5%	4,0	0,0%	177,1	12,3%	17,9	-6,7%	2,7	0,0%	41,6	16,2%	152,7	4,0%
North Macedonia	25,8	-7,4%	1,9	0,0%	121,1	12,0%	9,4	-6,5%	1,2	-21,4%	20,0	-13,1%	154,3	17,6%
Serbia	39,6	5,2%	2,2	-1,3%	127,6	0,7%	10,2	-10,0%	0,7	-44,4%	19,2	16,7%	166,5	15,2%
Kosovo*	22,1	-	NA	-	82,7	-	9,2	-	0,6	-	34,6	-	68,2	-
WB Average	29,8	-4,4%	2,2	-12,1%	112,1	9,3%	11,1	-6,8%	1,2	-17,8%	24,7	5,1%	124,6	11,6%
WB Median	28,7	-4,9%	2,2	0,0%	121,1	12,0%	10,2	-6,6%	1,0	-13,3%	21,1	8,4%	152,7	11,9%

For reference only, the 2020 EU medians are as follows: 23,9 judges per 100 000 inhabitants; 59 non-judge staff per 100 000 inhabitants; 9,9 prosecutors per 100 000 inhabitants; 15,2 non-prosecutors staff per 100 000 inhabitants and 122,1 lawyers per 100 000 inhabitants.

Figure 2.2.1 Justice professionals per 100 000 inhabitants 2021

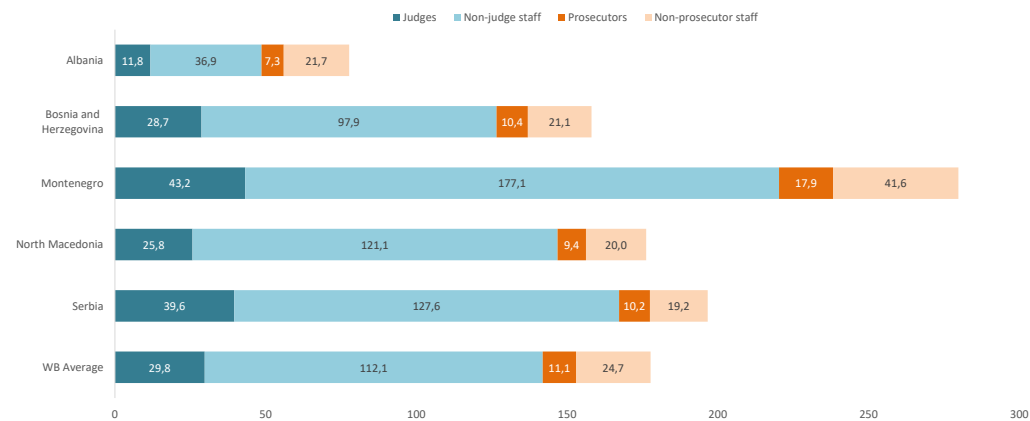
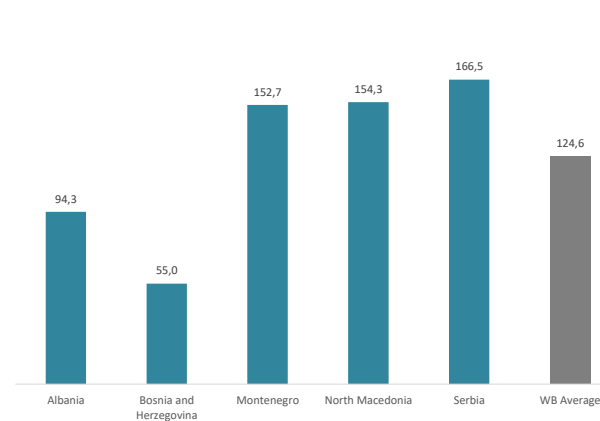


Figure 2.2.2 Lawyers per 100 000 inhabitants in 2021



Bosnia and Herzegovina: the number of court presidents is not included in the number of judges. The number of heads of prosecution services is not included in the number of prosecutors.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* 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

2. Professionals - List of tables

Table 2.1.1 Salaries of judges and prosecutors in € in 2021 (Q15)

Table 2.1.2 Salaries of judges and prosecutors in local currency in 2021 (Q15)

Table 2.1.3 Gross annual salaries of judges (in €) between 2018 and 2021, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.4 Net annual salaries of judges (in €) between 2018 and 2021 (Q15)

Table 2.1.5 Gross annual salaries of prosecutors (in €) between 2018 and 2021, and ratio with average gross annual national salary (Q14, Q15)

Table 2.1.6 Net annual salaries of prosecutors (in €) between 2018 and 2021 (Q15)

Table 2.1.7 Additional benefits and productivity bonuses for judges and prosecutors in 2021 (Q16 and Q18)

Table 2.1.8 Other financial benefits for judges and prosecutors in 2021 (Q17)

Table 2.2.1 Number of professional judges by instance between 2018 and 2021 (Q19)

Table 2.2.2 Distribution of professional judges by instance between 2019 and 2021 (Q19)

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2021 (Q19)

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2021 (Q20, Q21, Q22, Q23, Q24)

Table 2.2.5 Number of court presidents (professional judges) by instance in 2018 and 2021 (Q19-1)

Table 2.2.6 Number of court presidents (professional judges) per 100 000 inhabitants by instance in 2018 and 2021 (Q19-1)

Table 2.2.7 Number of professional judges per court presidents by instance in 2021 (Q19 and Q19-1)

Table 2.2.8 Number of prosecutors by instance between 2018 and 2021, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.9 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2021 (Q28)

Table 2.2.10 Number of heads of prosecution offices by instance in 2018 and 2021 (Q28-1)

Table 2.2.11 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2021 (Q28-1)

Table 2.2.12 Number of prosecutors per head of prosecution offices by instance in 2021 (Q28 and Q28-1)

Table 2.2.13 Number of non-judge staff by type between 2018 and 2021 (Q26)

Table 2.2.14 Number and distribution of non-judge staff by instance between 2018 and 2021 (Q27)

Table 2.2.15 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q1 and Q27)

Table 2.2.16 Ratio of non-judge staff and professional judges between 2018 and 2021 (Q19, Q27)

Table 2.2.17 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q1 and Q32)

Table 2.2.18 Ratio of non-prosecutor staff and prosecutors between 2018 and 2021 (Q28, Q32)

Table 2.2.19 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q33 and Q34)

Table 2.2.20 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2020 (Q19 and Q33)

Table 2.1.1 Salaries of judges and prosecutors in € in 2021 (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	21 611 €	26 287 €	23 449 €	28 608 €	17 068 €	20 588 €	16 901 €	21 198 €
Bosnia and Herzegovina	27 462 €	45 503 €	27 688 €	44 929 €	17 671 €	31 154 €	17 750 €	30 597 €
Montenegro	18 233 €	34 897 €	18 360 €	31 500 €	12 216 €	21 246 €	12 300 €	21 105 €
North Macedonia	15 103 €	24 154 €	15 178 €	18 503 €	9 968 €	15 941 €	10 000 €	12 154 €
Serbia	20 015 €	46 584 €	20 916 €	40 084 €	12 028 €	27 995 €	14 688 €	28 100 €
Kosovo*	22 939 €	31 860 €	22 939 €	31 860 €	19 879 €	27 506 €	19 879 €	27 506 €
Average	20 485 €	35 485 €	21 118 €	32 725 €	13 790 €	23 385 €	14 328 €	22 631 €
Median	20 015 €	34 897 €	20 916 €	31 500 €	12 216 €	21 246 €	14 688 €	21 198 €
Minimum	15 103 €	24 154 €	15 178 €	18 503 €	9 968 €	15 941 €	10 000 €	12 154 €
Maximum	27 462 €	46 584 €	27 688 €	44 929 €	17 671 €	31 154 €	17 750 €	30 597 €

* 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*

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.2 Salaries of judges and prosecutors in local currency in 2021 (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)	53 710	88 997	54 153	87 874	34 561	60 932	34 717	59 843
Montenegro	Euro	18 233	34 897	18 360	31 500	12 216	21 246	12 300	21 105
North Macedonia	MKD (Denar)	931 080	1 489 080	935 724	1 140 732	614 513	982 793	616 476	749 316
Serbia	RSD (Dinar)	2 353 405	5 477 489	2 460 000	4 713 120	1 414 262	3 291 659	1 728 000	3 303 888
Kosovo*	Euro	22 939	31 860	22 939	31 860	19 879	27 506	19 879	27 506

* 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*

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.3 Gross annual salaries of judges (in €) between 2018 and 2021, and ratio with average gross annual national salary (Q14, Q15)

Beneficiaries	Gross annual salary of judges, in €															2021- Ratio with average gross annual national salary	
	At the beginning of the career						At the Supreme Court						At the beginning of the career	At the Supreme Court			
	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021			
Albania	13 677 €	21 240 €	21 240 €	21 611 €	58,0%	1,7%	1,7%	19 673 €	25 836 €	25 836 €	26 287 €	33,6%	1,7%	1,7%	3,89	4,73	
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	27 462 €	13,0%	1,3%	8,2%	42 363 €	43 179 €	44 404 €	45 503 €	7,4%	5,4%	2,5%	2,90	4,81	
Montenegro	21 536 €	19 188 €	18 233 €	18 233 €	15,3%	-5,0%	0,0%	48 605 €	45 018 €	43 364 €	34 897 €	28,2%	22,5%	19,5%	1,92	3,67	
North Macedonia	19 707 €	17 038 €	16 700 €	15 103 €	23,4%	11,4%	-9,6%	23 805 €	22 863 €	22 687 €	24 154 €	1,5%	5,6%	6,5%	1,74	2,78	
Serbia	16 369 €	17 493 €	16 277 €	20 015 €	22,3%	14,4%	23,0%	38 444 €	40 874 €	29 788 €	46 584 €	21,2%	14,0%	56,4%	2,19	5,09	
Kosovo*	-	23 172 €	22 932 €	22 939 €	-	-1,0%	0,0%	-	34 968 €	31 860 €	31 860 €	-	-8,9%	0,0%	4,10	5,70	
Average	19 119 €	19 925 €	19 567 €	20 485 €	10,9%	2,2%	4,7%	34 578 €	35 554 €	33 216 €	35 485 €	7,1%	0,9%	9,5%	2,53	4,21	
Median	19 707 €	19 188 €	18 233 €	20 015 €	13,0%	1,7%	1,7%	38 444 €	40 874 €	29 788 €	34 897 €	7,4%	5,4%	2,5%	2,19	4,73	
Minimum	13 677 €	17 038 €	16 277 €	15 103 €	-23,4%	-11,4%	-9,6%	19 673 €	22 863 €	22 687 €	24 154 €	-28,2%	-22,5%	-19,5%	1,74	2,78	
Maximum	24 308 €	24 668 €	25 383 €	27 462 €	58,0%	14,4%	23,0%	48 605 €	45 018 €	44 404 €	46 584 €	33,6%	14,0%	56,4%	3,89	5,09	

* 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

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.4 Net annual salaries of judges (in €) between 2018 and 2021 (Q15)

Beneficiaries	Net annual salary of judges, in €														
	At the beginning of the career							At the Supreme Court							
	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	
Albania	11 943 €	16 776 €	16 776 €	17 068 €	42,9%	1,7%	1,7%	17 842 €	20 232 €	20 232 €	20 588 €	15,4%	1,8%	1,8%	
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	17 671 €	4,4%	3,0%	8,6%	26 488 €	26 857 €	27 669 €	31 154 €	4,5%	3,0%	12,6%	
Montenegro	12 852 €	12 656 €	12 216 €	12 216 €	-4,9%	-3,5%	0,0%	28 757 €	29 445 €	29 054 €	21 246 €	1,0%	-1,3%	-26,9%	
North Macedonia	14 390 €	11 274 €	10 981 €	9 968 €	-23,7%	-2,6%	-9,2%	17 380 €	15 044 €	14 861 €	15 941 €	14,5%	-1,2%	7,3%	
Serbia	9 733 €	10 467 €	11 410 €	12 028 €	17,2%	9,0%	5,4%	22 858 €	24 458 €	20 882 €	27 995 €	-8,6%	14,6%	34,1%	
Kosovo*	-	20 064 €	19 876 €	19 879 €	-	-0,9%	0,0%	-	31 860 €	27 504 €	27 506 €	-	-13,7%	0,0%	
Average	12 900 €	13 395 €	13 530 €	13 790 €	7,2%	1,5%	1,3%	22 665 €	23 207 €	22 540 €	23 385 €	-0,5%	-2,5%	5,8%	
Median	12 852 €	12 656 €	12 216 €	12 216 €	4,4%	1,7%	1,7%	22 858 €	24 458 €	20 882 €	21 246 €	1,0%	-1,2%	7,3%	
Minimum	9 733 €	10 467 €	10 981 €	9 968 €	-23,7%	-3,5%	-9,2%	17 380 €	15 044 €	14 861 €	15 941 €	-14,5%	-14,6%	-26,9%	
Maximum	15 580 €	16 776 €	16 776 €	17 671 €	42,9%	9,0%	8,6%	28 757 €	29 445 €	29 054 €	31 154 €	15,4%	3,0%	34,1%	

* 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*

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.5 Gross annual salaries of prosecutors (in €) between 2018 and 2021, 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							2021- Ratio with average gross annual national salary	
	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	At the beginning of the career	At the Supreme Court
Albania	11 436 €	21 312 €	21 312 €	23 449 €	105,0%	10,0%	10,0%	15 888 €	26 004 €	26 004 €	28 608 €	80,1%	10,0%	10,0%	4,22	5,14
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	27 688 €	13,9%	12,2%	9,1%	42 363 €	43 179 €	44 404 €	44 929 €	6,1%	4,1%	1,2%	2,93	4,75
Montenegro	18 653 €	18 653 €	18 360 €	18 360 €	-1,6%	-1,6%	0,0%	32 556 €	32 556 €	31 356 €	31 500 €	-3,2%	-3,2%	0,5%	1,93	3,31
North Macedonia	14 196 €	16 679 €	17 319 €	15 178 €	6,9%	-9,0%	-12,4%	21 516 €	20 015 €	22 120 €	18 503 €	-14,0%	-7,6%	-16,4%	1,74	2,13
Serbia	18 478 €	18 981 €	18 961 €	20 916 €	13,2%	10,2%	10,3%	35 268 €	35 082 €	28 801 €	40 084 €	13,7%	14,3%	39,2%	2,28	4,38
Kosovo*	-	22 939 €	22 939 €	22 939 €	-	0,0%	0,0%	-	31 860 €	31 860 €	31 860 €	-	0,0%	0,0%	4,10	5,70
Average	17 414 €	20 059 €	20 267 €	21 118 €	27,5%	4,4%	3,4%	29 518 €	31 367 €	30 537 €	32 725 €	16,5%	3,5%	6,9%	2,62	3,94
Median	18 478 €	18 981 €	18 961 €	20 916 €	13,2%	10,0%	9,1%	32 556 €	32 556 €	28 801 €	31 500 €	6,1%	4,1%	1,2%	2,28	4,38
Minimum	11 436 €	16 679 €	17 319 €	15 178 €	-1,6%	-9,0%	-12,4%	15 888 €	20 015 €	22 120 €	18 503 €	-14,0%	-7,6%	-16,4%	1,74	2,13
Maximum	24 308 €	24 668 €	25 383 €	27 688 €	105,0%	12,2%	10,3%	42 363 €	43 179 €	44 404 €	44 929 €	80,1%	14,3%	39,2%	4,22	5,14

* 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

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.6 Net annual salaries of prosecutors (in €) between 2018 and 2021 (Q15)

Beneficiaries	Net annual salary of prosecutors, in €														
	At the beginning of the career							At the Supreme Court							
	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	2018	2019	2020	2021	% Variation 2018 - 2021	% Variation 2019 - 2021	% Variation 2020 - 2021	
Albania	8 856 €	15 360 €	15 360 €	16 901 €	90,8%	10,0%	10,0%	11 952 €	19 260 €	19 260 €	21 198 €	77,4%	10,1%	10,1%	
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	17 750 €	13,9%	12,3%	9,1%	26 488 €	26 857 €	27 669 €	30 597 €	15,5%	13,9%	10,6%	
Montenegro	12 305 €	12 305 €	12 300 €	12 300 €	0,0%	0,0%	0,0%	21 336 €	21 336 €	21 008 €	21 105 €	-1,1%	-1,1%	0,5%	
North Macedonia	12 924 €	11 039 €	11 383 €	10 000 €	-22,6%	-9,4%	-12,1%	14 292 €	13 216 €	14 494 €	12 154 €	-15,0%	-8,0%	-16,1%	
Serbia	12 953 €	13 266 €	14 094 €	14 688 €	13,4%	10,7%	4,2%	23 509 €	24 849 €	20 190 €	28 100 €	19,5%	13,1%	39,2%	
Kosovo*	-	19 879 €	19 879 €	19 879 €	-	0,0%	0,0%	-	27 506 €	27 506 €	27 506 €	-	0,0%	0,0%	
Average	12 524 €	13 554 €	13 881 €	14 328 €	19,1%	4,7%	2,2%	19 515 €	21 104 €	20 524 €	22 631 €	19,3%	5,6%	8,8%	
Median	12 924 €	13 266 €	14 094 €	14 688 €	13,4%	10,0%	4,2%	21 336 €	21 336 €	20 190 €	21 198 €	15,5%	10,1%	10,1%	
Minimum	8 856 €	11 039 €	11 383 €	10 000 €	-22,6%	-9,4%	-12,1%	11 952 €	13 216 €	14 494 €	12 154 €	-15,0%	-8,0%	-16,1%	
Maximum	15 580 €	15 801 €	16 268 €	17 750 €	90,8%	12,3%	10,0%	26 488 €	26 857 €	27 669 €	30 597 €	77,4%	13,9%	39,2%	

* 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

NB: Average salaries are calculated by beneficiaries following different methodologies. Therefore, comparisons amongst beneficiaries should be done with caution.

Table 2.1.7 Additional benefits and productivity bonuses for judges and prosecutors in 2021 (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
Albania						4				
Bosnia and Herzegovina						0				
Montenegro						1				
North Macedonia						2				
Serbia						1				
Kosovo*						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
NA
NAP

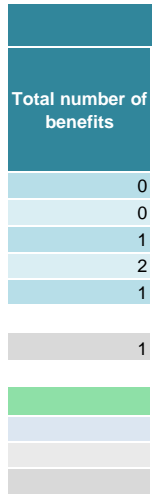


Table 2.1.8 Other financ

Beneficiaries
Albania
Bosnia and Herzegovina
Montenegro
North Macedonia
Serbia
Kosovo*

* This designation is without prejudice
Kosovo is not included in the calculati*

ial benefits for judges and prosecutors in 2021 (Q17)

Other financial benefits for judges and prosecutors in 2021

Comments 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 a state funded home loan, this shall be benefited only by one of them."

0.17 .According to Article 11, of the Law "On the status of judges and prosecutors", as amended, except the salary, other financial benefits for the prosecutors and judges include:

- a)compensation for the temporary transfer or delegation scheme;
- b)remuneration for skills;
- c)supplementary state pension, as provided by this law and legislation for supplementary state pensions;
- d)any other benefit, based on the particular conditions of employment or personal situation and family law of the magistrate provided for by the legislation in force.

Also, in the Article 27, of the Law "On the status of judges and prosecutors", as amended, is provided that, a judge or a prosecutor is entitled to early retirement if:

- a)has reached at least 60 years of age;
- b)has served as a prosecutor for at least 30 years;
- c)is not able to exercise his function, due to illness, certified by the medical commission on the assignment of work ability.

The High Prosecutorial Council adopts more detailed rules setting out the procedure to be followed for early retirement and the rules on how to calculate early retirement and other benefits when the claim is accepted.

NAP

Judiciary

Judges: Special allowance, salary supplements for work in commissions and other bodies. State Prosecutor's Office

In the Supreme State Prosecutor's Office, the State prosecutor dealing with cases of organized crime, corruption, money laundering, terrorism and war crimes is entitled to a special allowance in the amount of 45% of the basic salary;

In the Special State Prosecutor's Office, the Chief Special Prosecutor, special prosecutors, state prosecutor seconded to work at the Special State Prosecutor's Office are entitled to special allowance in the amount of 45% of the basic salary;

According to the Law on judge`s salaries and the Law on public prosecutor`s salaries, there is an additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

NAP

For Judges: No other benefits.

-For Prosecution: Prosecutors in Special Prosecution of the Republic of Kosovo receive additions to their salaries due to the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

on of summary statistics

Table 2.2.1 Number of professional judges by instance between 2018 and 2021 (Q19)

Beneficiaries	Number of professional judges																		
	2018				2019				2020				2021				% 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	Total	First instance	Second instance	Supreme court	2018-2021	2019-2021	2020-2021
Albania	346	249	89	8	329	249	79	1	307	249	54	4	329	253	66	10	-4,9%	0,0%	7,2%
Bosnia and Herzegovina	1013	674	221	118	1011	664	226	121	1024	673	232	119	998	659	223	116	-1,5%	-1,3%	-2,5%
Montenegro	310	215	76	19	310	215	76	19	309	214	77	18	268	204	58	6	13,5%	13,5%	13,3%
North Macedonia	511	385	101	19	496	381	96	19	493	376	95	22	473	362	92	19	-7,4%	-4,6%	-4,1%
Serbia	2586	2225	320	41	2702	2313	341	48	2649	2289	318	42	2720	2360	317	43	5,2%	0,7%	2,7%
Kosovo*	-	-	-	-	416	348	52	16	391	332	45	14	398	330	49	14	-	-4,3%	1,8%
Average	953	750	161	41	970	764	164	42	956	760	155	41	958	768	151	39	-4,4%	-3,8%	-2,0%
Median	511	385	101	19	496	381	96	19	493	376	95	22	473	362	92	19	-4,9%	-1,3%	-2,5%
Minimum	310	215	76	8	310	215	76	1	307	214	54	4	268	204	58	6	-13,5%	-13,5%	-13,3%
Maximum	2586	2225	320	118	2702	2313	341	121	2649	2289	318	119	2720	2360	317	116	5,2%	0,7%	7,2%

* 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

Bosnia and Herzegovina: the number of court presidents is not included in these figures.

Table 2.2.2 Distribution of professional judges by instance between 2019 and 2021 (Q19)

Beneficiaries	Distribution of professional judges								
	2019			2020			2021		
	First instance	Second instance	Supreme court	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%	76,9%	20,1%	3,0%
Bosnia and Herzegovina	65,7%	22,4%	12,0%	65,7%	22,7%	11,6%	66,0%	22,3%	11,6%
Montenegro	69,4%	24,5%	6,1%	69,3%	24,9%	5,8%	76,1%	21,6%	2,2%
North Macedonia	76,8%	19,4%	3,8%	76,3%	19,3%	4,5%	76,5%	19,5%	4,0%
Serbia	85,6%	12,6%	1,8%	86,4%	12,0%	1,6%	86,8%	11,7%	1,6%
Kosovo*	83,7%	12,5%	3,8%	84,9%	11,5%	3,6%	82,9%	12,3%	3,5%
Average	74,6%	20,6%	4,8%	75,8%	19,3%	5,0%	76,5%	19,0%	4,5%
Median	75,7%	22,4%	3,8%	76,3%	19,3%	4,5%	76,5%	20,1%	3,0%
Minimum	65,7%	12,6%	0,3%	65,7%	12,0%	1,3%	66,0%	11,7%	1,6%
Maximum	85,6%	24,5%	12,0%	86,4%	24,9%	11,6%	86,8%	22,3%	11,6%

* 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*

Bosnia and Herzegovina: the number of court presidents is not included in these figures.

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2021 (Q19)

Beneficiaries	Number of professional judges per 100 000 inhabitants															
	2018				2019				2020				2021			
	Total	First instance	Second instance	Supreme court	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	11,8	9,1	2,4	0,4
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	28,7	19,0	6,4	3,3
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	43,2	32,9	9,4	1,0
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	25,8	19,7	5,0	1,0
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	39,6	34,3	4,6	0,6
Kosovo*	-	-	-	-	23,3	19,5	2,9	0,9	21,9	18,6	2,5	0,8	22,1	18,4	2,7	0,8
Average	30,6	22,6	6,2	1,6	30,6	22,8	6,2	1,6	30,4	22,7	6,0	1,6	29,8	23,0	5,6	1,3
Median	29,0	19,3	4,9	0,9	28,9	19,0	4,9	0,9	29,3	19,3	4,6	1,1	28,7	19,7	5,0	1,0
Minimum	12,1	8,7	3,1	0,3	11,6	8,7	2,8	0,0	10,8	8,7	1,9	0,1	11,8	9,1	2,4	0,4
Maximum	50,0	34,7	12,3	3,4	50,0	34,7	12,3	3,5	49,8	34,5	12,4	3,4	43,2	34,3	9,4	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

Bosnia and Herzegovina: the number of court presidents is not included in these figures.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2021 (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	75	NAP	No	185	NAP	Echevinage/mixed bench	Echevinage/mixed bench	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	460	362	Echevinage/mixed bench	No	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	No	No	No	NAP
Serbia	NAP	NAP	NAP	2 089	NA	Echevinage/mixed bench	No	Echevinage/mixed bench	Echevinage/mixed bench	No	Echevinage/mixed bench	No	No	No	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP
Average	-	-	-	911	-										
Median	-	-	-	460	-										
Minimum	-	-	-	185	-										
Maximum	-	-	-	2 089	-										

* 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 court presidents (professional judges) by instance in 2018 and 2021 (Q19-1)

Beneficiaries	Number of court presidents (professional judges) by instance								
	2018				2021				% Variation of total number of court presidents 2018-2021
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Albania	38	28	9	1	14	11	3	0	-63,2%
Bosnia and Herzegovina	77	57	17	3	80	59	18	3	3,9%
Montenegro	25	20	4	1	25	20	4	1	0,0%
North Macedonia	34	28	5	1	34	28	5	1	0,0%
Serbia	154	147	6	1	152	145	6	1	-1,3%
Kosovo*	-	-	-	-	NA	NA	NA	NA	-
Average	66	56	8	1	61	53	7	1	-12,1%
Median	38	28	6	1	34	28	5	1	0,0%
Minimum	25	20	4	1	14	11	3	0	-63,2%
Maximum	154	147	17	3	152	145	18	3	3,9%

* 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 2.2.6 Number of court presidents (professional judges) per 100 000 inhabitants by instance in 2018 and 2021 (Q19-1)

Beneficiaries	Number of court presidents (professional judges) per 100 000 inhabitants							
	2018				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	1,3	1,0	0,3	0,0	0,5	0,4	0,1	0,0
Bosnia and Herzegovina	2,2	1,6	0,5	0,1	2,3	1,7	0,5	0,1
Montenegro	4,0	3,2	0,6	0,2	4,0	3,2	0,6	0,2
North Macedonia	1,6	1,3	0,2	0,0	1,9	1,5	0,3	0,1
Serbia	2,2	2,1	0,1	0,0	2,2	2,1	0,1	0,0
Kosovo*	-	-	-	-	NA	NA	NA	NA
Average	2,3	1,9	0,4	0,1	2,2	1,8	0,3	0,1
Median	2,2	1,6	0,3	0,0	2,2	1,7	0,3	0,1
Minimum	1,3	1,0	0,1	0,0	0,5	0,4	0,1	0,0
Maximum	4,0	3,2	0,6	0,2	4,0	3,2	0,6	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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.7 Number of professional judges per court presidents by instance in 2021 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents			
	2021			
	Total	First instance	Second instance	Supreme court
Albania	23,5	23,0	22,0	-
Bosnia and Herzegovina	12,5	11,2	12,4	38,7
Montenegro	10,7	10,2	14,5	6,0
North Macedonia	13,9	12,9	18,4	19,0
Serbia	17,9	16,3	52,8	43,0
Kosovo*	NA	NA	NA	NA
Average	15,7	14,7	24,0	26,7
Median	13,9	12,9	18,4	28,8
Minimum	10,7	10,2	12,4	6,0
Maximum	23,5	23,0	52,8	43,0

* 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

Bosnia and Herzegovina: the number of court presidents is not included in the number of judges.

Table 2.2.8 Number of prosecutors by instance between 2018 and 2021, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Beneficiaries	Number of prosecutors																	Persons with similar duties as prosecutors				
	2018				2019				2020				2021				% Variation of total number of prosecutors			Persons with similar duties as prosecutors	If yes, how many (in FTE)	Is this number included in the count?
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	2018-2021	2019-2021	2020-2021			
Albania	NA	NA	NA	NA	299	258	22	11	300	273	15	12	205	177	16	12	NA	-31,4%	-31,7%			
Bosnia and Herzegovina	376	300	NAP	76	372	294	NAP	78	358	279	NAP	79	361	280	NAP	81	-4,0%	-5,0%	-0,8%			
Montenegro	119	89	21	9	123	95	18	10	125	97	19	9	111	84	20	7	-6,7%	-3,8%	-13,2%			
North Macedonia	185	148	28	9	190	148	31	11	187	147	30	10	173	139	26	8	-5,5%	-5,9%	-7,5%			
Serbia	781	716	53	12	784	721	51	12	785	725	48	12	703	634	41	10	-10,0%	-10,3%	-10,4%			
Kosovo*	-	-	-	-	181	170	4	7	175	165	3	7	165	152	5	8	-	-8,8%	-5,7%			
Average	365	313	34	27	354	303	31	24	351	304	28	24	311	263	26	24	-6,8%	-12,7%	-12,0%			
Median	281	224	28	11	299	258	27	11	300	273	25	12	205	177	23	10	-6,6%	-9,8%	-10,4%			
Minimum	119	89	21	9	123	95	18	10	125	97	15	9	111	84	16	7	-10,0%	-31,4%	-31,7%			
Maximum	781	716	53	76	784	721	51	78	785	725	48	79	703	634	41	81	-4,0%	-3,0%	0,8%			

* 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

Bosnia and Herzegovina: the number of heads of prosecution services is not included in these figures.

Yes
 No
 NA
 NAP

Table 2.2.9 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2021 (Q28)

Beneficiaries	Number of prosecutors															
	2018				2019				2020				2021			
	Total	First instance	Second instance	Supreme Court	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	7,34	6,34	0,57	0,43
Bosnia and Herzegovina	10,8	8,58	NAP	2,17	10,64	8,41	NAP	2,23	10,25	7,99	NAP	2,26	10,39	8,06	NAP	2,33
Montenegro	19,2	14,35	3,39	1,45	19,84	15,32	2,90	1,61	20,16	15,64	3,06	1,45	17,90	13,55	3,23	1,13
North Macedonia	8,9	7,13	1,35	0,43	9,15	7,13	1,49	0,53	9,01	7,08	1,44	0,48	9,42	7,57	1,42	0,44
Serbia	11,2	10,28	0,76	0,17	11,26	10,35	0,73	0,17	11,29	10,43	0,69	0,17	10,23	9,23	0,60	0,15
Kosovo*	-	-	-	-	10,16	9,54	0,22	0,39	9,82	9,26	0,17	0,39	9,18	8,45	0,28	0,44
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	11,06	8,95	1,45	0,89
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	10,23	8,06	1,01	0,44
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	7,34	6,34	0,57	0,15
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	17,90	13,55	3,23	2,33

* 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

Bosnia and Herzegovina: the number of heads of prosecution services is not included in these figures.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.10 Number of heads of prosecution offices by instance in 2018 and 2021 (Q28-1)

Beneficiaries	Number of heads of prosecution offices								
	2021				2021				% Variation of total number of court presidents 2018-2021
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Albania	NA	NA	NA	NA	29	22	6	1	NA
Bosnia and Herzegovina	19	17	NAP	2	18	16	NAP	2	-5,3%
Montenegro	17	14	2	1	17	13	3	1	0,0%
North Macedonia	28	23	4	1	22	17	4	1	21,4%
Serbia	90	85	4	1	50	47	2	1	44,4%
Kosovo*	-	-	-	-	10	8	1	1	-
Average	39	35	3	1	27	23	4	1	-18%
Median	24	20	4	1	22	17	4	1	-13%
Minimum	17	14	2	1	17	13	2	1	-44%
Maximum	90	85	4	2	50	47	6	2	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 2.2.11 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2021 (Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitant							
	2018				2021			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	NA	NA	NA	NA	1,0	0,8	0,2	0,0
Bosnia and Herzegovina	0,5	0,5	NAP	0,1	0,5	0,5	NAP	0,1
Montenegro	2,7	2,3	0,3	0,2	2,7	2,1	0,5	0,2
North Macedonia	1,3	1,1	0,2	0,0	1,2	0,9	0,2	0,1
Serbia	1,3	1,2	0,1	0,0	0,7	0,7	0,0	0,0
Kosovo*	-	-	-	-	0,6	0,4	0,1	0,1
Average	1,5	1,3	0,2	0,1	1,2	1,0	0,2	0,1
Median	1,3	1,2	0,2	0,1	1,0	0,8	0,2	0,1
Minimum	0,5	0,5	0,1	0,0	0,5	0,5	0,0	0,0
Maximum	2,7	2,3	0,3	0,2	2,7	2,1	0,5	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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.12 Number of prosecutors per head of prosecution offices by instance in 2021 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices			
	2021			
	Total	First instance	Second instance	Supreme court
Albania	7,1	8,0	2,7	12,0
Bosnia and Herzegovina	20,1	17,5	NAP	40,5
Montenegro	6,5	6,5	6,7	7,0
North Macedonia	7,9	8,2	6,5	8,0
Serbia	14,1	13,5	20,5	10,0
Kosovo*	16,5	19,0	5,0	8,0
Average	11,1	10,7	9,1	15,5
Median	7,9	8,2	6,6	10,0
Minimum	6,5	6,5	2,7	7,0
Maximum	20,1	17,5	20,5	40,5

* 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*

Bosnia and Herzegovina: the number of heads of prosecution services is not included in the number of prosecutors.

Table 2.2.13 Number of non-judge staff by type between 2018 and 2021 (Q26)

Beneficiaries	2018						2019						2020						2021					
	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	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	1 030	NAP	597	190	243	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	3 401	88	1 139	1 819	355	NAP
Montenegro	978	NAP	698	107	NAP	173	1 094	NAP	701	115	105	173	1 127	NAP	711	127	146	143	1 098	NAP	666	130	137	165
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	2 224	NAP	561	1 324	150	189
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	8 771	NAP	3 639	3 390	1 724	18
Kosovo*	-	-	-	-	-	-	1 529	NAP	656	399	465	NAP	1 532	NAP	668	399	465	NAP	1 487	NAP	603	393	491	NAP
Average	3 258	-	1 352	1 282	665	-	3 260	-	1 336	1 327	506	-	3 327	-	1 389	1 351	503	-	3 305	-	1 320	1 371	522	124
Median	2 243	-	698	1 317	287	-	2 240	-	701	1 394	228	-	2 266	-	711	1 367	178	-	2 224	-	666	1 324	243	165
Minimum	887	-	466	107	137	-	880	-	478	115	105	-	947	-	559	127	146	-	1 030	-	561	130	137	18
Maximum	8 827	-	3 700	3 179	1 948	-	8 718	-	3 670	3 340	1 708	-	8 909	-	3 790	3 435	1 684	-	8 771	-	3 639	3 390	1 724	189

* 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 2.2.14 Number and distribution of non-judge staff by instance between 2018 and 2021 (Q27)

Beneficiaries	Number of non-judge staff by instance															
	2018				2019				2020				2021			
	Total	First instance	Second instance	Supreme court	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	1 030	723	221	86
Bosnia and Herzegovina	3 355	2 593	476	286	3 367	2 562	511	294	3 384	2 573	513	298	3 401	2 589	509	303
Montenegro	978	761	185	32	1 094	860	198	36	1 127	866	220	41	1 098	857	205	36
North Macedonia	2 243	1 937	233	68	2 240	1 922	253	65	2 266	1 935	257	74	2 224	1 893	260	71
Serbia	8 827	7 923	708	196	8 718	7 822	702	194	8 909	7 994	708	207	8 771	7 869	705	197
Kosovo*	-	-	-	-	1 520	1 375	82	63	1 532	1 378	90	64	1 487	NA	NA	NA
Average	3 258	2 770	357	130	3 260	2 760	370	129	3 327	2 809	381	136	3 305	2 786	380	139
Median	2 243	1 937	233	69	2 240	1 922	253	65	2 266	1 935	257	74	2 224	1 893	260	86
Minimum	887	636	182	32	880	636	186	36	947	678	207	41	1 030	723	205	36
Maximum	8 827	7 923	708	286	8 718	7 822	702	294	8 909	7 994	708	298	8 771	7 869	705	303

* 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 2.2.15 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q1 and Q27)

Beneficiaries	2018		2019		2020		2021		% 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	Absolute number	Per 100 000 inhabitants	2018-2021	2019-2021	2020-2021
Albania	887	30,9	880	30,9	947	33,3	1 030	36,9	19,3%	19,2%	10,8%
Bosnia and Herzegovina	3 355	96,0	3 367	96,3	3 384	96,9	3 401	97,9	2,0%	1,6%	1,0%
Montenegro	978	157,7	1 094	176,4	1 127	181,8	1 098	177,1	12,3%	0,4%	-2,6%
North Macedonia	2 243	108,1	2 240	107,8	2 266	109,1	2 224	121,1	12,0%	12,3%	10,9%
Serbia	8 827	126,8	8 718	125,2	8 909	128,2	8 771	127,6	0,7%	2,0%	-0,4%
Kosovo*	-	-	1 520	85,3	1 532	86,0	1 487	82,7	-	-3,0%	-3,8%
Average	3 258	103,9	3 260	107,3	3 327	109,9	3 305	112,1	9,3%	7,1%	3,9%
Median	2 243	108,1	2 240	107,8	2 266	109,1	2 224	121,1	12,0%	2,0%	1,0%
Minimum	887	30,9	880	30,9	947	33,3	1 030	36,9	0,7%	0,4%	-2,6%
Maximum	8 827	157,7	8 718	176,4	8 909	181,8	8 771	177,1	19,3%	19,2%	10,9%

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.16 Ratio of non-judge staff and professional judges between 2018 and 2021 (Q19, Q27)

Beneficiaries	2018	2019	2020	2021	% Variation of the ratio		
					2018-2021	2019-2021	2020-2021
Albania	2,6	2,7	3,1	3,1	22,1%	17,0%	1,5%
Bosnia and Herzegovina	3,3	3,3	3,3	3,4	2,9%	2,3%	3,1%
Montenegro	3,2	3,5	3,6	4,1	29,9%	16,1%	12,3%
North Macedonia	4,4	4,5	4,6	4,7	7,1%	4,1%	2,3%
Serbia	3,4	3,2	3,4	3,2	-5,5%	-0,1%	-4,1%
Kosovo*	-	3,7	3,9	3,7	-	2,3%	-4,6%
Average	3,4	3,5	3,6	3,7	11,3%	7,9%	3,0%
Median	3,3	3,3	3,4	3,4	7,1%	4,1%	2,3%
Minimum	2,6	2,7	3,1	3,1	-5,5%	-0,1%	-4,1%
Maximum	4,4	4,5	4,6	4,7	29,9%	17,0%	12,3%

* 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*

Bosnia and Herzegovina: the number of court presidents is not included in the number of judges.

Table 2.2.17 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q1 and Q32)

Beneficiaries	2018		2019		2020		2021		% 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	Absolute number	Per 100 000 inhabitants	2018-2021	2019-2021	2020-2021
Albania	NA	NA	592	20,8	670	23,5	607	21,7	NA	4,5%	-7,7%
Bosnia and Herzegovina	734	21,0	726	20,8	717	20,5	734	21,1	0,6%	1,7%	2,8%
Montenegro	222	35,8	226	36,4	228	36,8	258	41,6	16,2%	14,2%	13,2%
North Macedonia	477	23,0	432	20,8	324	15,6	367	20,0	-13,1%	-3,9%	28,0%
Serbia	1 144	16,4	1 117	16,0	1 117	16,1	1 317	19,2	16,7%	19,5%	19,3%
Kosovo*	-	-	611	34,3	613	34,4	622	34,6	-	0,9%	0,6%
Average	644	24,1	618,6	23,0	611,2	22,5	656,6	24,7	5,1%	7,2%	11,1%
Median	606	22,0	592,0	20,8	670,0	20,5	607,0	21,1	8,4%	4,5%	13,2%
Minimum	222	16,4	226,0	16,0	228,0	15,6	258,0	19,2	-13,1%	-3,9%	-7,7%
Maximum	1 144	35,8	1 117,0	36,4	1 117,0	36,8	1 317,0	41,6	16,7%	19,5%	28,0%

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.18 Ratio of non-prosecutor staff and prosecutors between 2018 and 2021 (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff and prosecutors						
	2018	2019	2020	2021	% Variation of the ratio		
					2018-2021	2019-2021	2020-2021
Albania	NA	2,0	2,2	3,0	NA	49,5%	32,6%
Bosnia and Herzegovina	2,0	2,0	2,0	2,0	4,2%	4,2%	1,5%
Montenegro	1,9	1,8	1,8	2,3	24,6%	26,5%	27,4%
North Macedonia	2,6	2,3	1,7	2,1	-17,7%	-6,7%	22,4%
Serbia	1,5	1,4	1,4	1,9	27,9%	31,5%	31,7%
Kosovo*	-	3,4	3,5	3,8	-	11,7%	7,6%
Average	2,0	1,9	1,8	2,3	9,7%	21,0%	23,1%
Median	1,9	2,0	1,8	2,1	14,4%	26,5%	27,4%
Minimum	1,5	1,4	1,4	1,9	-17,7%	-6,7%	1,5%
Maximum	2,6	2,3	2,2	3,0	27,9%	49,5%	32,6%

* 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

Bosnia and Herzegovina: the number of heads of prosecution services is not included in the number of prosecutors.

Table 2.2.19 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q33 and Q34)

Beneficiaries	Number of lawyers											
	2018		2019		2020		2021		% 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	Absolute number	Per 100 000 inhabitants	2018-2021	2019-2021	2020-2021	
Albania	2 475	86,2	2 396	84,2	3 064	107,7	2 633	94,3	9,3%	12,0%	-12,5%	
Bosnia and Herzegovina	1 718	49,1	1 779	50,9	1 846	52,9	1 910	55,0	11,9%	8,0%	3,9%	
Montenegro	911	146,9	935	150,8	947	152,7	947	152,7	4,0%	1,3%	0,0%	
North Macedonia	2 722	131,2	2 821	135,8	2 864	137,9	2 834	154,3	17,6%	13,6%	11,9%	
Serbia	10 068	144,6	10 513	151,0	10 905	156,9	11 444	166,5	15,2%	10,3%	6,2%	
Kosovo*	-	-	1 004	56,3	1 111	62,3	1 226	68,2	-	21,0%	9,4%	
Average	3 579	112	3 689	115	3 925	122	3 954	125	11,6%	9,0%	1,9%	
Median	2 475	131	2 396	136	2 864	138	2 633	153	11,9%	10,3%	3,9%	
Minimum	911	49	935	51	947	53	947	55	4,0%	1,3%	-12,5%	
Maximum	10 068	147	10 513	151	10 905	157	11 444	167	17,6%	13,6%	11,9%	

* 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

NA

NAP

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 2.2.20 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2020 (Q19 and Q33)

Beneficiaries	2018		2019		2020		2021	
	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	Professional Judges per 100 000 inhabitants	Lawyers per 100 000 inhabitants
Albania	12,1	86,2	11,6	84,2	10,8	107,7	11,8	94,3
Bosnia and Herzegovina	29,0	49,1	28,9	50,9	29,3	52,9	28,7	55,0
Montenegro	50,0	146,9	50,0	150,8	49,8	152,7	43,2	152,7
North Macedonia	24,6	131,2	23,9	135,8	23,7	137,9	25,8	154,3
Serbia	37,1	144,6	38,8	151,0	38,1	156,9	39,6	166,5
Kosovo*	-	-	23,3	56,3	21,9	62,3	22,1	68,2
Average	30,6	111,6	30,6	114,5	30,4	121,6	29,8	124,6
Median	29,0	131,2	28,9	135,8	29,3	137,9	28,7	152,7
Minimum	12,1	49,1	11,6	50,9	10,8	52,9	11,8	55,0
Maximum	50,0	146,9	50,0	151,0	49,8	156,9	43,2	166,5

* 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*

Bosnia and Herzegovina: the number of court presidents is not included in the number of judges.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

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 time)?

(Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

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

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part of costs (if possible, on 31 December of the reference year) (e.g. lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury):

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

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

(this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)

should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)

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

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 under December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).

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 example, some

Albania

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 positions as against the civil service positions or to enable its classification into the respective category or class.

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 a state funded home loan, this 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 procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural

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. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a

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

4. technical staff: relocated

Q027 (2021): Public prosecutors and non-prosecutor staff.

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

Q028 (2021): Total number of prosecutors: 321 full-time equivalent, 205 posts actually filled.

Number of prosecutors at first instance level: 278 full-time equivalent, 177 posts actually filled.

Number of prosecutors at second instance (court of appeal) level: 26 full-time equivalent, 16 posts actually filled.

Number of prosecutors at Supreme Court level: 17 full-time equivalent, 12 posts actually filled.

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 in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

Q032 (2021): From the total number, 160 are male judicial police officers and 40 are female judicial police officers.

112 are males having administrative duties and 295 are females having administrative duties.

Q032 (2020): 184 are judicial police officers (47 females and 137 males) and 486 other staff (273 females and 213

Q033 (2021): Total number of those who have lawyers' license/title is 11.934. However, the reported number (2633) 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

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

Bosnia and Herzegovina

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

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 aforementioned factors, amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in the Brcko District BiH, where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

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 aforementioned factors, the

above stated calculations of the salaries are made as the weighted average salary based on the number of

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 aforementioned factors,

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 laws of Bosnia and

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 Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

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 professional judges who are absent for the prolonged period of time. The reserve judges perform their duties on a full-time basis; an equal legal

Q021 (2021): In 2021, reserve judges resolved around 4% of the overall number of cases decided by the courts in

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

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 law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came into force. 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 assistant, witness support officer etc.

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 laws of Bosnia and

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 questionnaire in order to ensure consistency with the statistics provided for the Q55 in the Questionnaire dashboard

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.

Montenegro

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 2021 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service 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 work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service that, 19 judges were in the position related to the second instance before the termination of their judicial function, while 12 judges performed the function of a judge of the Supreme Court of Montenegro. For this reason, there was a difference compared to last year's report. In particular, a number of judges have exercised their right to a pension.

The procedure for selecting new judges takes some time. At the beginning of 2022, a number of new judges were

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

a significant discrepancy (last report there the answer was 78)

Please take into account that in last year's report, the percentage of women in the "Other non-judge staff" category was 17.48, while this year the percentage was 26.06, which we believe is not a big deviation.

December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

Q027 (2021): The Judicial Council pointed out the fact that there has been a reduction in the number of employees in the Supreme Court of Montenegro, and for that reason the number of men is lower compared to last year's report.

December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

that these changes are not significant. Significant differences in percentages can occur because the total number of prosecutors is relatively small.

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.

North Macedonia

first instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.

amount of allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020.

Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for and on the Law on public prosecutor's salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under special and judges in Administrative court.

2. Number of second instance professional judges is the sum of the number of judges in all 4 appellate courts and judges in High Administrative court.

The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of and judges in Administrative court.

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

judges participate in the trial when it is determined by the procedural laws (Law on Criminal Procedure, Law on Litigation Procedure etc.). Article 42 (Law on courts) regulates that every adult citizen of the Republic of North Macedonia who has completed at least secondary education, who is fluent in Macedonian language, has a reputation for exercising this function and is not older than 60 years, may be elected as a Lay judge. Lay judges shall be elected and dismissed by the Judicial Council of the Republic of North Macedonia under the conditions and in the procedure set by the law. A juvenile trial lay judge is elected from persons with experience in upbringing and education of young people.

Discrimination on grounds of gender, race, color of the skin, national and social background, political and religious belief, material and social position shall be prohibited in election of judges and lay judges.

Equitable representation of the citizens from all communities shall be ensured when electing judges and lay judges without disturbing the criteria prescribed by law.

A person who is related in vertical or horizontal line up to third degree or is a spouse of a judge or lay judge cannot be elected judge or lay judge in the same court. A person who is related in vertical or horizontal line up to third degree or is a spouse of a member of the Judicial Council cannot be elected judge or lay judge.

The Judicial Council is responsible for determination of the optimal number of judges and lay judges in the courts of the Republic of North Macedonia.

Upon completion of the election, the Lay judges shall mandatorily attend specialized training, organized by the Academy for Judges and Public Prosecutors, after which the Academy shall issue a certificate for completed training to them.

The content, duration and the delivery of the training shall be defined by specialized programme for training of lay judges by the Academy for Judges and Public Prosecutors.

Lay judge are elected for a period of four years and may be re-elected. The lay judges shall give the solemn oath in front of the president of the court where they are elected.

According to article 66 (Law on courts) "A lay judge cannot be held liable for a stated opinion and manner of deciding during the adoption".

A procedure for damage compensation or another procedure cannot be conducted against a judge or a lay judge by a party that is not satisfied with the decision of the judge. According to the article 64(Law on courts), the lay judges shall be entitled to compensation for carrying out the activities of a lay judge and the Minister of Justice adopts

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

Q026 (2021): Court police.

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.

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

Q028 (2021): One prosecutor is retired and other is part of the Council by function.

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.

Serbia

Q014 (General Comment): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021>

Q014 (2021): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021>

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

Q015 (2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This 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 receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from 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 receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from

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.

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 judges for mandate of 5 years. The effective number of lay judges is 2130.

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.

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.

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

Q028 (2021): In the Prosecutor's Office for War Crimes and Organized Crime, the function of the Deputy Prosecutor is performed by 18 persons, of which 8 are female and 10 are male.

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

Q033 (2021): The number of male and female lawyers are not available this year because The Bar Association of

Q034 (2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of

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

Kosovo*

Q014 (2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for 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 referring to the data work in the general department of the basic prosecution offices.

Salary for "public prosecutor of the supreme court or the highest appellate instance" is the salary of prosecutors in 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 year, they provided us with the highest salary in Supreme Court, and not the average. We figured it out this year, during our internal meetings, and the level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

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

promotion. The recruiting process of new judges is finalized and in early January the list of the new judges have been decreed by the president.

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

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

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

Q026 (2021): Elaborated in the comment sections of the table above.

2021 have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Prosecution Administration, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices and 2 heads of Departments in BPO Prishtina. The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2021 was 182.

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

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.

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 time)?

(Please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

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

Question 21. Do these professional judges sitting in courts on an occasional basis deal with a significant part of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

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

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

(this data should not include the staff working for public prosecutors; see question 32 (please give the information in full-time equivalent and for posts actually filled)

should not include the staff working for public prosecutors; see question 32) (please give the information in full-time equivalent and for posts actually filled)

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

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 under December of the reference year and without the number of non-judge staff, see question 26 (in full-time equivalent and for posts actually filled).

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 example, some

Question 014

Bosnia and Herzegovina

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

Serbia

(General Comment): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021>

(2021): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2021>

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

Kosovo*

(2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for the

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 referring to the data from Agency,

Question 015

Albania

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 positions as against the civil service positions or to enable its classification into the respective category or class.

Bosnia and Herzegovina

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 aforementioned factors,

amount as prescribed by law together with allowances added to the net salary subject to years of employment, and other contributions for the calculation of gross salaries. Deviations occur due to the application of different legal regulations on entity level, i.e. specifically with reference to judicial office positions in the Brcko District BiH, where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

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 aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors.

Montenegro

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 2021 had the highest number of years of work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the

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 work experience, their retirement had the effect of reducing the average salary of judges, because judges with fewer years of service remained in the

North Macedonia

instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.

allowances has been paid on judges for the previous years. That type of allowances has not been paid in 2020. Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

Serbia

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

Kosovo*

in the general department of the basic prosecution offices.

Salary for “public prosecutor of the supreme court or the highest appellate instance” is the salary of prosecutors in

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 year, they provided us with the highest salary in Supreme Court, and not the average. We figured it out this year, during our internal meetings, and

Question 016

Albania

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 a state funded home loan, this shall be benefited only

Bosnia and Herzegovina

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 aforementioned factors,

North Macedonia

the Law on public prosecutor's salaries.

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

Serbia

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 receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from

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 receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from

Kosovo*

level of risk that they face having in mind the competencies that SPRK has. These additions to the salary are received based on a decision by the Government which is taken annually.

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

Question 018

Albania

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 procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural

Question 019

Albania

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. Currently the High court has 4 judges (one of them is currently acting as a member of the High Judicial Council, therefore his mandate as a High

Bosnia and Herzegovina

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 laws of Bosnia and

(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 Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

Montenegro

judges were in the position related to the second instance before the termination of their judicial function, while 12 judges performed the function of a judge of the Supreme Court of Montenegro. For this reason, there was a difference compared to last year's report. In particular, a number of judges have exercised their right to a pension. The procedure for selecting new judges takes some time. At the beginning of 2022, a number of new judges were

(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

judges in Administrative court.

2. Number of second instance professional judges is the sum of the number of judges in all 4 appellate courts and judges in High Administrative court.

The number of the judges is decreasing, due to the retirements and long process of trainings in Academy. From 2013 the only selections process to become a judge or as a public prosecutor is through the training (24 months) in the Academy for judges and prosecutors. So, the process of selection and appointment of qualified judges and prosecutors is around 3 years. Also, in the Strategy for reform of judicial sector 2017-2022 with Action plan, one of

judges in Administrative court.

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

Kosovo*

promotion. The recruiting process of new judges is finalized and in early January the list of the new judges have been decreed by the president.

Question 020

Bosnia and Herzegovina

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 professional judges who are absent for the prolonged period of time. The reserve judges perform their duties on a full-time basis; an equal legal framework

Kosovo*

(2020): This is not applicable in our system

Question 021

Bosnia and Herzegovina

(2021): In 2021, reserve judges resolved around 4% of the overall number of cases decided by the courts in Bosnia

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

Kosovo*

(2020): This is not applicable in our system

Question 022

Bosnia and Herzegovina

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 law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came

North Macedonia

participate in the trial when it is determined by the procedural laws (Law on Criminal Procedure, Law on Litigation Procedure etc.). Article 42 (Law on courts) regulates that every adult citizen of the Republic of North Macedonia who has completed at least secondary education, who is fluent in Macedonian language, has a reputation for exercising this function and is not older than 60 years, may be elected as a Lay judge. Lay judges shall be elected and dismissed by the Judicial Council of the Republic of North Macedonia under the conditions and in the procedure set by the law. A juvenile trial lay judge is elected from persons with experience in upbringing and education of young people. Discrimination on grounds of gender, race, color of the skin, national and social background, political and religious belief, material and social position shall be prohibited in election of judges and lay judges. Equitable representation of the citizens from all communities shall be ensured when electing judges and lay judges without disturbing the criteria prescribed by law.

A person who is related in vertical or horizontal line up to third degree or is a spouse of a judge or lay judge cannot be elected judge or lay judge in the same court. A person who is related in vertical or horizontal line up to third degree or is a spouse of a member of the Judicial Council cannot be elected judge or lay judge.

The Judicial Council is responsible for determination of the optimal number of judges and lay judges in the courts of the Republic of North Macedonia.

Upon completion of the election, the Lay judges shall mandatorily attend specialized training, organized by the Academy for Judges and Public Prosecutors, after which the Academy shall issue a certificate for completed training to them.

The content, duration and the delivery of the training shall be defined by specialized programme for training of lay judges by the Academy for Judges and Public Prosecutors.

Lay judge are elected for a period of four years and may be re-elected. The lay judges shall give the solemn oath in front of the president of the court where they are elected.

According to article 66 (Law on courts) "A lay judge cannot be held liable for a stated opinion and manner of deciding during the adoption".

A procedure for damage compensation or another procedure cannot be conducted against a judge or a lay judge by a party that is not satisfied with the decision of the judge. According to the article 64(Law on courts), the lay judges shall be entitled to compensation for carrying out the activities of a lay judge and the Minister of Justice adopts detailed regulations on the compensations of the lay judges of a court decisions.

(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 judges for mandate of 5 years. The effective number of lay judges is 2130.

Kosovo*

(2020): 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.

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

Bosnia and Herzegovina

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 assistant, witness support officer etc.

Montenegro

significant discrepancy (last report there the answer was 78)

Please take into account that in last year's report, the percentage of women in the "Other non-judge staff" category was 17.48, while this year the percentage was 26.06, which we believe is not a big deviation.

December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

North Macedonia

(2021): Court police.

(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.

Kosovo*

(2021): Elaborated in the comment sections of the table above.

Question 027

Albania

(2021): Public prosecutors and non-prosecutor staff.

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

Montenegro

(2021): The Judicial Council pointed out the fact that there has been a reduction in the number of employees in the Supreme Court of Montenegro, and for that reason the number of men is lower compared to last year's report.

December 31, 2020. We do not have a specific answer to the question why the structure of employees by certain categories has changed.

North Macedonia

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

Question 028

Albania

(2021): Total number of prosecutors: 321 full-time equivalent, 205 posts actually filled.

Number of prosecutors at first instance level: 278 full-time equivalent, 177 posts actually filled.

Number of prosecutors at second instance (court of appeal) level: 26 full-time equivalent, 16 posts actually filled.

Number of prosecutors at Supreme Court level: 17 full-time equivalent, 12 posts actually filled.

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 in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

Bosnia and Herzegovina

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 laws of Bosnia and

18 chief prosecutors were appointed on 31st December 2020.

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).

Montenegro

these changes are not significant. Significant differences in percentages can occur because the total number of prosecutors is relatively small.

(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.

North Macedonia

(2021): One prosecutor is retired and other is part of the Council by function.

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

Serbia

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

(2021): In the Prosecutor's Office for War Crimes and Organized Crime, the function of the Deputy Prosecutor is

(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

Kosovo*

have not handled cases as a result of their functions in the prosecutorial system. Prosecutors who are not included in this number are: Chairman of the Council, Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Prosecution Administration, Chairman of the Commission for Evaluation of Performance of Prosecutors, Chairman of Committee for Budget, Finance and Personnel, the Chief Prosecutor of the Appellate Prosecution, the Chief Prosecutor of the Special Prosecution, the Chief Prosecutors of the 7 Basic Prosecution Offices and 2 heads of Departments in BPO Prishtina.

The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2021 was 182.

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

Question 032

Albania

(2021): From the total number, 160 are male judicial police officers and 40 are female judicial police officers. 112 are males having administrative duties and 295 are females having administrative duties.

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

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.

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.

Question 033

Albania

(2021): Total number of those who have lawyers' license/title is 11.934. However, the reported number (2633) is

Serbia

(2021): The number of male and female lawyers are not available this year because The Bar Association of Serbia did

Kosovo*

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

Question 034

Albania

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

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

Serbia

(2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can

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

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.

3.Efficiency - Overview

Performance indicators for first instance Civil (and Commercial) litigious cases

Civil (and commercial) litigious cases from 2018 to 2021 (Tables no. 3.1.4)

1st Instance	Civil and Commercial litigious			
Clearance Rate	2018	2019	2020	2021
Albania	98%	94%	85%	95%
Bosnia and Herzegovina	126%	114%	103%	108%
Montenegro	105%	99%	107%	92%
North Macedonia	101%	99%	90%	99%
Serbia	110%	93%	71%	74%
Kosovo*	-	85%	70%	53%
WB Average	108%	100%	91%	94%
WB Median	105%	99%	90%	95%

For reference only: the 2020 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 98%.

1st Instance	Civil and Commercial litigious			
Disposition Time	2018	2019	2020	2021
Albania	172	183	366	279
Bosnia and Herzegovina	483	528	639	512
Montenegro	229	256	280	359
North Macedonia	179	193	294	253
Serbia	225	306	472	403
Kosovo*	-	852	1150	1339
WB Average	258	293	410	361
WB Median	225	256	366	359

For reference only: the 2020 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 221 days.

Figure 3.1.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2018 to 2021

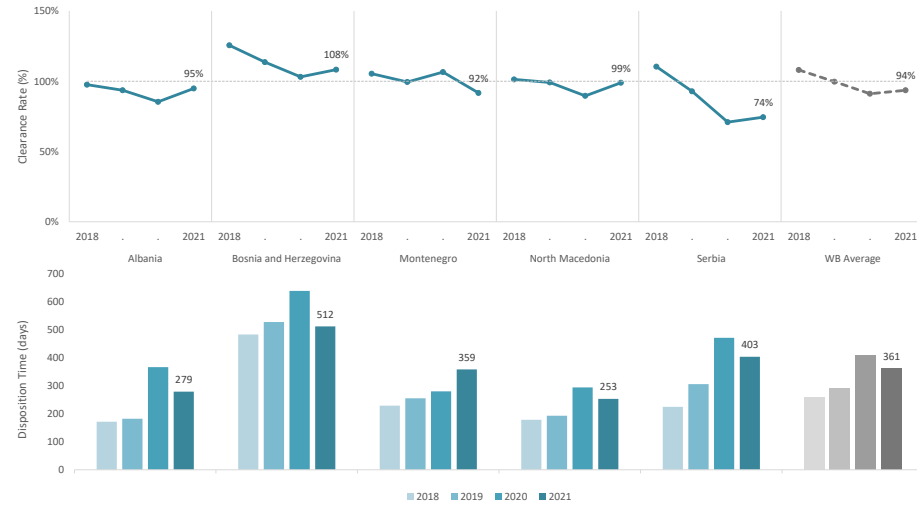
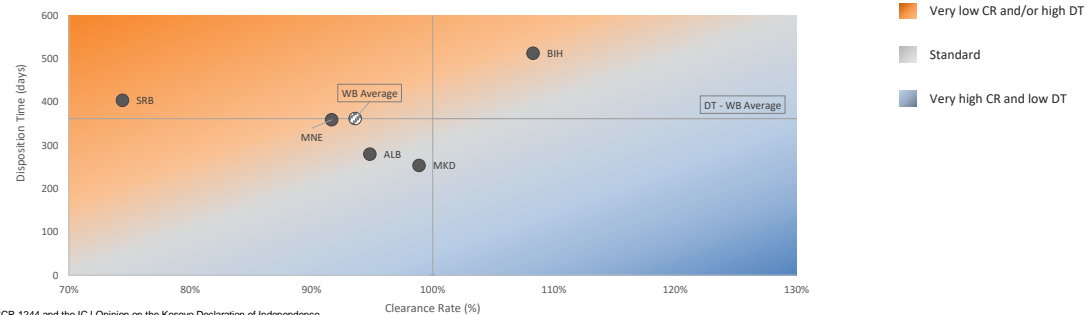


Figure 3.1.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2021



* 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

Performance indicators for first instance Total Criminal law cases

First instance Total Criminal law cases between 2018 and 2021 (Tables no. 3.1.9)

1st instance	Total Criminal			
	2018	2019	2020	2021
Clearance Rate				
Albania	98%	82%	74%	100%
Bosnia and Herzegovina	102%	96%	95%	101%
Montenegro	97%	101%	96%	101%
North Macedonia	101%	89%	98%	103%
Serbia	104%	101%	98%	99%
Kosovo*	-	NA	NA	NA
WB Average	101%	94%	92%	101%
WB Median	101%	96%	96%	101%

For reference only: the 2020 EU median for the Clearance Rate for the first instance Total Criminal law cases is 95%.

1st instance	Total Criminal			
	2018	2019	2020	2021
Disposition Time				
Albania	81	181	294	67
Bosnia and Herzegovina	293	289	316	270
Montenegro	199	193	253	265
North Macedonia	190	216	216	132
Serbia	132	128	155	145
Kosovo*	-	NA	NA	NA
WB Average	179	201	247	176
WB Median	190	193	253	145

For reference only: the 2020 EU median for the Disposition Time for the first instance Total Criminal law cases is 139 days.

Figure 3.1.3 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal law cases from 2018 to 2021

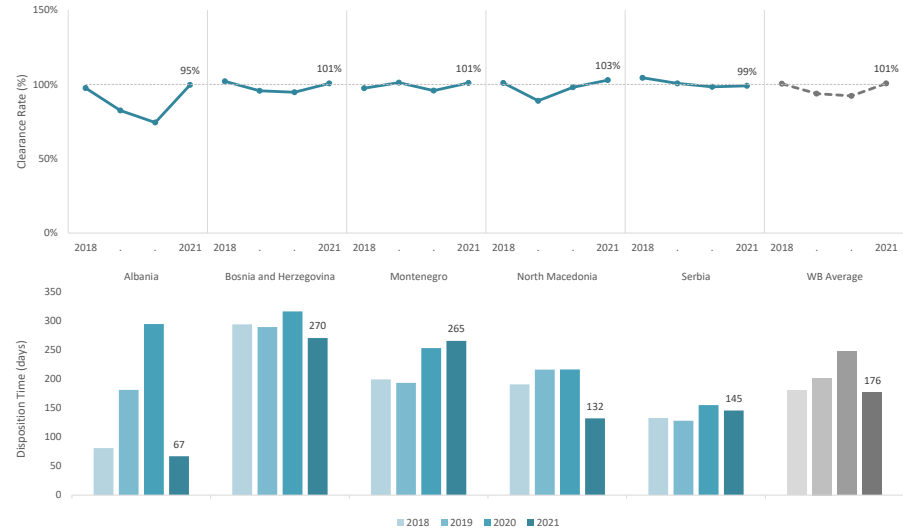
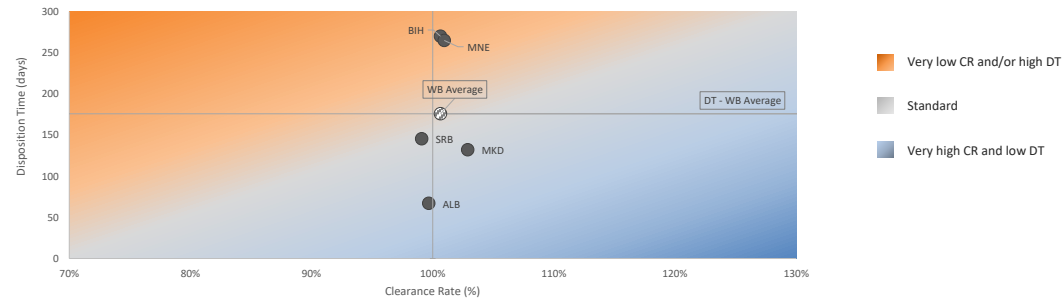


Figure 3.1.4 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal cases in 2021



* 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

Performance indicators for first instance Administrative law cases

First instance Administrative law cases between 2018 and 2021 (Tables no. 3.1.4)

1st instance	Administrative			
	2018	2019	2020	2021
Clearance Rate				
Albania	99%	99%	94%	96%
Bosnia and Herzegovina	94%	96%	98%	107%
Montenegro	104%	105%	129%	92%
North Macedonia	114%	116%	110%	87%
Serbia	73%	94%	72%	56%
Kosovo*	-	93%	102%	94%
WB Average	97%	102%	100%	88%
WB Median	99%	99%	98%	92%

For reference only: the 2020 EU median for the Clearance Rate for the first instance Administrative law cases is 100%.

1st instance	Administrative			
	2018	2019	2020	2021
Disposition Time				
Albania	90	100	199	152
Bosnia and Herzegovina	393	386	424	329
Montenegro	401	540	441	544
North Macedonia	281	235	228	348
Serbia	745	677	754	1089
Kosovo*	-	787	1188	798
WB Average	382	388	409	492
WB Median	393	386	424	348

For reference only: the 2020 EU median for the Disposition Time for the first instance Administrative law cases is 388 days.

Figure 3.1.5 Clearance Rate (%) and Disposition Time (days) for first instance Administrative law cases from 2018 to 2021

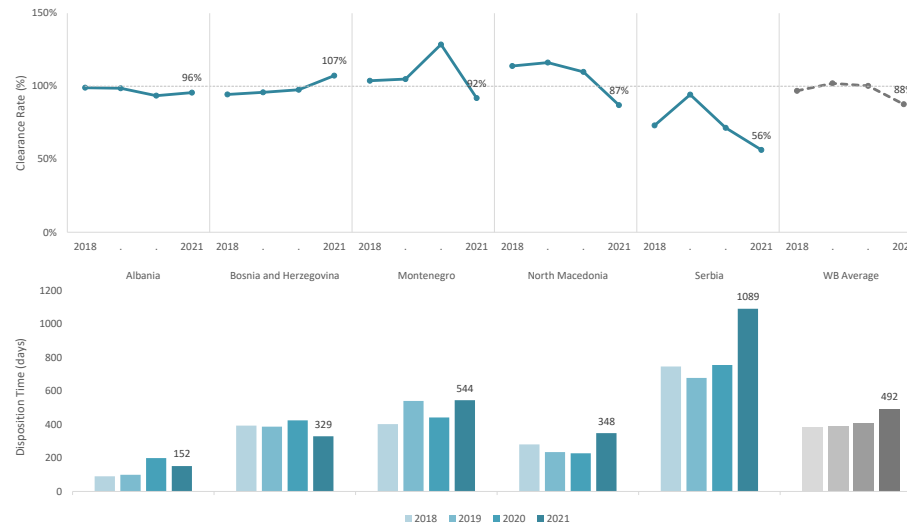
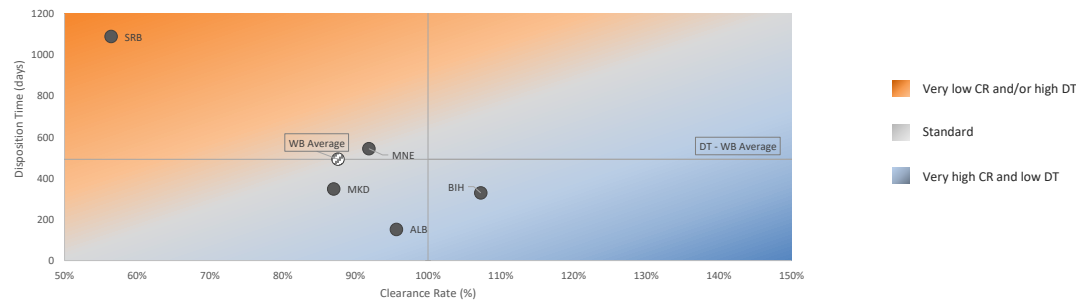


Figure 3.1.6 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2021



* 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

Number of first instance cases per 100 inhabitants

Number of first instance per 100 inhabitants and variation between 2019 and 2021 (Tables no. 3.1.2 and 3.1.7)

	Civil and Commercial litigious cases per 100 inhabitants					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,87	0,83	0,63	0,5%	1,9%	55,8%
Bosnia and Herzegovina	3,07	3,32	4,66	1,3%	-3,4%	-6,2%
Montenegro	3,38	3,10	3,05	-24,1%	-30,0%	-1,7%
North Macedonia	2,00	1,97	1,37	2,9%	2,7%	34,7%
Serbia	9,13	6,80	7,51	103,7%	63,3%	115,5%
Kosovo*	2,48	1,32	4,84	77,9%	11,7%	75,6%
WB Average	3,69	3,20	3,45	16,9%	6,9%	39,6%
WB Median	3,07	3,10	3,05	1,3%	1,9%	34,7%

For reference only: the 2020 EU median is 1,56 incoming first instance Civil and commercial litigious cases per 100 inhabitants.

	Total Criminal law cases per 100 inhabitants					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	1,64	1,64	0,30	225,2%	293,2%	45,4%
Bosnia and Herzegovina	5,41	5,45	4,03	8,4%	14,0%	6,6%
Montenegro	8,82	8,90	6,46	-23,3%	-23,5%	5,1%
North Macedonia	4,55	4,68	1,69	53,6%	77,6%	8,7%
Serbia	28,38	28,12	11,20	-3,8%	-5,3%	7,8%
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	9,76	9,76	4,74	52,0%	71,2%	14,7%
WB Median	5,41	5,45	4,03	8,4%	14,0%	7,8%

For reference only: the 2020 EU median is 1,6 incoming first instance Total Criminal law cases per 100 inhabitants.

	Administrative law cases per 100 inhabitants					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,57	0,54	0,22	-38,6%	-40,5%	-9,4%
Bosnia and Herzegovina	0,23	0,25	0,22	0,4%	12,4%	-4,4%
Montenegro	1,06	0,98	1,46	1,7%	-10,9%	-10,3%
North Macedonia	0,32	0,28	0,27	5,7%	-20,8%	17,3%
Serbia	0,56	0,32	0,94	76,1%	5,4%	69,4%
Kosovo*	0,19	0,18	0,39	7,2%	8,0%	9,6%
WB Average	0,55	0,47	0,62	9,0%	-10,9%	12,5%
WB Median	0,56	0,32	0,27	1,7%	-10,9%	-4,4%

For reference only: the 2020 EU median is 0,3 incoming first instance Administrative law cases per 100 inhabitants.

Albania: In 2020, the change of the templates used for manual data collection has caused some discrepancies in the number of pending cases compared to the previous cycle.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Kosovo*: In 2020, 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 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 calculation of summary statistics

Figure 3.1.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021

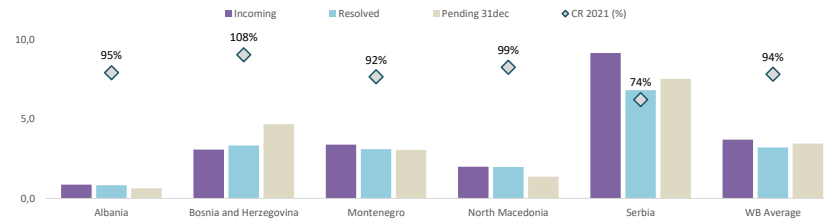


Figure 3.1.8 Number of first instance Total Criminal law cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021

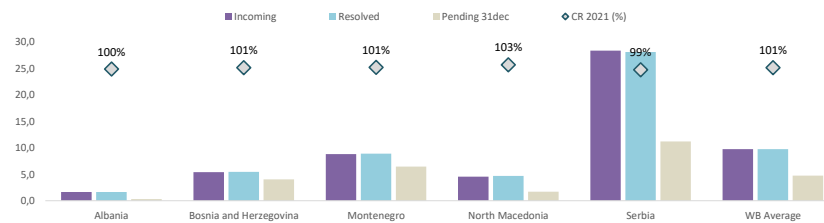
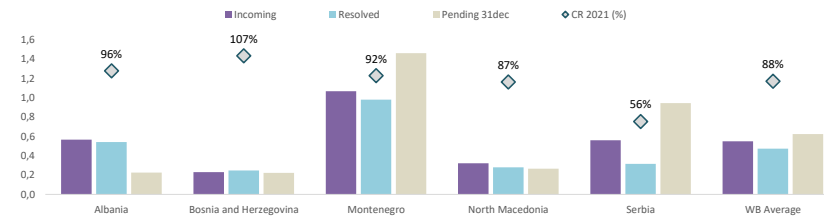


Figure 3.1.9 Number of first instance Administrative law cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021



Number of second instance cases per 100 inhabitants

Number of second instance per 100 inhabitants and variation between 2019 and 2021 (Tables no. 3.1.12 and 3.1.17)

	Civil and Commercial litigious cases					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,21	0,12	0,54	NA	NA	NA
Bosnia and Herzegovina	0,71	0,82	0,84	-14,4% ▼	-12,3% ▼	-26,5% ▼
Montenegro	1,26	1,30	0,28	NA	NA	NA
North Macedonia	0,93	0,87	0,34	5,4% ▲	-0,8% ▼	0,7% ▲
Serbia	2,96	2,19	2,09	36,6% ▲	3,1% ▲	76,1% ▲
Kosovo*	0,63	0,41	0,73	56,2% ▲	-16,8% ▼	26,6% ▲
WB Average	1,21	1,06	0,82	9,2%	-3,3%	16,8%
WB Median	0,93	0,87	0,54	5,4%	-0,8%	0,7%

For reference only: the 2020 EU median is 0,18 incoming second instance Civil and commercial litigious cases per 100 inhabitants.

	Total Criminal law cases					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,30	0,23	0,32	72,5% ▲	54,2% ▲	83,1% ▲
Bosnia and Herzegovina	0,38	0,38	0,06	-1,9% ▼	-3,8% ▼	-12,8% ▼
Montenegro	0,50	0,47	0,05	-10,8% ▼	-15,9% ▼	199,0% ▲
North Macedonia	0,38	0,38	0,14	15,0% ▲	14,3% ▲	2,5% ▲
Serbia	0,87	0,86	0,08	3,9% ▲	4,3% ▲	20,9% ▲
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	0,49	0,47	0,13	15,8%	10,6%	58,5%
WB Median	0,38	0,38	0,08	3,9%	4,3%	20,9%

For reference only: the 2020 EU median is 0,15 incoming second instance Total Criminal law cases per 100 inhabitants.

	Administrative law cases					
	2021			% variation 2019-2021		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,15	0,03	0,66	NA	NA	NA
Bosnia and Herzegovina	0,10	0,15	0,15	-16,7% ▼	17,9% ▲	-18,9% ▼
Montenegro	0,16	0,15	0,04	NA	NA	NA
North Macedonia	0,14	0,16	0,04	-22,3% ▼	11,2% ▲	-50,5% ▼
Serbia	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	0,07	0,05	0,06	13,1% ▲	5,4% ▲	86,6% ▲
WB Average	0,14	0,12	0,22	-19,5%	14,5%	-34,7%
WB Median	0,14	0,15	0,10	-19,5%	14,5%	-34,7%

For reference only: the 2020 EU median is 0,05 incoming second instance Administrative law cases per 100 inhabitants.

Albania: In 2020, the change of the templates used for manual data collection has caused some discrepancies in the number of pending cases compared to the previous cycle.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Kosovo*: In 2020, 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 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 calculation of summary statistics

Figure 3.1.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021

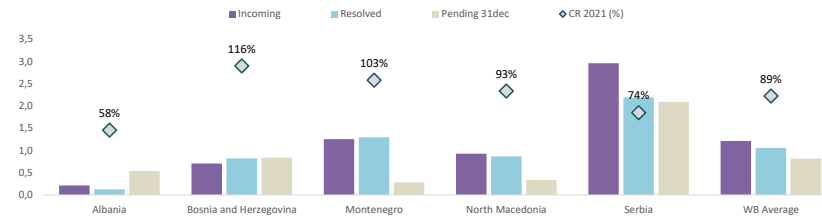


Figure 3.1.11 Number of second instance Total Criminal law cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021

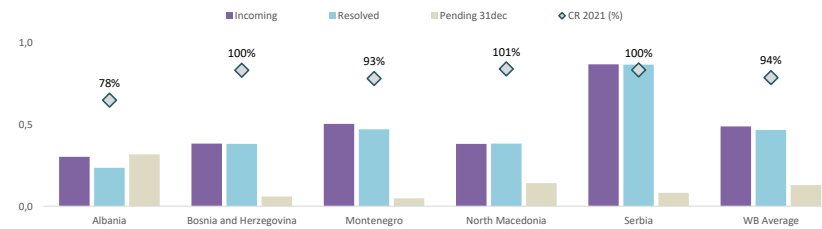
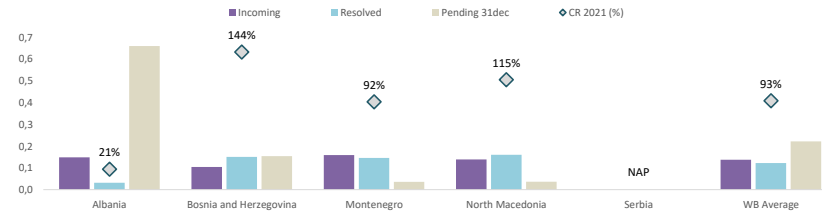


Figure 3.1.12 Number of second instance Administrative law cases per 100 inhabitants and the relative Clearance Rate (CR) in 2021

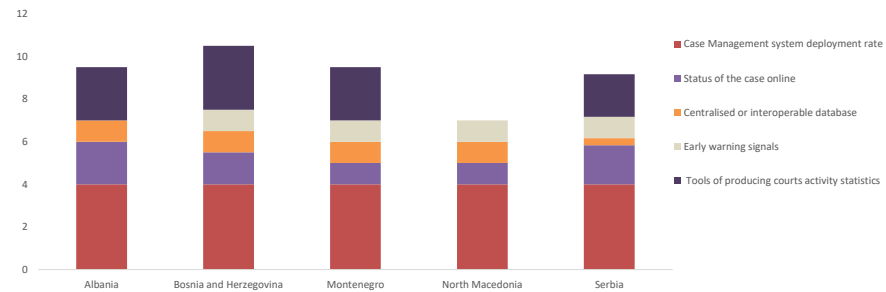


CMS index

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)
	(4 max)	(3 max)	(1 max)	(1 max)	(3max)	
Albania	4,0	2,0	1,0	0,0	2,5	9,5
Bosnia and Herzegovina	4,0	1,5	1,0	1,0	3,0	10,5
Montenegro	4,0	1,0	1,0	1,0	2,5	9,5
North Macedonia	4,0	1,0	1,0	1,0	0,0	7,0
Serbia	4,0	1,8	0,3	1,0	2,0	9,2
Kosovo*	2,6	1,0	1,0	1,0	2,5	8,1

Figure 3.3.1 CMS Index in 2021



* 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

3. Efficiency - List of tables

3.1 First instance cases

Table 3.1.1 First instance courts: number of other than criminal law cases in 2021 (Q35)

Table 3.1.2 First instance courts: number of other than criminal law cases per 100 inhabitants in 2021 (Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal law cases between 2020 and 2021 (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 2021 (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 2020 and 2021 (Q38)

Table 3.1.6 First instance courts: number of Criminal law cases in 2021 (Q38)

Table 3.1.7 First instance courts: number of Criminal law cases per 100 inhabitants in 2021 (Q38)

Table 3.1.8 First instance courts: percentage variation of the number of criminal law cases between 2020 and 2021 (Q38)

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (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 2020 and 2021 (Q38)

3.1 Second instance courts

Table 3.1.11 Second instance courts (appeal): Number of "other than criminal law" cases in 2021 (Q39)

Table 3.1.12 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2021 (Q39)

Table 3.1.13 Second instance courts (appeal): percentage variation of the number of "other than criminal law" cases between 2020 and 2021 (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 2021 (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 2020 and 2021 (Q39)

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2021 (Q40)

Table 3.1.17 Second instance courts (appeal): Number of Criminal law cases per 100 inhabitants in 2021 (Q40)

Table 3.1.18 Second instance courts (appeal): percentage variation in number of criminal law cases between 2020 and 2021 (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 2021 (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 2020 and 2021 (Q38)

3.1 Special category cases

Table 3.1.21 Special category cases: Civil and commercial litigious cases and Litigious divorce cases in 2021 (Q41)

Table 3.1.22 Special category cases: Employment dismissal cases and Insolvency cases in 2021 (Q41)

Table 3.1.23 Special category cases: Robbery cases and Intentional homicide cases in 2021 (Q41)

Table 3.1.24 Special category cases: Bribery cases and Trading in influence cases in 2021 (Q41)

Table 3.1.25 Civil and commercial litigious cases and Litigious divorce cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.26 Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

3. Efficiency - List of tables

Table 3.1.27 Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.28 Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.29 Open questions in Indicator 3.1: case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal law cases (Q36 and Q37)

3.2 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.2.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021 (Q42 and Q43)

Table 3.2.2 Performance and quality indicators at court level in 2021 (Q44 and Q45)

Table 3.2.3 Performance and quality indicators at public prosecution services level in 2021 (Q46 and Q47)

Table 3.2.4 Evaluation of the performance at court level in 2021 (Q48, Q49, Q50, Q51 and Q56)

Table 3.2.5 Evaluation of performance at public prosecution services level in 2021 (Q52, Q53, Q54, Q55 and Q57)

Table 3.2.6 Measuring courts' activity in 2021 (Q58)

Table 3.2.7 Measuring public prosecution services' activity in 2021 (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 2021 (Q60 and Q61)

Table 3.2.9 Information regarding courts and public prosecution services' activity in 2021 (Q62, Q63, Q64, Q65, Q66, Q67, Q68, Q69, Q70 and Q71)

Table 3.2.10 Existence of a process or a structure of dialogue implemented by courts in 2021 (Q72 and Q73)

Table 3.2.11 Performance and evaluation of judges in 2021 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.2.12 Performance and evaluation of public prosecutors in 2021 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

3.3 Electronic case management system and court activity statistics

Table 3.3.1 IT Strategy and Case management system in 2021 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.3.2 CMS Index in 2021 (Q83)

Table 3.3.3 Centralised national database of court decisions in 2021 (Q84, Q85)

3.1 First instance cases

Table 3.1.1 First instance courts: number of other than criminal law cases in 2021 (Q35)

Beneficiaries	First instance Other than criminal law cases in 2021																									
	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	16 400	24 347	23 089	17 658	997	4 028	40 618	34 098	10 548	4	5 584	15 802	15 113	6 273	642	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	2 112 414	1 136 002	1 156 173	2 092 243	1 561 559	170 929	106 623	115 460	162 092	76 680	1 933 162	1 021 368	1 032 121	1 922 409	1 482 967	8 323	8 011	8 592	7 742	1 912	NAP	NAP	NAP	NAP	NAP	NAP
Montenegro	27 069	34 525	32 046	29 500	4 489	17 189	20 958	19 214	18 887	4 167	1 134	4 784	4 599	1 319	232	8 505	6 602	6 065	9 040	66	241	2 181	2 168	254	24	
North Macedonia	31 508	75 720	74 521	32 700	NA	24 758	36 670	36 261	25 160	NA	1 918	32 160	32 088	1 990	NA	4 119	5 893	5 128	4 884	NA	713	997	1 044	666	NA	
Serbia	784 490	1 325 588	1 400 565	709 513	130 407	355 833	627 599	467 106	516 326	68 934	378 733	528 290	780 436	126 587	47 466	47 987	38 478	21 703	64 762	13 634	1 937	131 221	131 320	1 838	373	
Kosovo*	NA	NA	NA	NA	NA	66 118	44 657	23 728	87 047	29 093	NA	NA	NA	NA	NA	6 767	3 408	3 193	6 982	1 830	NA	NA	NA	NA	NA	
Average	738 870	642 959	665 826	715 989	565 485	117 022	163 239	132 226	148 025	37 695	463 795	325 444	376 668	412 571	382 667	14 904	14 957	11 320	18 540	4 064	964	44 800	44 844	919	-	
Median	407 999	605 861	615 347	371 107	130 407	24 758	36 670	36 261	25 160	36 551	4 028	40 618	34 098	10 548	23 849	8 323	8 011	8 592	7 742	1 277	713	2 181	2 168	666	-	
Minimum	27 069	34 525	32 046	29 500	4 489	16 400	20 958	19 214	17 658	997	1 134	4 784	4 599	1 319	4	4 119	5 893	5 128	4 884	66	241	997	1 044	254	-	
Maximum	2 112 414	1 325 588	1 400 565	2 092 243	1 561 559	355 833	627 599	467 106	516 326	76 680	1 933 162	1 021 368	1 032 121	1 922 409	1 482 967	47 987	38 478	21 703	64 762	13 634	1 937	131 221	131 320	1 838	-	

* 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 3.1.2 First instance courts: number of other than criminal law cases per 100 inhabitants in 2021 (Q35)

Beneficiaries	First instance Other than criminal law cases per 100 inhabitants in 2021																								
	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	0,59	0,87	0,83	0,63	0,04	0,14	1,45	1,22	0,38	0,00	0,20	0,57	0,54	0,22	0,02	NA	NA	NA	NA	NA
Bosnia and Herzegovina	60,79	32,69	33,27	60,21	44,94	4,92	3,07	3,32	4,66	2,21	55,63	29,39	29,70	55,32	42,68	0,24	0,23	0,25	0,22	0,06	NAP	NAP	NAP	NAP	NAP
Montenegro	4,37	5,57	5,17	4,76	0,72	2,77	3,38	3,10	3,05	0,67	0,18	0,77	0,74	0,21	0,04	1,37	1,06	0,98	1,46	0,01	0,04	0,35	0,35	0,04	0,00
North Macedonia	1,72	4,12	4,06	1,78	NA	1,35	2,00	1,97	1,37	NA	0,10	1,75	1,75	0,11	NA	0,22	0,32	0,28	0,27	NA	0,04	0,05	0,06	0,04	NA
Serbia	11,42	19,29	20,38	10,33	1,90	5,18	9,13	6,80	7,51	1,00	5,51	7,69	11,36	1,84	0,69	0,70	0,56	0,32	0,94	0,20	0,03	1,91	1,91	0,03	0,01
Kosovo*	NA	NA	NA	NA	NA	3,68	2,48	1,32	4,84	1,62	NA	NA	NA	NA	NA	0,38	0,19	0,18	0,39	0,10	NA	NA	NA	NA	NA
Average	19,57	15,42	15,72	19,27	15,85	2,96	3,69	3,20	3,45	0,98	12,31	8,21	8,95	11,57	10,85	0,55	0,55	0,47	0,62	0,07	0,04	0,77	0,77	0,03	-
Median	7,89	12,43	12,78	7,54	1,90	2,77	3,07	3,10	3,05	0,84	0,18	1,75	1,75	0,38	0,36	0,24	0,56	0,32	0,27	0,04	0,04	0,35	0,35	0,04	-
Minimum	1,72	4,12	4,06	1,78	0,72	0,59	0,87	0,83	0,63	0,04	0,10	0,77	0,74	0,11	0,00	0,20	0,23	0,25	0,22	0,01	0,03	0,05	0,06	0,03	-
Maximum	60,79	32,69	33,27	60,21	44,94	5,18	9,13	6,80	7,51	2,21	55,63	29,39	29,70	55,32	42,68	1,37	1,06	0,98	1,46	0,20	0,04	1,91	1,91	0,04	-

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.1.3 First instance courts: percentage variation of number of other than criminal law cases between 2020 and 2021 (Q35)

Beneficiaries	First instance Other than criminal law cases: percentage variation between 2020 and 2021																								
	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	17%	24%	37%	4%	139%	NA	NA	NA	NA	NA	-20%	1%	3%	-21%	-14%	NA	NA	NA	NA	NA
Bosnia and Herzegovina	2%	25%	28%	1%	-2%	-2%	13%	18%	-5%	6%	3%	26%	29%	1%	-2%	2%	9%	20%	-7%	58%	NAP	NAP	NAP	NAP	NAP
Montenegro	-12%	11%	-6%	9%	26%	-11%	0%	-14%	10%	25%	0%	58%	51%	16%	18%	-16%	21%	-14%	6%	-	-18%	32%	27%	5%	-45%
North Macedonia	10%	-4%	-2%	4%	NA	17%	7%	18%	2%	NA	-11%	-14%	-15%	4%	NA	-12%	-2%	-22%	19%	NA	9%	21%	36%	-7%	NA
Serbia	-19%	37%	22%	-9%	-65%	47%	62%	70%	45%	19%	-44%	21%	5%	-67%	-84%	24%	19%	-7%	35%	39%	-46%	18%	16%	-5%	-7%
Kosovo*	NA	NA	NA	NA	NA	17%	49%	14%	32%	20%	NA	NA	NA	NA	NA	6%	79%	64%	10%	6%	NA	NA	NA	NA	NA
Average	-5%	17%	10%	1%	-14%	14%	21%	26%	11%	47%	-13%	23%	18%	-11%	-23%	-4%	9%	-4%	6%	28%	-19%	24%	26%	-2%	-
Median	-5%	18%	10%	2%	-2%	17%	13%	18%	4%	22%	-6%	24%	17%	3%	-2%	-12%	9%	-7%	6%	39%	-18%	21%	27%	-5%	-
Minimum	-19%	-4%	-6%	-9%	-65%	-11%	0%	-14%	-5%	6%	-44%	-14%	-15%	-67%	-84%	-20%	-2%	-22%	-21%	-14%	-46%	18%	16%	-7%	-
Maximum	10%	37%	28%	9%	26%	47%	62%	70%	45%	139%	3%	58%	51%	16%	18%	24%	21%	20%	35%	58%	9%	32%	36%	5%	-

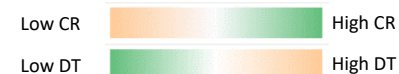
Lowest value  Highest value

* 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 3.1.4 First instance courts: Other than criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q35)

Beneficiaries	First instance Other than criminal law cases in 2021														
	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		
	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	95%	279	6%	84%	113	0%	96%	152	10%	NA	NA	NA
Bosnia and Herzegovina	102%	661	75%	108%	512	47%	101%	680	77%	107%	329	25%	NAP	NAP	NAP
Montenegro	93%	336	15%	92%	359	22%	96%	105	18%	92%	544	1%	99%	43	9%
North Macedonia	98%	160	NA	99%	253	NA	100%	23	NA	87%	348	NA	105%	233	NA
Serbia	106%	185	18%	74%	403	13%	148%	59	37%	56%	1089	21%	100%	5	20%
Kosovo*	NA	NA	NA	53%	1339	33%	NA	NA	NA	94%	798	26%	NA	NA	NA
Average	100%	335	36%	94%	361	22%	106%	196	33%	88%	492	14%	101%	94	-
Median	100%	260	18%	95%	359	18%	100%	105	28%	92%	348	16%	100%	43	-
Minimum	93%	160	15%	74%	253	6%	84%	23	0%	56%	152	1%	99%	5	-
Maximum	106%	661	75%	108%	512	47%	148%	680	77%	107%	1089	25%	105%	233	-



* 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 3.1.5 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 2020 and 2021 (Q38)

Beneficiaries	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 2020 and 2021														
	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		
	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	9,5	-23,8%	3,2	NA	NA	NA	2,1	-23,7%	0,9	NA	NA	NA
Bosnia and Herzegovina	2,6	-21,2%	-1,9	5,2	-19,8%	4,9	2,4	-21,5%	-2,7	9,7	-22,4%	10,1	NAP	NAP	NAP
Montenegro	-16,8	-16,2%	2,0	-14,8	-28,1%	2,7	-3,9	-23,2%	0,3	-36,7	-23,4%	0,7	-3,9	-16,8%	-8,8
North Macedonia	2,0	5,6%	NA	9,3	-14,0%	NA	-0,9	22,1%	NA	-22,8	52,5%	NA	11,6	-31,4%	NA
Serbia	-13,2	-25,5%	-29,1	3,5	-14,4%	-2,9	-21,7	-68,2%	-42,9	-15,1	-44,5%	0,6	-1,4	-18,4%	-0,3
Kosovo*	NA	NA	NA	-16,4	16,4%	-3,4	NA	NA	NA	-8,5	-32,8%	-1,1	NA	NA	NA
Average	-6,3	-6,2%	-9,6	2,5	-8,8%	2,0	-6,0	-22,7%	-15,1	-12,6	14,9%	3,1	2,1	-22,2%	-
Median	-5,6	-7,8%	-1,9	5,2	-14,4%	2,9	-2,4	-22,3%	-2,7	-15,1	23,4%	0,8	-1,4	-18,4%	-
Minimum	-16,8	-25,5%	-29,1	-14,8	-23,8%	-2,9	-21,7	-68,2%	-42,9	-36,7	-23,7%	0,6	-3,9	-31,4%	-
Maximum	2,6	16,2%	2,0	9,5	28,1%	4,9	2,4	22,1%	0,3	9,7	52,5%	10,1	11,6	-16,8%	-

* 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 3.1.6 First instance courts: number of Criminal law cases in 2021 (Q38)

Beneficiaries	First instance Criminal law cases in 2021																			
	Total 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	8 226	45 856	45 709	8 373	71	2 657	8 547	9 320	1 884	48	1 227	2 319	2 308	1 238	9	4 342	34 990	34 081	5 251	14
Bosnia and Herzegovina	141 162	188 029	189 241	139 950	34 131	7 688	8 704	9 003	7 389	1 407	44 747	60 392	56 814	48 325	120	88 727	118 933	123 424	84 236	32 604
Montenegro	40 601	54 688	55 209	40 070	NA	2 140	3 907	3 609	2 428	235	19 314	31 907	32 689	18 532	NA	19 147	18 874	18 911	19 110	NA
North Macedonia	33 493	83 563	85 980	31 076	NA	6 175	12 716	13 307	5 584	NA	27 318	70 847	72 673	25 492	NA	NAP	NAP	NAP	NAP	NAP
Serbia	752 122	1 950 213	1 932 577	769 758	150 612	29 357	46 392	47 189	28 560	5 950	221 917	359 047	349 921	231 043	12 189	500 848	1 544 774	1 535 467	510 155	132 473
Kosovo*	NA	NA	NA	NA	NA	36 367	20 080	21 059	35 388	15 672	22 153	31 281	22 346	31 088	673	NA	NA	NA	NA	NA
Average	195 121	464 470	461 743	197 845	61 605	9 603	16 053	16 486	9 169	1 910	62 905	104 902	102 881	64 926	4 106	153 266	429 393	427 971	154 688	55 030
Median	40 601	83 563	85 980	40 070	34 131	6 175	8 704	9 320	5 584	821	27 318	60 392	56 814	25 492	120	53 937	76 962	78 753	51 673	32 604
Minimum	8 226	45 856	45 709	8 373	71	2 140	3 907	3 609	1 884	48	1 227	2 319	2 308	1 238	9	4 342	18 874	18 911	5 251	14
Maximum	752 122	1 950 213	1 932 577	769 758	150 612	29 357	46 392	47 189	28 560	5 950	221 917	359 047	349 921	231 043	12 189	500 848	1 544 774	1 535 467	510 155	132 473

* 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*

Albania: The change of methodology for data collection has caused large discrepancies in the number of "other criminal cases".

Table 3.1.7 First instance courts: number of Criminal law cases per 100 inhabitants in 2021 (Q38)

Beneficiaries	First instance Criminal law cases per 100 inhabitants in 2021																			
	Total 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	0,29	1,64	1,64	0,30	0,00	0,10	0,31	0,33	0,07	0,00	0,04	0,08	0,08	0,04	0,00	0,16	1,25	1,22	0,19	0,00
Bosnia and Herzegovina	4,06	5,41	5,45	4,03	0,98	0,22	0,25	0,26	0,21	0,04	1,29	1,74	1,63	1,39	0,00	2,55	3,42	3,56	2,42	0,94
Montenegro	6,55	8,82	8,90	6,46	NA	0,35	0,63	0,58	0,39	0,04	3,12	5,15	5,27	2,99	NA	3,09	3,04	3,05	3,08	NA
North Macedonia	1,82	4,55	4,68	1,69	NA	0,34	0,69	0,72	0,30	NA	1,49	3,86	3,96	1,39	NA	NAP	NAP	NAP	NAP	NAP
Serbia	10,95	28,38	28,12	11,20	2,19	0,43	0,68	0,69	0,42	0,09	3,23	5,23	5,09	3,36	0,18	7,29	22,48	22,35	7,42	1,93
Kosovo*	NA	NA	NA	NA	NA	2,02	1,12	1,17	1,97	0,87	1,23	1,74	1,24	1,73	0,04	NA	NA	NA	NA	NA
Average	4,73	9,76	9,76	4,74	1,06	0,28	0,51	0,52	0,28	0,04	1,83	3,21	3,21	1,83	0,06	3,27	7,55	7,54	3,28	0,96
Median	4,06	5,41	5,45	4,03	0,98	0,34	0,63	0,58	0,30	0,04	1,49	3,86	3,96	1,39	0,00	2,82	3,23	3,30	2,75	0,94
Minimum	0,29	1,64	1,64	0,30	0,00	0,10	0,25	0,26	0,07	0,00	0,04	0,08	0,08	0,04	0,00	0,16	1,25	1,22	0,19	0,00
Maximum	10,95	28,38	28,12	11,20	2,19	0,43	0,69	0,72	0,42	0,09	3,23	5,23	5,27	3,36	0,18	7,29	22,48	22,35	7,42	1,93

* 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

Albania: The change of methodology for data collection has caused large discrepancies in the number of "other criminal cases".

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.1.8 First instance courts: percentage variation of the number of criminal law cases between 2020 and 2021 (Q38)

Beneficiaries	First instance criminal law cases: percentage variation between 2020 and 2021																			
	Total 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	97%	276%	404%	15%	274%	-10%	-5%	40%	-64%	220%	1%	-27%	-4%	-38%	125%	108 450%	112 771%	200 376%	29 072%	-
Bosnia and Herzegovina	7%	9%	16%	-1%	-11%	2%	8%	14%	-4%	9%	35%	9%	29%	8%	155%	-3%	9%	11%	-5%	-12%
Montenegro	6%	-11%	-6%	-1%	NA	37%	-8%	1%	13%	104%	2%	-8%	-4%	-4%	NA	9%	-16%	-10%	0%	NA
North Macedonia	3%	45%	52%	-7%	NA	41%	-11%	7%	-10%	NA	-2%	63%	64%	-7%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	4%	8%	9%	2%	721%	5%	3%	8%	-3%	10%	0%	22%	19%	4%	4%	6%	5%	7%	2%	11 184%
Kosovo*	NA	NA	NA	NA	NA	-17%	-7%	-28%	-2%	15%	-53%	21%	-52%	19%	188%	NA	NA	NA	NA	NA
Average	24%	65%	95%	2%	328%	15%	-2%	14%	-13%	86%	7%	12%	21%	-7%	95%	27 115%	28 192%	50 096%	7 267%	5 586%
Median	6%	9%	16%	-1%	274%	5%	-5%	8%	-4%	57%	1%	9%	19%	-4%	125%	7%	7%	9%	1%	5 586%
Minimum	3%	-11%	-6%	-7%	-11%	-10%	-11%	1%	-64%	9%	-2%	-27%	-4%	-38%	4%	-3%	-16%	-10%	-5%	-12%
Maximum	97%	276%	404%	15%	721%	41%	8%	40%	13%	220%	35%	63%	64%	8%	155%	108 450%	112 771%	200 376%	29 072%	11 184%

Lowest value  Highest value

* 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

Albania: The change of methodology for data collection has caused large discrepancies in the number of "other criminal cases".

Table 3.1.9 First instance courts: Criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2021 (Q38)

Beneficiaries	First instance courts: criminal law cases											
	Total criminal law cases (1+2+3)			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	100%	67	1%	109%	74	3%	100%	196	1%	97%	56	0%
Bosnia and Herzegovina	101%	270	24%	103%	300	19%	94%	310	0%	104%	249	39%
Montenegro	101%	265	NA	92%	246	10%	102%	207	NA	100%	369	NA
North Macedonia	103%	132	NA	105%	153	NA	103%	128	NA	NAP	NAP	NAP
Serbia	99%	145	20%	102%	221	21%	97%	241	5%	99%	121	26%
Kosovo*	NA	NA	NA	105%	613	44%	71%	508	2%	NA	NA	NA
Average	101%	176	15%	102%	199	13%	99%	216	2%	100%	199	22%
Median	101%	145	20%	103%	221	14%	100%	207	1%	100%	185	26%
Minimum	99%	67	1%	92%	74	3%	94%	128	0%	97%	56	0%
Maximum	103%	270	24%	109%	300	21%	103%	310	5%	104%	369	39%



* 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*

Albania: The change of methodology for data collection has caused large discrepancies in the number of "other criminal 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 2020 and 2021 (Q38)

Beneficiaries	First instance Criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021											
	Total criminal law cases (1+2+3)			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	25,3	-77,2%	0,6	35,0	-74,5%	2,3	24,2	-35,6%	0,5	42,6	-85,4%	0,3
Bosnia and Herzegovina	5,9	-14,5%	-2,9	5,3	-15,8%	2,3	14,8	-16,3%	0,1	1,4	-14,4%	-3,2
Montenegro	5,1	4,8%	NA	7,8	12,6%	4,3	3,5	0,3%	NA	7,0	10,3%	NA
North Macedonia	4,8	-38,9%	NA	17,3	-15,6%	NA	1,0	-43,2%	NA	NAP	NAP	NAP
Serbia	0,7	-6,0%	17,1	4,7	-9,5%	2,5	-2,8	-12,4%	0,0	1,3	-4,7%	25,7
Kosovo*	NA	NA	NA	-1,8	-18,6%	1,5	NA	NA	NA	NA	NA	NA
Average	8,4	-26,4%	4,9	14,0	-20,6%	2,8	8,1	-21,4%	0,2	13,1	-23,6%	7,6
Median	5,1	-14,5%	0,6	7,8	-15,6%	2,4	3,5	-16,3%	0,1	4,2	-9,5%	0,3
Minimum	25,3	4,8%	17,1	35,0	12,6%	4,3	24,2	0,3%	0,5	42,6	10,3%	25,7
Maximum	0,7	-77,2%	-2,9	4,7	-74,5%	2,3	-2,8	-43,2%	0,0	1,3	-85,4%	-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

Albania: The change of methodology for data collection has caused large discrepancies in the number of "other criminal cases".

3.1 Second instance courts

Table 3.1.11 Second instance courts (appeal): Number of “other than criminal law” cases in 2021 (Q39)

Beneficiaries	Second instance Other than criminal law cases in 2021																								
	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	12 526	5 983	3 490	15 019	5 365	3 244	2 766	1 705	4 305	1 016	15 157	4 145	887	18 415	10 790	NA	NA	NA	NA	NA
Bosnia and Herzegovina	40 036	28 224	33 761	34 499	12 525	33 088	24 599	28 528	29 159	12 044	NAP	NAP	NAP	NAP	NAP	6 948	3 625	5 233	5 340	481	NAP	NAP	NAP	NAP	NAP
Montenegro	2 243	9 136	9 306	2 044	620	2 040	7 784	8 033	1 762	600	59	242	247	53	19	142	982	904	220	0	2	128	122	9	1
North Macedonia	6 124	19 576	18 838	6 862	NA	5 060	17 028	15 900	6 188	NA	NAP	NAP	NAP	NAP	NAP	1 064	2 548	2 938	674	NA	NAP	NAP	NAP	NAP	NAP
Serbia	92 255	217 754	164 253	145 756	70 137	90 823	203 460	150 578	143 705	70 050	1 432	14 282	13 663	2 051	87	NAP	NAP	NAP	NAP	NAP	0	12	12	0	0
Kosovo*	NA	NA	NA	NA	NA	9 278	11 360	7 448	13 190	2 355	NA	NA	NA	NA	NA	721	1 180	877	1 024	NA	NA	NA	NA	NA	NA
Average	35 165	68 673	56 540	47 290	27 761	28 707	51 771	41 306	39 167	22 015	1 578	5 763	5 205	2 136	374	5 828	2 825	2 491	6 162	3 757	-	-	-	-	-
Median	23 080	23 900	26 300	20 681	12 525	12 526	17 028	15 900	15 019	8 705	1 432	2 766	1 705	2 051	87	4 006	3 087	1 921	3 007	481	-	-	-	-	-
Minimum	2 243	9 136	9 306	2 044	620	2 040	5 983	3 490	1 762	600	59	242	247	53	19	142	982	887	220	0	-	-	-	-	-
Maximum	92 255	217 754	164 253	145 756	70 137	90 823	203 460	150 578	143 705	70 050	3 244	14 282	13 663	4 305	1 016	15 157	4 145	5 233	18 415	10 790	-	-	-	-	-

* 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 3.1.12 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2021 (Q39)

Beneficiaries	Second instance Other than criminal law cases per 100 inhabitants in 2021																								
	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	0,45	0,21	0,12	0,54	0,19	0,12	0,10	0,06	0,15	0,04	0,54	0,15	0,03	0,66	0,39	NA	NA	NA	NA	NA
Bosnia and Herzegovina	1,15	0,81	0,97	0,99	0,36	0,95	0,71	0,82	0,84	0,35	NAP	NAP	NAP	NAP	NAP	0,20	0,10	0,15	0,15	0,04	NAP	NAP	NAP	NAP	NAP
Montenegro	0,36	1,47	1,50	0,33	0,10	0,33	1,28	1,30	0,28	0,10	0,01	0,04	0,04	0,01	0,00	0,02	0,16	0,15	0,04	0,00	0,00	0,02	0,02	0,00	0,00
North Macedonia	0,33	1,07	1,03	0,37	NA	0,28	0,93	0,87	0,34	NA	NAP	NAP	NAP	NAP	NAP	0,06	0,14	0,16	0,04	NA	NAP	NAP	NAP	NAP	NAP
Serbia	1,34	3,17	2,39	2,12	1,02	1,32	2,96	2,19	2,09	1,02	0,02	0,21	0,20	0,03	0,00	NAP	NAP	NAP	NAP	NAP	0,00	0,00	0,00	0,00	0,00
Kosovo*	NA	NA	NA	NA	NA	0,52	0,63	0,41	0,73	0,13	NA	NA	NA	NA	NA	0,04	0,07	0,05	0,06	NA	NA	NA	NA	NA	NA
Average	0,80	1,63	1,47	0,95	0,49	0,67	1,21	1,06	0,82	0,41	0,05	0,12	0,10	0,06	0,01	0,21	0,14	0,12	0,22	0,13	-	-	-	-	-
Median	0,76	1,27	1,26	0,68	0,36	0,45	0,93	0,87	0,54	0,27	0,02	0,10	0,06	0,03	0,00	0,13	0,14	0,15	0,10	0,01	-	-	-	-	-
Minimum	0,33	0,81	0,97	0,33	0,10	0,28	0,21	0,12	0,28	0,10	0,01	0,04	0,04	0,01	0,00	0,02	0,10	0,03	0,04	0,00	-	-	-	-	-
Maximum	1,34	3,17	2,39	2,12	1,02	1,32	2,96	2,19	2,09	1,02	0,12	0,21	0,20	0,15	0,04	0,54	0,16	0,16	0,66	0,39	-	-	-	-	-

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.1.13 Second instance courts (appeal): percentage variation of the number of “other than criminal law” cases between 2020 and 2021 (Q39)

Beneficiaries	Second instance Other than criminal law cases: percentage variation between 2020 and 2021																								
	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	24%	39%	40%	26%	317%	NA	NA	NA	NA	194%	30%	48%	-19%	37%	41%	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-14%	-1%	-3%	-14%	-18%	-17%	9%	-3%	-12%	-17%	NAP	NAP	NAP	NAP	NAP	5%	-39%	-7%	-23%	-43%	NAP	NAP	NAP	NAP	NAP
Montenegro	-25%	-15%	-15%	-9%	-8%	-25%	-17%	-16%	-14%	-10%	-43%	-25%	-30%	-9%	73%	-11%	8%	-3%	55%	-	-75%	8%	3%	200%	-
North Macedonia	-28%	28%	7%	12%	NA	-27%	33%	9%	22%	NA	NAP	NAP	NAP	NAP	NAP	-31%	3%	-1%	-37%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	10%	48%	18%	59%	708%	10%	49%	17%	59%	708%	22%	35%	32%	43%	NAP	NAP	NAP	NAP	NAP	NAP	0%	-60%	-60%	0%	0%
Kosovo*	NA	NA	NA	NA	NA	-10%	66%	-6%	42%	NA	NA	NA	NA	NA	NA	33%	48%	41%	42%	NA	NA	NA	NA	NA	NA
Average	-14%	15%	2%	12%	227%	-7%	23%	9%	16%	250%	-	-	-	-	-	-2%	5%	-7%	8%	-1%	-	-	-	-	-
Median	-19%	14%	2%	2%	-8%	-17%	33%	9%	22%	154%	-	-	-	-	-	-3%	5%	-5%	7%	-1%	-	-	-	-	-
Minimum	-28%	-15%	-15%	-14%	-18%	-27%	-17%	-16%	-14%	-17%	-	-	-	-	-	-31%	-39%	-19%	-37%	-43%	-	-	-	-	-
Maximum	10%	48%	18%	59%	708%	24%	49%	40%	59%	708%	-	-	-	-	-	30%	48%	-1%	55%	41%	-	-	-	-	-

Lowest value  Highest value

* 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 3.1.14 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 2021 (Q39)

Beneficiaries	Second instance Other than criminal law cases in 2021														
	Total of other than criminal law cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative law cases			4. 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	58%	1571	36%	62%	922	24%	21%	7578	59%	NA	NA	NA
Bosnia and Herzegovina	120%	373	36%	116%	373	41%	NAP	NAP	NAP	144%	372	9%	NAP	NAP	NAP
Montenegro	102%	80	30%	103%	80	34%	102%	78	36%	92%	89	0%	95%	27	11%
North Macedonia	96%	133	NA	93%	142	NA	NAP	NAP	NAP	115%	84	NA	NAP	NAP	NAP
Serbia	75%	324	48%	74%	348	49%	96%	55	4%	NAP	NAP	NAP	100%	0	-
Kosovo*	NA	NA	NA	66%	646	18%	NA	NA	NA	74%	426	NA	NA	NA	NA
Average	98%	228	38%	89%	503	40%	86%	352	21%	93%	2031	23%	-	-	-
Median	99%	228	36%	93%	348	39%	96%	78	24%	104%	231	9%	-	-	-
Minimum	75%	80	30%	58%	80	34%	62%	55	4%	21%	84	0%	-	-	-
Maximum	120%	373	48%	116%	1571	49%	102%	922	36%	144%	7578	59%	-	-	-



* 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 3.1.15 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 2020 and 2021 (Q39)

Beneficiaries	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 2020 and 2021														
	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		
	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	0,1	-9,8%	24,9	NA	NA	NA	-17,6	68,9%	1,6	NA	NA	NA
Bosnia and Herzegovina	-3,1	-10,9%	-2,0	-14,2	-9,5%	-2,5	NAP	NAP	NAP	49,9	-17,4%	-3,1	NAP	NAP	NAP
Montenegro	-0,1	7,0%	0,2	1,5	2,5%	1,5	-8,2	31,0%	16,9	-9,9	59,0%	0,0	-4,7	92,6%	11,1
North Macedonia	-19,3	4,7%	NA	-21,4	12,7%	NA	NAP	NAP	NAP	-3,9	-36,2%	NA	NAP	NAP	NAP
Serbia	-19,3	34,9%	38,7	-20,5	36,4%	39,1	-1,9	8,1%	NAP	NAP	NAP	NAP	0,0	-	-
Kosovo*	NA	NA	NA	-49,7	50,9%	NA	NA	NA	NA	-3,5	0,4%	NA	NA	NA	NA
Average	-10,4	9,0%	12,3	-10,9	6,5%	15,8	-	-	-	4,6	18,6%	-0,5	-	-	-
Median	-11,2	5,9%	0,2	-14,2	2,5%	13,2	-	-	-	-6,9	20,8%	0,0	-	-	-
Minimum	-19,3	-10,9%	-2,0	-21,4	-9,8%	-2,5	-	-	-	-17,6	-36,2%	-3,1	-	-	-
Maximum	-0,1	34,9%	38,7	1,5	36,4%	39,1	-	-	-	49,9	68,9%	1,6	-	-	-

* 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 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2021 (Q40)

Beneficiaries	Second instance Criminal law cases in 2021																			
	Total 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	6 932	8 413	6 525	8 820	2 289	4 511	2 758	1 432	5 837	1 788	799	485	222	1 062	227	1 622	5 170	4 871	1 921	274
Bosnia and Herzegovina	1 985	13 254	13 194	2 045	214	1 167	2 984	2 946	1 205	127	360	3 163	3 179	344	0	458	7 107	7 069	496	87
Montenegro	91	3 109	2 904	296	3	91	1 190	1 069	212	3	0	1 919	1 835	84	0	NAP	NAP	NAP	NAP	NAP
North Macedonia	2 616	6 969	7 005	2 580	NA	741	3 029	2 991	779	NA	1 875	3 940	4 014	1 801	NA	NAP	NAP	NAP	NAP	NAP
Serbia	5 457	59 465	59 320	5 602	954	1 702	25 641	25 701	1 642	648	3 716	30 549	30 343	3 922	302	39	3 275	3 276	38	4
Kosovo*	NA	NA	NA	NA	NA	626	2 373	2 358	641	NA	72	660	720	12	NA	NA	NA	NA	NA	NA
Average	3 416	18 242	17 790	3 869	865	1 642	7 120	6 828	1 935	642	1 350	8 011	7 919	1 443	132	706	5 184	5 072	818	122
Median	2 616	8 413	7 005	2 580	584	1 167	2 984	2 946	1 205	388	799	3 163	3 179	1 062	114	458	5 170	4 871	496	87
Minimum	91	3 109	2 904	296	3	91	1 190	1 069	212	3	0	485	222	84	0	39	3 275	3 276	38	4
Maximum	6 932	59 465	59 320	8 820	2 289	4 511	25 641	25 701	5 837	1 788	3 716	30 549	30 343	3 922	302	1 622	7 107	7 069	1 921	274

* 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 3.1.17 Second instance courts (appeal): Number of Criminal law cases per 100 inhabitants in 2021 (Q40)

Beneficiaries	Second instance Criminal law cases per 100 inhabitants in 2021																			
	Total 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	0,25	0,30	0,23	0,32	0,08	0,16	0,10	0,05	0,21	0,06	0,03	0,02	0,01	0,04	0,01	0,06	0,19	0,17	0,07	0,01
Bosnia and Herzegovina	0,06	0,38	0,38	0,06	0,01	0,03	0,09	0,08	0,03	0,00	0,01	0,09	0,09	0,01	0,00	0,01	0,20	0,20	0,01	0,00
Montenegro	0,01	0,50	0,47	0,05	0,00	0,01	0,19	0,17	0,03	0,00	0,00	0,31	0,30	0,01	0,00	NAP	NAP	NAP	NAP	NAP
North Macedonia	0,14	0,38	0,38	0,14	NA	0,04	0,16	0,16	0,04	NA	0,10	0,21	0,22	0,10	NA	NAP	NAP	NAP	NAP	NAP
Serbia	0,08	0,87	0,86	0,08	0,01	0,02	0,37	0,37	0,02	0,01	0,05	0,44	0,44	0,06	0,00	0,00	0,05	0,05	0,00	0,00
Kosovo*	NA	NA	NA	NA	NA	0,03	0,13	0,13	0,04	NA	0,00	0,04	0,04	0,00	NA	NA	NA	NA	NA	NA
Average	0,11	0,49	0,47	0,13	0,03	0,05	0,18	0,17	0,07	0,02	0,04	0,22	0,21	0,04	0,00	0,02	0,15	0,14	0,03	0,00
Median	0,08	0,38	0,38	0,08	0,01	0,03	0,16	0,16	0,03	0,01	0,03	0,21	0,22	0,04	0,00	0,01	0,19	0,17	0,01	0,00
Minimum	0,01	0,30	0,23	0,05	0,00	0,01	0,09	0,05	0,02	0,00	0,00	0,02	0,01	0,01	0,00	0,00	0,05	0,05	0,00	0,00
Maximum	0,25	0,87	0,86	0,32	0,08	0,16	0,37	0,37	0,21	0,06	0,10	0,44	0,44	0,10	0,01	0,06	0,20	0,20	0,07	0,01

* 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

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 3.1.18 Second instance courts (appeal): percentage variation in number of criminal law cases between 2020 and 2021 (Q40)

Beneficiaries	Second instance Criminal law cases: percentage variation between 2020 and 2021																			
	Total 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	41%	105%	170%	34%	3 422%	NA	NA	NA	NA	5 860%	NA	NA	NA	NA	887%	NA	NA	NA	NA	2 183%
Bosnia and Herzegovina	-16%	10%	7%	3%	13%	-25%	9%	-6%	3%	9%	16%	-3%	-1%	-4%	0%	-7%	18%	17%	9%	21%
Montenegro	-8%	-3%	-9%	225%	NA	-8%	-6%	-16%	133%	-75%	0%	0%	-5%	-	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	-8%	26%	22%	-1%	NA	28%	30%	38%	5%	NA	-17%	23%	12%	-4%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	16%	5%	6%	2%	-	12%	2%	3%	-4%	-	18%	9%	10%	5%	-	8%	-3%	-2%	-7%	-
Kosovo*	NA	NA	NA	NA	NA	27%	28%	38%	2%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	5%	29%	39%	53%	1 717%	2%	9%	5%	34%	1 931%	4%	7%	4%	-1%	443%	-	-	-	-	1 102%
Median	-8%	10%	7%	3%	1 717%	2%	5%	-2%	4%	9%	8%	4%	5%	-4%	443%	-	-	-	-	1 102%
Minimum	-16%	-3%	-9%	-1%	13%	-25%	-6%	-16%	-4%	-75%	-17%	-3%	-5%	-4%	0%	-	-	-	-	21%
Maximum	41%	105%	170%	225%	3 422%	28%	30%	38%	133%	5 860%	18%	23%	12%	5%	887%	-	-	-	-	2 183%

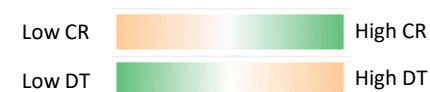
Lowest value  Highest value

* 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 3.1.19 Second instance (appeal), criminal law cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal law cases in 2021 (Q40)

Beneficiaries	Second instance Criminal law cases in 2021											
	Total criminal law cases (1+2+3)			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	78%	493	26%	52%	1488	31%	46%	1746	21%	94%	144	14%
Bosnia and Herzegovina	100%	57	10%	99%	149	11%	101%	39	0%	99%	26	18%
Montenegro	93%	37	1%	90%	72	1%	96%	17	0%	NAP	NAP	NAP
North Macedonia	101%	134	NA	99%	95	NA	102%	164	NA	NAP	NAP	NAP
Serbia	100%	34	17%	100%	23	39%	99%	47	8%	100%	4	11%
Kosovo*	NA	NA	NA	99%	99	NA	109%	6	NA	NA	NA	NA
Average	94%	151	14%	88%	366	21%	89%	403	7%	98%	58	14%
Median	100%	57	14%	99%	95	21%	99%	47	4%	99%	26	14%
Minimum	78%	34	1%	52%	23	1%	46%	17	0%	94%	4	11%
Maximum	101%	493	26%	100%	1488	39%	102%	1746	21%	100%	144	18%



* 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 3.1.20 Second instance (appeal), criminal law cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2020 and 2021 (Q38)

Beneficiaries	Second instance Criminal law cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2020 and 2021											
	Total criminal law cases (1+2+3)			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	18,7	-50,6%	25,0	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	-3,6	-3,3%	0,9	-15,4	9,7%	0,5	2,0	-3,6%	0,0	-1,2	-7,3%	1,8
Montenegro	-6,8	258,8%	NA	-10,8	177,9%	-11,8	-4,4	-	NA	NAP	NAP	NAP
North Macedonia	-3,6	-18,9%	NA	5,7	-23,7%	NA	-10,4	-14,1%	NA	NAP	NAP	NAP
Serbia	1,1	-3,6%	17,0	1,0	-6,2%	39,5	1,4	-4,5%	7,7	0,2	-5,0%	10,5
Kosovo*	NA	NA	NA	6,7	-25,6%	NA	NA	NA	NA	NA	NA	NA
Average	1,2	36%	14,3	-4,9	39%	9,4	-2,8	-7%	-	-	-	-
Median	-3,6	-4%	17,0	-4,9	2%	0,5	-1,5	-5%	-	-	-	-
Minimum	-6,8	-51%	0,9	-15,4	-24%	-11,8	-10,4	-14%	-	-	-	-
Maximum	18,7	259%	25,0	5,7	178%	39,5	2,0	-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*

3.1 Special category cases

Table 3.1.21 Special category cases: Civil and commercial litigious cases and Litigious divorce cases in 2021 (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	19%	557	560	161	549	27%	9%	200	269	185	205	0%
Montenegro	39%	233	62	0	241	66%	4%	130	31	0	131	0%
North Macedonia	NA	NA	NA	NA	NA	NA	9%	127	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	-	-	-	-	-	-	7%	152	-	-	-	-
Median	-	-	-	-	-	-	9%	130	-	-	-	-
Minimum	-	-	-	-	-	-	4%	127	-	-	-	-
Maximum	-	-	-	-	-	-	9%	200	-	-	-	-

* 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 3.1.22 Special category cases: Employment dismissal cases and Insolvency cases in 2021 (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	NA	NA	NA	NA	NA
Bosnia and Herzegovina	57%	459	949	173	615	15%	15%	524	60	47	461	31%
Montenegro	66%	395	65	0	418	NA	5%	221	22	0	224	2%
North Macedonia	55%	207	NA	NA	NA	NA	6%	163	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%	354	-	-	-	-	9%	303	-	-	-	-
Median	57%	395	-	-	-	-	6%	221	-	-	-	-
Minimum	55%	207	-	-	-	-	5%	163	-	-	-	-
Maximum	66%	459	-	-	-	-	15%	524	-	-	-	-

* 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 3.1.23 Special category cases: Robbery cases and Intentional homicide cases in 2021 (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	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	45%	372	205	338	318	25%	68%	325	213	199	284	17,0%
Montenegro	53%	243	42	0	257	0%	56%	580	103	0	614	0,0%
North Macedonia	39%	242	NA	NA	NA	NA	59%	191	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	46%	286	-	-	-	-	61%	365	-	-	-	-
Median	45%	243	-	-	-	-	59%	325	-	-	-	-
Minimum	39%	242	-	-	-	-	56%	191	-	-	-	-
Maximum	53%	372	-	-	-	-	68%	580	-	-	-	-

* 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 3.1.24 Special category cases: Bribery cases and Trading in influence cases in 2021 (Q41)

Beneficiaries	Bribery cases						Traiding 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	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	41%	424	129	0	320	6%	40%	598	136	0	521	13%
Montenegro	0%	17	0	0	17	0%	0%	41	0	0	41	0%
North Macedonia	88%	228	NA	NA	NA	NA	100%	227	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	43%	223	-	-	-	-	47%	289	-	-	-	-
Median	41%	228	-	-	-	-	40%	227	-	-	-	-
Minimum	0%	17	-	-	-	-	0%	41	-	-	-	-
Maximum	88%	424	-	-	-	-	100%	598	-	-	-	-

* 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 3.1.25 Civil and commercial litigious cases and Litigious divorce cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (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	-2,0	5,3%	-5,2%	-33,5%	2,8%	-3,00	2,0	-4%	37%	80%	-1%	0,00
Montenegro	2,0	-19,1%	0,0%	100,0%	77,2%	-21,00	-3,0	11%	0%	-100%	77%	NA
North Macedonia	NA	NA	NA	NA	NA	NA	NA	NA	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	-	-	-	-	-	-	-2,33	-1,5%	-	-	-	-
Median	-	-	-	-	-	-	-3,00	-4,3%	-	-	-	-
Minimum	-	-	-	-	-	-	-6,00	-11,2%	-	-	-	-
Maximum	-	-	-	-	-	-	2,00	11,1%	-	-	-	-

* 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

Montenegro: The method of calculation of the average length of total proceedings has changed. This has caused some discrepancies compared to the previous cycle.

Table 3.1.26 Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (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	4,0	20,2%	27,7%	-55,2%	24,2%	-2,0	2,0	-10,3%	-38,1%	14,6%	-9,8%	1,0
Montenegro	29,0	19,7%	3,2%	100,0%	182,4%	NA	-1,0	-6,0%	4,8%	NA	163,5%	NA
North Macedonia	11,0	10,1%	NA	NA	NA	NA	1,0	-15,1%	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	14,7	16,7%	-	-	-	-	0,7	-10,4%	-	-	-	-
Median	11,0	19,7%	-	-	-	-	1,0	-10,3%	-	-	-	-
Minimum	4,0	10,1%	-	-	-	-	-1,0	-15,1%	-	-	-	-
Maximum	29,0	20,2%	-	-	-	-	2,0	-6,0%	-	-	-	-

* 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

Montenegro: The method of calculation of the average length of total proceedings has changed. This has caused some discrepancies compared to the previous cycle.

Table 3.1.27 Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (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	3,0	40,4%	-11,3%	115,3%	26,2%	3,0	-5,0	46,4%	5,4%	45,3%	35%	0,0
Montenegro	-34,0	14,6%	75,0%	100,0%	209,6%	NA	-42,0	56,3%	47,1%	100,0%	274,4%	NA
North Macedonia	-10,0	-34,6%	NA	NA	NA	NA	-11,0	7,9%	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	-13,7	6,8%	-	-	-	-	-19,3	36,9%	-	-	-	-
Median	-10,0	14,6%	-	-	-	-	-11,0	46,4%	-	-	-	-
Minimum	-34,0	-34,6%	-	-	-	-	-42,0	7,9%	-	-	-	-
Maximum	3,0	40,4%	-	-	-	-	-5,0	56,3%	-	-	-	-

* 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

Montenegro: The method of calculation of the average length of total proceedings has changed. This has caused some discrepancies compared to the previous cycle.

Table 3.1.28 Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases pending for more than 3 years between 2020 and 2021 (Q41)

Beneficiaries	Bribery cases						Trading in influence					
	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	-42,0	-17,8%	-9,8%	100,0%	-13,0%	32,0	15,0	111%	-46%	NA	91%	-1,0
Montenegro	0,0	NA	NA	NA	NA	NA	0,0	NA	NA	NA	NA	NA
North Macedonia	-12,0	29,5%	NA	NA	NA	NA	100,0	NA	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	-18,0	-	-	-	-	-	38,3	-	-	-	-	-
Median	-12,0	-	-	-	-	-	15,0	-	-	-	-	-
Minimum	-42,0	-	-	-	-	-	0,0	-	-	-	-	-
Maximum	0,0	-	-	-	-	-	100,0	-	-	-	-	-

* 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*

Montenegro: The method of calculation of the average length of total proceedings has changed. This has caused some discrepancies compared to the previous cycle.

Table 3.1.29 Open questions in Indicator 3.1: case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal law cases (Q36 and Q37)

Beneficiaries	Case categories included in "civil (and commercial) non-litigious cases"	Case categories included in the category "other cases" in Other than criminal law 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: 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, stripping 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 are 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>Non disputable cases and division of property.</p>	<p>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, P Commercial courts: L, R, Pl Basic courts: Iv, I, Ii, Iiv, Ink, Ioi, Ion, Ipi, IpvI, IpvIv, IpvIvK Commercial courts: I, I2, Ii, Iv, Iiv, Ink, Ioi, Ion, Ipi, Ipv (I), Ipv (Iv), Ipv (Ivk)</p>	<p>-Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters -Incoming and outgoing cases of international legal cooperation, letters rogatory in civil and commercial matters, - Certification of documents, certification of documents intended for use abroad (according to the Hague Convention), issuance of various certificates, eg. on deprivation of legal capacity, on deprivation of parental rights.</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>NA</p> <p>Not available</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.

3.2 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.2.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021 (Q42 and Q43)





Beneficiaries	Quality standards determined for the judicial system at the national level	Specialised personnel entrusted with the implementation of these standards	
		Within the courts	Within the public prosecution services
Albania	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes
Montenegro	Yes	No	No
North Macedonia	Yes	Yes	Yes
Serbia	No	No	No
Kosovo*	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.

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 3.2.2 Performance and quality indicators at court level in 2021 (Q44 and Q45)

Beneficiaries	Performance and quality indicators concerning court activities	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															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes 
 No 
 NA 
 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.

Table 3.2.3 Performance and quality indicators at public prosecution services level in 2021 (Q46 and Q47)

Beneficiaries	Performance and quality indicators concerning public prosecution activities	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*														

Yes

No





NA

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.

Table 3.2.4 Evaluation of the performance at court level in 2021 (Q48, Q49, Q50,Q51 and Q56)





Beneficiaries	Existence of a system to regularly evaluate court performance based primarily on the defined indicators	Frequency of the performance evaluation			Evaluation of the court activity used for the later allocation of resources within a court	Action taken for the allocation of resources within the court following the evaluation of the court activity				Body/authority 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*															

Yes 
 No 
 NA 
 NAP 

* This designation is without prejud * This designation is without * This designa * This designa * This designa * This designation is withc * This designation is with * This designation is with * This designation is with * This designa * This designatio * This designatio * This designation is without prejud

Table 3.2.5 Evaluation of performance at public prosecution services level in 2021 (Q52, Q53, Q54, Q55 and Q57)


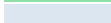
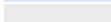

Beneficiaries	Existence of a system to regularly evaluate the performance of the public prosecution services based primarily on the defined indicators	Frequency of the performance evaluation			Evaluation of the activity of public prosecution services used for the later allocation of resources within a public prosecution service	Action taken for the allocation of resources within the court following the evaluation of the public prosecution services				Body/authority responsible for evaluating the performance of the public prosecution services					
		Annual	Less frequent	More frequent		Identifying 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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes 
 No 
 NA 
 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.

Table 3.2.6 Measuring courts' activity in 2021 (Q58)


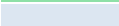


Beneficiaries	Regular monitoring of courts' activities (performance and quality) concerning:													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction 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														
Bosnia and Herzegovina														
Montenegro														
North Macedonia														
Serbia														
Kosovo*														

Yes 
 No 
 NA 
 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.

Table 3.2.7 Measuring public prosecution services' activity in 2021 (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													
Bosnia and Herzegovina													
Montenegro													
North Macedonia													
Serbia													
Kosovo*													

Yes 
 No 
 NA 
 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.

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 2021 (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	Yes	Yes	Yes	No	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	No	Yes

* 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.

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 3.2.9 Information regarding courts and public prosecution services' activity in 2021 (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																							
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.





Yes 
 No 
 NA 
 NAP 

Table 3.2.10 Existence of a process or a structure of dialogue implemented by courts in 2021 (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	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Montenegro	Yes	Yes
North Macedonia	Yes	Yes
Serbia	Yes	Yes
Kosovo*	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.

Yes	Yes
No	No
NA	NA
NAP	NAP

Table 3.2.11 Performance and evaluation of judges in 2021 (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	Yes	No	Yes	No	No	No	No	No	No	Yes	No	
Bosnia and Herzegovina	Yes	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No	No	No	Yes	No	Yes	No	
Montenegro	Yes	Yes	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No	No	No	No	Yes	No	
North Macedonia	Yes	No	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No	No	No	No	Yes	No	
Serbia	Yes	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	Yes	No	
Kosovo*	Yes	No	No	Yes	No	No	Yes	Yes	Yes	No	Yes	No	No	No	No	Yes	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.









Yes 
 No 
 NA 
 NAP 

Table 3.2.12 Performance and evaluation of public prosecutors in 2021 (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 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*																				

Yes 
 No 
 NA 
 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.

3.3 Electronic case management system and court activity statistics

Table 3.3.1 IT Strategy and Case management system in 2021 (Q82-0, Q82, Q82-1 and Q82-2)

Beneficiaries	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	4





Yes
 No
 NA
 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.

Table 3.3.2 CMS Index in 2021 (Q83)

Beneficiaries	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	2,0				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%	2,6	Publication of decision online	Publication of decision online	Publication of decision online	1,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	8,1





Both = Accessible to parties
Publication of decision online

Yes 
No 
NA 
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.

Table 3.3.3 Centralised national database of court decisions in 2021 (Q84, Q85)

Beneficiaries	Centralised national database of court decisions																					
	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 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 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	Yes some judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	NA	NA	NA	
Montenegro	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	Yes all judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
North Macedonia	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	Yes all judgements	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Serbia	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes some judgements	Yes all judgements	Yes all judgements	Yes all judgements	Yes all judgements	No	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	NA	NA	NA	
Kosovo*	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 some judgements	Yes all judgements	NA	NA	NA	NA	NA	NA	Yes	Yes	Yes	NA	NA	

Yes 
 No 
 NA 
 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.

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. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for

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 courts:

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 services that

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 (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based

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 (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies

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 reasonable

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. Are the statistics on the functioning of each court published:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the

Question 65. Are the statistics on the functioning of each public prosecution service published?

number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

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:

on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

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:

the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in

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 of

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' work?

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 and

Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year?

Question 83. 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 (2021): Criminal requirements of the preliminary investigation phase; Criminal cases of the preliminary hearing; Criminal requirements of the execution phase; Security measures; parole; Extradition

Q038 (2020): Variations from the previous cycle remain unexplained

Q040 (2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained 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.

HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. 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 magistrate as Ethics Advisor under the provisions of the Law "On 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;

d) the documentation made available by the School of Magistrates.

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.

approved indicators

yet, the court performance can not be evaluated.

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 Council at least 6 months before the termination of the mandate. Whereas, the prosecutor acting as a member of the High Prosecutorial Council are assessed in the Prosecution office, where the

prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the Prosecution office, where the

prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the

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 written request of the High Judicial 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 ";

- Decision no. 1/1 dated 20.02.2020 "On the addition of the thematic inspection object determined by decision no. 1 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 courts, judicial administration, 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

Q062 (2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.

Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

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 . The name and the address is: General Prosecution Office, Rr. "Qemal Stafa", Nr.1, Tirana, Albania - www.pp.gov.al

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.
6. Administration of public funds.

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 prosecution office, based on article 50 of the law Republic of Albania", the head of the prosecution offices of first and second instance of general jurisdiction prepare an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report to the General Prosecutor. Pursuant to Article 148/b of the Constitution of the republic of Albania, the General Prosecutor reports to the Assembly for the state of criminality. In line with Article 104 of Law 97/2016 "On the Organizing and Functioning of the Prosecution Office", reporting must be carried out at least once a year and it contains data and explanations on the number, types, territorial extension, intensity and forms of crime. The decision no.134/2018 of the Assembly of the Republic of Albania, in addition to above, provides that the annual report must contain data regarding even to the institution inner organizing, including the structure format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

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 of common interest and vice versa. The High Judicial Council collaborates with the High Prosecutorial

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 by the **Q075-1 (2021)**: It is part of ethical and professional evaluation of judges. As such it influences the final score and **Q075-1 (2020)**: Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final 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 or seconded magistrate, each magistrate is evaluated once every three years. After the first 15 years of professional experience as magistrate, each magistrate is evaluated once every five years. Initially, the magistrate conducts a self **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.

Q080-1 (2021): The criteria for the quality assessment of the public prosecutor's work are set by the Law no. 96/2016, "On the status of judges and prosecutors in the Republic of Albania".

the necessity to develop e 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 new system is envisaged. Its development depends primarily on the securing of financial support.

Q084 (2020): Please note that data are anonymized only for first and second instance courts. The High court still 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 used by the majority of the Courts and ARKIT which is used only in Tirana District Court and

Bosnia and Herzegovina

instance administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include data on the caseload of second instance courts regarding the first instance administrative law cases.

over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance civil and commercial litigious cases rose by 13% compared to 2020. Still, that number is smaller than the number of new first instance civil and commercial litigious cases received in 2019 and 2018. Most of the courts surpassed the 100% clearance rate in the reference year. This led to the decrease of the number of pending cases at the end of 2021, continuing the trends from the previous years. The number of pending cases older than 2 years grew slightly, mostly because of the Covid-19 restrictions imposed in the first half of the reference year. Finally, it is important to note that the majority of the pending civil and commercial litigious cases older than 2 years are litigious small claims cases related to the unpaid utility bills. The increased number of incoming non-litigious cases was filed in the courts in 2021 in comparison to 2020. The majority of general civil non-litigious cases are enforcement proceedings that the state-owned utility companies initiate to recover unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).

As in 2020, several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in the reference year 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. In addition, 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, i.e. the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. It is important to note an additional information on the inconsistency for general non-litigious pending cases between an end to 2020 and the beginning of 2021. Namely, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed several courts to correct technical mistakes made in the case management system about 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 biggest cities in Bosnia and Herzegovina. An additional information on the inconsistency for general non-litigious pending 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 which sanctions

recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance severe criminal law cases rose by 8% compared to 2020. Still, that number is smaller than the number of incoming first instance severe criminal law cases registered in 2019 and 2018.

In addition, as in 2019 and 2020, the number of incoming first instance misdemeanour cases continued a clear upward trend in the reference year. 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. In addition, the number of resolved first instance cases in 2021 was bigger in comparison to 2020, which was marked by the Covid-19 measures restricting the work in prosecutors' offices and courts. However, the courts failed to reach the 100% clearance rate in the reference year. Consequently, the number of pending misdemeanour cases continued to grow in 2021 as in the previous years. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.

Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, 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 are older than 2 years, cannot be resolved due to the procedural gridlock that the courts 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 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. In addition, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2021. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the decreased numbers of incoming and resolved administrative cases in 2021 in contrast to the previous year. The workload shrank predominantly in one of the courts in the reference year; which received almost no complaints against the 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 to decide urgently on the huge number of the complaints

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 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 of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. 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 addition, 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 and 2018. The number of the first instance severe criminal cases remained stable in 2021.

As for the number of incoming severe criminal law cases at second instance courts, it was increased in 2021 compared to 2020; nevertheless, that number is smaller significantly than the number of incoming severe instance criminal law cases registered at second instance courts in 2019 and 2018.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases dropped slightly in 2021, the decrease is not as significant in absolute numbers.

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 number of 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 instance employment dismissal case are consistent with the statistical information for such cases in 2020. It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.

As for other cases under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other 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). 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 Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which

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 Herzegovina process very often the corruption cases as the cases of adopted the 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.

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.

Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the 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 departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of 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 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 Council of Bosnia and Herzegovina adopted the new criteria for

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 **Q056 (2020):** Other: Hierarchical superior court president.

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 **Q057 (2021):** The High Judicial and Prosecutorial Council of Bosnia and Herzegovina serves as the public

Q057 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators

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 determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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 length of proceedings in resolved and remaining unresolved cases.

monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/> 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 of the High Judicial and Prosecutorial Council of Bosnia 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: <https://vstv.pravosudje.ba/> 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 of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

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 the main trial. procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of the new hearing, as a rule, with prior consultations with the parties.

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 measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type

the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

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 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;

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 for each type of a case within a given case category and its weight.

the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q079 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

criteria for the performance

evaluation of judges in December 2020.

The assessment of the statistical quality of the prosecutor's decisions is established on the basis of the quality of the indictments and the quality of the decisions not to investigate and orders to terminate an investigation.

The quality of a prosecutor's indictments is evaluated on the basis of the total number of issued indictments and the total number of final judgements dismissing charges, acquitting the persons charged, and on the basis of final court decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period. The quality of a prosecutor's orders not to investigate and orders to terminate an investigation is evaluated on the basis of the total number of such orders issued during the period covered by the evaluation and the total 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

Q080-1 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Q082-0 (2021): Preparatory activities for the development of the strategy are ongoing.

Q082-0 (2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the ago,

- CMS v2 was developed between 2 and 5 years ago.

Both versions are used on the same database.

Q082-1 (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.

Q082-2 (2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and Training Department – former Judicial Documentation Centre. In 2021, the HJPC decided to open this database for public free of charge and without registration. The Council of Ministers of BiH made decision to abolish the annual fee of 50 EUR, so the database is made available to the public free of charge as of 5 March 2021. The HJPC BiH has also issued a new anonymization instruction in order to make database more user friendly. According to this instruction, more information in court decisions are available, i.e. data on all state officials mentioned in the decisions, data on public enterprises and institutions, name and surname of the convicted persons in high- profile cases (war crime cases, organised crime and corruption cases, terrorism cases etc). This is an advancement comparing to the former rule where all data were anonymized (total anonymization). In this way, the HJPC has made an effort to make balance between public and private interest. Also, according to the new instruction, all final decisions in this type of cases are published through the central database, which is new practice compared to previous rule, according to which only decisions selected and provided by the courts of highest instance were published (Appellate Court of Brcko District, Court of BiH – Appellate Division, Supreme Court of BiH Federation and Supreme Court of Republika Srpska).

Also, in 2021, the HJPC secured funding for development of case-law database of the aforementioned courts of highest instance (e-Sentence), through which not only legal positions taken by these courts will be made available, 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 with court stances in cooperation with highest courts (E-sentence). This database will

Montenegro

lower. (Secretariat of the JC)

A large number of cases have not been resolved because there was a delay in the work of the courts at a certain period of the year due to the "lawyers strike", as well as due to the a certain number of judges to retirement. As in the previous period, the work of the Montenegrin judiciary was limited during the reporting year due to the pandemic caused by Covid 19, but also due to a months-long strike of lawyers. In particular, the courts had a lot of delays due to the decision of the Bar Association to suspend the provision of legal aid, which delayed a large number

"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

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.

number of received O(legacy) and RS (complex non-litigation cases) cases has increased. No further explanation was provided.

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:

Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on

Q040 (2021): The number of resolved cases is smaller, so the number of unresolved cases is higher. No further

- 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, compared to the previous year.

2018 cases.

The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals 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 explained (notably decrease of length of proceedings for litigious divorce cases and employment dismissal cases in first instance ; increase of length of proceedings for insolvency cases in first instance ; increase of length of proceedings in 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 (0.5% of a case). If only a decision on costs was revoked,

Q048 (General Comment): There is no automatic evaluation of court performance. We regularly get reports from the court information system and provide them to the decision-makers.

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 needed.

state prosecutors and heads of state prosecutor's offices): Article 7 The Prosecutorial Council determines the average measures of the quantity of work in a certain type of case for the following categories: - for basic state prosecutor's offices up to 5 state prosecutors, - for basic state prosecutor's offices from 5 to 10 state prosecutors, - for basic state prosecutor's offices over ten state prosecutors, - for higher state prosecutor's offices. The average measure of the quantity of work is determined at the level of one category of state prosecutor's offices by adding and dividing the number of completed cases by types Kt, Ktm, KT I, Ktr with the number of state prosecutors who performed prosecutorial function in all state cases. prosecutors' offices of one category of state prosecutor's offices in the last three years. (eg ODT Kolašin, Cetinje, Plav, Rožaje, Ulcinj are in the neighboring category of state prosecutor's offices up to 5 state prosecutors, in the last three years a total of 20 state prosecutors worked, and completed a total of 400 Kt cases, 20 Ktm, 20 Kt I and 200 Ktr, the average scale for KT is $400/20 = 20$, for Ktm $20/20 = 1$, for Kt I $20/20 = 1$, for Ktr $200/20 = 10$) A case is considered completed if it resulted with a decision on rejection of a criminal report, a case in which a reconnaissance or investigation was conducted after which it was submitted to the competent prosecutor's office, suspension of investigation, confirmed indictment or indictment filed, decision on sentencing plea agreement, rejected criminal charges in case of postponement of criminal prosecution, as well as Ktr case that has been archived. The number of cases is determined by the number of persons. The Prosecutorial Council also determines the average measure of the quantity of work in a certain type of case for the Special State Prosecutor's Office by adding and dividing the number of completed cases by types of Kt-s, Ktm-s, KT I-s, Ktr-s and the number of special prosecutors in that period. performed the prosecutorial function in the above types of cases in the last three years. Article 8 The quantity of work is assessed on the basis of the report on the work of the state prosecutor and the average measures of the quantity of work in a certain type of case. According to this sub-criterion, the state prosecutor is assessed: - if he has completed up to 20% below the average criteria satisfies; - if he has completed over 20% of the subjects below the average criteria, he does not satisfy. If the state prosecutor worked in different types of cases, the quantity of work is assessed for all types of cases as indicators for assessing the quantity of work, and if the state prosecutor had fewer cases in the work of a certain type than the average measure for that type of case, then satisfies the grade if he has completed 80% of the total number of cases in the court information system. Also, the Supreme court monitors the number of those cases and conducts a number of activities to prioritize old cases in courts.

Q062 (General Comment): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica 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

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 achieve efficiency. These reports, which are Judicial Council and the Ministry of Justice, no later than February 10 of the current year for the previous year, and to publish it on the court's website within that period. In addition to that, the president of the court prepares a semi-annually report on the work of the court. At the request of the Judicial Council, the president of the court is obliged to submit special - periodic report, within the deadline set by the Judicial Council.

The courts also submit special reports required for reporting to the European Union and international organizations, 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 status and trends of crime in the previous year.

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 court shall reject such proposals unless the parties demonstrate that at the time of the preparatory hearing they did not know or could not have known of 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.
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.

The criteria for appraisal of work of judges shall be: 1) Professional knowledge; 2) General capabilities for performing judicial office. Appraisal of work of judges under the criteria referred to mention above shall be made by inspecting: 1) Five cases completed by a final and enforceable decision, randomly selected; 2) Five cases completed by a final and enforceable decision, selected by the judge himself / herself; 3) Five cases completed by a final and enforceable decision in which decisions were abolished, randomly selected; 4) A statistical report on the work of the judge, containing information on the work of the judge, data from the records on judges, information on the number of complaints and decisions on complaints against the work of the judge, information on the number of control of state prosecutor's offices.

The rules for the evaluation of state prosecutors and heads of state prosecutor's offices are based on: Professional knowledge: quantity and quality of work, ability to plan and effectively implement procedural actions, skills of preparation and keeping case files, skills of using prosecutorial knowledge, skills of acting and professional development. General abilities to perform the prosecutorial function: communication skills, ability to adapt to 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.

information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravošua). 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 2023 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to

(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 parallel). We have some delays on the project, due to problems we have with the company we got on the tender, because they fail to deliver expected by the end of the first quarter. Full implementation of the judicial IT system is planned in the new ICT Justice Development Program 2021-2023. for the fourth quarter of 2022. However, it is quite realistic that the full implementation of the CMS system with user training will be completed by the end of 2023. development of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.

North Macedonia

new Law on Administrative Disputes (implementation started at 25.05.2020). Articles 37 and 39 from the new Law provide compulsory public hearings for most of the administrative cases and before this, the court didn't have any obligation for hearings. Consequently, new circumstances explained above led to the increase of the pending cases and disposition time. Also, in 2021 two judges were retired.

Q035 (2020): In "2.2.3. Other registry cases" there are included cases for registrations of political parties. existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the misdemeanor) cases.

existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the existence of State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the **Q041 (2021):** 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 (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. qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. Qualitative criteria regarding the judicial work Article 80 (Law on Judicial Council) - The qualitative criteria for assessing the work of the judge are: - the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts. - quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for - Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector

implementation of these standards.

The Rule-book for determining the fulfillment of the qualitative criteria for evaluation of judges prepared in accordance with Article 81 of the Law on Judicial Court was adopted on 21.12.2020 by the Judicial Council of North Macedonia. On 20.05.2021 the Supreme Court of North Macedonia at the general session of judges adopted a positive opinion regarding the proposed Methodology with indicators of the complexity of cases prepared in accordance with Article 85 paragraph 1 of the Law on the Judicial Council.

Additionally, with project "Supporting the Judicial Council in establishing Quality System for Evaluation of Judges", financially supported by the Embassy of the Kingdom of the Netherlands, implemented by "The Center for Legal Research and Analysis (CLRA)" and Judicial Council were developed forms for determining the fulfillment of the qualitative criteria for the work of judges and guidelines for calculating the coefficients of complexity of court cases envisaged as a mechanism in the Judicial Reform Strategy 2017-2022 in the area of Strategic Planning and Policy Making. In 2021, the Second National Measurement was conducted (according to the Matrix of indicators for monitoring of the judicial reform), and the new report was prepared within the project "Embedding analytical and monitoring tools to support the justice sector reforms in the Republic of North Macedonia" implemented by CLRA, Macedonia (Matrix) is composed by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators), independence (17 indicators), accountability (7 indicators) and transparency (14 indicators).

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), independence (17 indicators), 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

Scoring of Qualitative Criteria Article 84

(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:

Percentage of annulled decisions in relation to the total number of resolved cases Points

Up to 5% 25

From 5% to 10% 20

From 10% to 15% 15

From 15% to 20% 10

More than 20% 0

Valuation according to the number of altered decisions made in relation to the total number of resolved cases

Article 87

The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:

Percentage of altered decisions in relation to the total number of resolved cases Points

Up to 5% 20

From 5% to 10% 15

From 10% to 15% 10

From 15% to 20% 7

From 20% to 30% 4

More than 30% 0

Valuation according to the number of altered decisions made in relation to the total number of resolved cases

Article 87

The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored

Q060 (General Comment): Judicial Council on regular bases monitor backlog of cases.

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 shall be performed by the Chief Public Prosecutor of the Republic of North Macedonia. (4) The manner of supervision shall be determined by the rulebooks

Q062 (General Comment): Beside Judicial Council certain statistical data are collected within the Supreme Court,

Q062 (2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office 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 cases. All of these reports are available on the following web site: www.stat.gov.mk

<http://www.sud.mk/wps/portal/ssrm/sud/izvestai/>

State Statistical Office publishes detailed statistical data on its web in the field of criminal cases on the web site:

Q065 (General Comment): Public Prosecution Office publishes its reports on the web site.

Public Prosecutor's Offices publishes reports on the web site: <https://jorm.gov.mk/category/dokumenti/izvestai/>

2. Council of Public Prosecutors of the Republic of North Macedonia for the work on the web site:

<http://sjorm.gov.mk/%d0%b3%d0%be%d0%b4%d0%b8%d1%88%d0%b5%d0%bd-%d0%b8%d0%b7%d0%b2%d0%b5%d1%88%d1%82%d0%b0%d1%98/>

Q066 (General Comment): Reports are available on the following web site: www.sud.mk

Q066 (2021): Regular activity reports to: the Judicial Council, the Supreme court, Appellate courts, Ministry of Justice, State Statistical Office. An annual report of the Judicial Council to the Assembly.

Q067 (2021): 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 of North Macedonia, Higher public prosecutor's offices, Ministry of Justice, State Statistical Office. An annual report of the Council of Public Prosecutors and an annual Report of the Public Prosecutor's Office of the Republic of North Macedonia, to the Assembly.

Q070 (2021): Reports are available on the following web site: www.jorm.gov.mk

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 Chamber may

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.

which is valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management. - the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions. If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points. The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 points, but the total number of points cannot be more than 60 points, nor less than 20 points. The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law. The work of the judge

Q075 (General Comment): Judicial Council is responsible body for setting the targets for judges.

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 consecutive evaluations, he/she may be dismissed on the basis of unprofessional and negligent performance of the function. 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 higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in 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 higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for

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 Judicial Council.

Public Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public

Prosecution office. EVALUATION CRITERIA from Law on the Public Prosecution office are following: 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."

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.

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 prosecutor of that prosecutor's office.

The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office.

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 prosecutor of that prosecutor's office.

The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office.

The data on the performance of public prosecutors is brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Introduction of the concept of online trials and digitalization in the existing legal framework

Amendments to the Law on Civil Procedure

Amendments to the Law on Criminal Procedure

Amendments to the Law on Justice for Children

Amendments to the Law on Administrative Disputes

Amendments to the Court Rules of Procedure

Providing hardware equipment for the courts

Analysis of existing equipment and determination of needs

Defining performance for required equipment

Procurement of equipment

Introduction of a platform for promoting transparency in 5 pilot courts

Preparation of a specification for the performance of the platform

Installation of the platform in 5 pilot courts - Basic Court Skopje 1 Skopje, Basic Court Skopje 2 Skopje, Basic Court Stip, Basic Court Kavadarci and Basic Court Strumica

Provision of equipment for audio-visual recording and remote trial

Analysis of the use of advanced electronic tools in the courts

Analysis of the use of advanced electronic tools in the courts

Preparation of an overview of the number of courtrooms that will be equipped

Defining the type of required audio-visual equipment

Procurement and installation of equipment in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution

Introduction of a remote trial platform and a medium for recording and storing audio-visual recordings

Analysis of the use of advanced electronic tools in the courts

Making a specification for the performances of the platform

Procurement and availability of the platform in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution

Introduction of a platform for two-way electronic communication for interoperability (E-delivery)

Making a specification for the performance of the platform

Procurement and installation of the platform

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 completely new CMS.

Serbia

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 court decision) “Uip“ - judicial protection in the election procedure for members of national councils of national minorities; “Už“ –

Q035 (2021): All answers are from the reports of the competent institutions

This is a result of the reduction in the number of backlog enforcement cases before the courts, bearing in mind the legislative changes and the transfer of these cases to the jurisdiction of public enforcement agents. It can also be linked to measures implemented on the basis of the Unified Backlog Reduction Programme. More detailed explanation is available further in relation to enforcement cases.

Yes, there is a general trend of increasing the inflow of civil cases. During 2020, a slightly smaller number of these cases were received due to circumstances caused by the corona virus. The trend of increasing the inflow of the number of civil cases was influenced inter alia by repetitive cases in certain areas. For example, during 2021, the basic courts received 187,491 cases related to contracting costs of bank loans.

With regard to this question we submit the excerpt from the Annual Report on the Work of Courts for 2021 (https://www.vk.sud.rs/sites/default/files/attachments/Publikacija%20srb_0.pdf):

A large number of cases pending before courts in the Republic of Serbia, a large number of pending backlog cases, and in particular pending backlog enforcement cases - required systematic, comprehensive and long-term measures at the national level to increase efficiency, reduce amount of pending old cases and cut the length of court proceedings.

In order to reduce the huge number of pending enforcement cases, particularly pending backlog enforcement cases, which have burdened the judicial system for a longer period, the Republic of Serbia adopted the Law on Enforcement and Security (hereinafter: LoES), in 2015 (published in Official Gazette of RS", No. 106/2015).

Some provisions of the LoES contained systemic measures that led to a shift in jurisdiction and to its partial transfer to the enforcement agents.

In the period of 2016 to 2019, the Supreme Court of Cassation, aiming to expedite implementation of the Law on Enforcement and Security, adopted several key strategic documents:

1. Amended Unified Backlog Reduction Program 2016-2020, which in its special part provided measures for resolving backlog enforcement cases;
2. Special Backlog Enforcement Reduction Program;

The Supreme Court of Cassation, jointly with the High Judicial Council and the Ministry of Justice, adopted the Guidelines for the Implementation of the Law on Enforcement and Security.

Amendments to the Law on Enforcement and Security ("Official Gazette of RS", No. 54/2019), which came into force 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, and three

misdeemeanour 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) before basic and higher courts (38.1) as well as misdemeanour cases and commercial offenses in the first instance- from the more detailed explanation as soon as possible.

"Higher courts:

- International letters rogatory - incoming and outgoing in criminal matters, international letters rogatory in criminal matters for the provision of general types of international legal assistance
- Educational (supervision) orders, educational measures and security measures (educational orders and execution of educational orders and security measures)
- Execution of imprisonment in the Department for Organized Crime and the Department for War Crimes (Decisions of the President of the Court instructing, extending or revoking serving a prison sentence in the Special Department of the Pozarevac Penitentiary)
- Register of Criminal Extrajudicial Chambers (deciding on appeals in the first instance against pre-trial judge's decisions, confirmation of indictments, deciding on motions of parties and acting judges, decisions on appeals against prosecution decisions on costs, and other in the regular criminal department, Department for organized crime, the Department for War Crimes, the Department for Juveniles, the Department for the Suppression of Corruption)
- Records on juvenile perpetrators of criminal offenses who were sentenced to an educational measure, educational order, security measure, accommodation in a correctional facility, imprisonment (criminal records for juveniles are kept by the court)
- Requests for amnesty (regular criminal department, organized crime department, war crimes department)
- Register of decisions of pre-trial judges regarding the proposals of the prosecutor's office for ordering detention or other measures (regular criminal department, organized crime department, war crimes department, cyber crime, anti-corruption department) -Register of pre-trial judges for various actions during the prosecutorial investigation (regular criminal department, organized crime department, war crimes department, high-tech crime, anti-corruption department)
- The register regarding criminal cases, but not to specific court cases, forwarded to the competent court or prosecutor's office, or answers, for instance to the Ministry of Interior if they need some data from criminal registers regarding persons against whom proceedings were or are being conducted, etc. (regular criminal department, Department for Organized Crime, Department for War Crimes and Department for Juveniles, Department for Suppression of Corruption)

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 pertaining to making decisions within a reasonable time in civil and criminal matters": for courts of appeal (R4 g, R4 k, R4 r, Rž k, Rž g, Rž r, Ržk Po1, Ržk Po2), higher courts (Rž k, Rž g, Rž r), the Commercial Court of Appeal (R4 p, R4 st, R4 i, R4 pp, R4 fi, R4 vr, Pž p, Pž st, Pž i, Pž pp, Pž fi, Pž vr), and the Misdemeanor Court of Appeal (R4 p (01, 02, 03), R4 op, Rž p (01, 02,

older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

With regard to this question for more insight please see the analysis provided within the Annual Report on Work of Courts for 2021:

OVERVIEW OF THE NUMBER OF PENDING CASES BEFORE COURTS IN THE REPUBLIC OF SERBIA

2017. 2018. 2019. 2020. 2021.

TOTAL AT THE NATIONAL LEVEL - ALL CASES 1,911,086 1,701,580 1,656,645 1,510,472 1,498,237

TOTAL AT THE NATIONAL LEVEL - EXCEPT ENFORCEMENT 1,118,201 1,024,521 1,072,156 1,209,631 1,450,878

Table 7

* Figures for basic courts include Registers I, Iv while commercial courts include all enforcements

The number of pending cases – except enforcement – increased when compared to 2017, as a result of the increased number of cases received in the last five years (more than two and half million cases above the expected inflow) that the judicial system couldn't absorb completely. Since there was no timely systemic reaction to the enormously increased number of incoming cases, while at the same time, the number of court staff decreased and new employment was banned, or was limited, courts did not manage to stop the trend of increase of the number of pending cases, since 2018 (1.024.521). In 2019, the number of pending cases slightly increased, however, in 2020 there was a significant increase of pending cases in trial matters due to extraordinary circumstances and implementation of measures for protection of population from the pandemic, which is why the courts in the Republic worked with significantly reduced capacities.

The trend of increasing the number of pending cases continued in 2021, caused by the additional burden on the court system with so far the largest inflow of cases, which was mostly reflected in the number of pending cases in basic and misdemeanour courts.

The ratio of incoming, disposed and pending cases at the end of 2021 comparing to the previous reporting periods, shows a decreased number of pending cases (1,498,237) and increase of the number of disposed cases (2,415,672) resulting from the increased engagement of judges and judicial staff, although in circumstances of the enormous increase of inflow (2,402,486).

older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

cases regarding requests for release on parole, different criminal cases regarding minors, cases regarding extradition and transfer of convicted persons in ordinary criminal cases, (also in cases of organized crime and war crimes), extension of detention in cases of cyber crime, different decision of the extrajudicial chamber, cases regarding

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

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

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 judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".

Q045 (2020): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there 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 an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 93/19 and 18/22), courts semi-annually and annually 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 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.

specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

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 court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust 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 Minister, to the higher

Q057 (General Comment): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

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 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 proceedings. The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are 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>; Statistical Office of the Republic of Serbia, Belgrade, Milana Rakica 5

Q062 (2021): The Supreme Court of Cassation

Q062 (2020): The Supreme Court of Cassation

work of all courts are published, also courts publish their annual individual statistical reports on their internet presentations.

Q064 (General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

Q064 (2020): Republic Public Prosecutor

<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->

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%82%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.

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 information

Q068 (General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

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 institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are

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 the court finds of relevance for holding a trial. However, it is important to notice that the together 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 conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence 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.

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.

Q075-1 (General Comment): 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.

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.

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

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.

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 the basis of the SPC decision

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 the basis of the SPC decision

Q082-0 (General Comment): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.

The document in English will be provided later.

Q082-0 (2021): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.

The document in English will be provided later.

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)

Q082-1 (2021): Firstly, AVP System was implemented in commercial courts in 2010. September 2021, currently (March 2022) it is in inception phase.

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.

Kosovo*

manual to CMIS. The increase in civil cases was due to a large number of new cases that resulted from the jubilee wages and meals from collective agreements signed by the government with unions. The number of administrative cases increased due to the resuming of the work after Covid so more contests emerged and so the number of 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-emergent" cases. Since courts have been dealing only with emergent cases and have worked with minimal capacities, most of the fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year.

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 incoming cases. As for the decrease in the number of incoming cases, it is mainly a result of the full lockdown which was imposed from mid-all the data in the CMIS for the second instance. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35 regarding the first instance. To be specific, the administrative cases increased in the first instance and they proceeded to the second instance via appeals. 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 for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35. fully reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year. Same comments as for the first instance.

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 System 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 appeals approved somehow defines the quality of decisions. Also, considering that Kosovo courts face a huge backlog, it

performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

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 which is supporting this activity, this CMIS feature evaluates the performance of judges with permanent mandate according to the "Random" method, judges with initial mandate and those who are candidates for promotion. The Commission for the Evaluation of Judges' Performance performs its tasks and activities based on the Law on the Judicial Council and the Regulation on the Evaluation of the Performance of Judges, approved by the Kosovo Judicial Council. The Judicial Performance Evaluation Committee assesses the basis for the promotion or demotion of judges, including the initiation of dismissal proceedings and the evaluation for the purpose of reappointment.

Judges with initial mandates are evaluated two (2) times during this mandate and once after the initial training and Judges are evaluated according to the following scales, from 0 to 89 points: 1.1. From 0 to 35 points is evaluated "debit", 1.2. From 36 to 51 points is considered "sufficient", 1.3. From 52 to 67 points is rated "good", 1A. From 68 to 82 points is evaluated "very good", 1.5. From 83 to 89 points is rated "excellent". 2. Only judges who are evaluated with "excellent" evaluation will be considered for promotion, in case of vacancies in the Court of Appeals and / or the Supreme Court. In case the evaluation results that there are not enough judges ranked according to the points with "excellent" evaluation, the Council takes into account the judges ranked according to the points with the evaluation. The evaluation of judges is done in accordance with the principle of legality, objectivity, transparency and equality, in order to guarantee equal opportunities and rights for the development of the judge's career. . 2. The evaluation is not intended to interfere with the independence and impartiality of the judge. 3. Unless otherwise provided by law or regulation, all data and information collected during the performance appraisal process are confidential and are not disclosed during the first phase of the appraisal. Disclosure of any information that violates the confidentiality of services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

Q053 (General Comment): In the KPC also, there is a specific unit who drafts detailed reports on the performance of independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reason, 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 the EU best practices. Moreover, a Functional Review process for the Rule of Law Sector is undergoing, meaning that there will be other integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

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 regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

Q067 (2021): In the Department of Statistics at the Kosovo Judicial Council

Q068 (2021): An annual report is published each year but also other reports on a more frequent basis.

case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

case solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

Q071 (2021): The KPC work report is published annually and the State prosecutor work report is published every 6

Criminal procedure code. There was no change of provisions of the criminal procedure code to ensure that but in the previous cycle, it was marked as No despite having such provisions in force.

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 undergoing some analysis with regard to performance targets in order to draft a specific regulations on 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)

Q077 (General Comment): Every three years .

Q079 (2021): KPC in 2018 has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels. performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a permanent dismissal of a prosecutor.

assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

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 prosecutors within each prosecution Prosecutors undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.

Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate

Q082-0 (2021): For 2021 there was no specific strategy for the IT but there are measures and activities related to IT

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.

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 of the database: <https://www.gjyqesori-rks.org/aktgjkimet/?lang=en>

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. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for

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 courts:

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 services that

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 (multiple replies possible)?

Question 52. Do you have a system to evaluate regularly the performance of the public prosecution services based

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 (multiple replies possible)?

Question 56. Who is responsible for evaluating the performance of the courts (multiple replies possible):

Question 57. Who is responsible for evaluating the performance of the public prosecution services (multiple replies

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 reasonable

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. Are the statistics on the functioning of each court published:

Question 64. Is there a centralised institution that is responsible for collecting statistical data regarding the

Question 65. Are the statistics on the functioning of each public prosecution service published?

number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

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:

on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

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:

the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in

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 of

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' work?

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 and

Question 82-1. When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

Question 82-2. Are there plans for a significant change in the present IT system in the judiciary in the next year?

Question 83. 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

administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include data on the caseload of second instance courts regarding the first instance administrative law cases.

recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance civil and commercial litigious cases rose by 13% compared to 2020. Still, that number is smaller than the number of new first instance civil and commercial litigious cases received in 2019 and 2018. Most of the courts surpassed the 100% clearance rate in the reference year. This led to the decrease of the number of pending cases at the end of 2021, continuing the trends from the previous years. The number of pending cases older than 2 years grew slightly, mostly because of the Covid-19 restrictions imposed in the first half of the reference year. Finally, it is important to note that the majority of the pending civil and commercial litigious cases older than 2 years are litigious small claims cases related to the unpaid utility bills. The increased number of incoming non-litigious cases was filed in the courts in 2021 in comparison to 2020. The majority of general civil non-litigious cases are enforcement proceedings that the state-owned utility companies initiate to recover unpaid bills for utility services. (e.g. heating, water, electricity, garbage collection, television subscription etc.).

As in 2020, several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in the reference year 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. In addition, 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, i.e. the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. It is important to note an additional information on the inconsistency for general non-litigious pending cases between an end to 2020 and the beginning of 2021. Namely, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed several courts to correct technical mistakes made in the case management system about

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 biggest cities in Bosnia and Herzegovina. An additional information on the inconsistency for general non-litigious pending

Montenegro

(Secretariat of the JC)

A large number of cases have not been resolved because there was a delay in the work of the courts at a certain period of the year due to the "lawyers strike", as well as due to the a certain number of judges to retirement. As in the previous period, the work of the Montenegrin judiciary was limited during the reporting year due to the pandemic caused by Covid 19, but also due to a months-long strike of lawyers. In particular, the courts had a lot of delays due to the decision of the Bar Association to suspend the provision of legal aid, which delayed a large number

"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

North Macedonia

new Law on Administrative Disputes (implementation started at 25.05.2020). Articles 37 and 39 from the new Law provide compulsory public hearings for most of the administrative cases and before this, the court didn't have any obligation for hearings. Consequently, new circumstances explained above led to the increase of the pending cases and disposition time. Also, in 2021 two judges were retired.

(2020): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Serbia

“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 court decision) “Uip” - judicial protection in the election procedure for members of national councils of national minorities; “Už” – appeals,

(2021): All answers are from the reports of the competent institutions

This is a result of the reduction in the number of backlog enforcement cases before the courts, bearing in mind the legislative changes and the transfer of these cases to the jurisdiction of public enforcement agents. It can also be linked to measures implemented on the basis of the Unified Backlog Reduction Programme. More detailed explanation is available further in relation to enforcement cases.

Yes, there is a general trend of increasing the inflow of civil cases. During 2020, a slightly smaller number of these cases were received due to circumstances caused by the corona virus. The trend of increasing the inflow of the number of civil cases was influenced inter alia by repetitive cases in certain areas. For example, during 2021, the basic courts received 187,491 cases related to contracting costs of bank loans.

With regard to this question we submit the excerpt from the Annual Report on the Work of Courts for 2021 (https://www.vk.sud.rs/sites/default/files/attachments/Publikacija%20srb_0.pdf):

A large number of cases pending before courts in the Republic of Serbia, a large number of pending backlog cases, and in particular pending backlog enforcement cases - required systematic, comprehensive and long-term measures at the national level to increase efficiency, reduce amount of pending old cases and cut the length of court proceedings.

In order to reduce the huge number of pending enforcement cases, particularly pending backlog enforcement cases, which have burdened the judicial system for a longer period, the Republic of Serbia adopted the Law on Enforcement and Security (hereinafter: LoES), in 2015 (published in Official Gazette of RS", No. 106/2015).

Some provisions of the LoES contained systemic measures that led to a shift in jurisdiction and to its partial transfer to the enforcement agents.

In the period of 2016 to 2019, the Supreme Court of Cassation, aiming to expedite implementation of the Law on Enforcement and Security, adopted several key strategic documents:

1. Amended Unified Backlog Reduction Program 2016-2020, which in its special part provided measures for resolving backlog enforcement cases;
2. Special Backlog Enforcement Reduction Program;

The Supreme Court of Cassation, jointly with the High Judicial Council and the Ministry of Justice, adopted the Guidelines for the Implementation of the Law on Enforcement and Security.

Amendments to the Law on Enforcement and Security ("Official Gazette of RS", No. 54/2019), which came into force

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, and three departments in Kragujevac, Novi Sad and Niš). It has broad competences and for several years number of incoming

Kosovo*

manual to CMIS. The increase in civil cases was due to a large number of new cases that resulted from the jubilee wages and meals from collective agreements signed by the government with unions. The number of administrative cases increased due to the resuming of the work after Covid so more contests emerged and so the number of

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-emergent" cases. Since courts have been dealing only with emergent cases and have worked with minimal capacities, most of the

Question 038

Albania

(2021): Criminal requirements of the preliminary investigation phase; Criminal cases of the preliminary hearing; Criminal requirements of the execution phase; Security measures; parole; Extradition

(2020): Variations from the previous cycle remain unexplained

Bosnia and Herzegovina

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 which sanctions

years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions. In 2021, however, the number of incoming first instance severe criminal law cases rose by 8% compared to 2020. Still, that number is smaller than the number of incoming first instance severe criminal law cases registered in 2019 and 2018.

In addition, as in 2019 and 2020, the number of incoming first instance misdemeanour cases continued a clear upward trend in the reference year. 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. In addition, the number of resolved first instance cases in 2021 was bigger in comparison to 2020, which was marked by the Covid-19 measures restricting the work in prosecutors' offices and courts. However, the courts failed to reach the 100% clearance rate in the reference year. Consequently, the number of pending misdemeanour cases continued to grow in 2021 as in the previous years. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the procedural gridlock that the courts cannot resolve (e.g. an accused person is not traceable). The majority of pending other cases older than 2 years are misdemeanour cases in which courts are lacking effective mechanisms to enforce outstanding monetary fines pronounced in the minor offence proceedings.

Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial,

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 are older than 2 years, cannot be resolved due to the procedural gridlock that the courts

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.

North Macedonia

State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

misdemeanor) cases.

Serbia

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) before basic and higher courts (38.1) as well as misdemeanour cases and commercial offenses in the first instance- from the

detailed explanation as soon as possible.

"Higher courts:

- International letters rogatory - incoming and outgoing in criminal matters, international letters rogatory in criminal matters for the provision of general types of international legal assistance
- Educational (supervision) orders, educational measures and security measures (educational orders and execution of educational orders and security measures)
- Execution of imprisonment in the Department for Organized Crime and the Department for War Crimes (Decisions of the President of the Court instructing, extending or revoking serving a prison sentence in the Special Department of the Pozarevac Penitentiary)
- Register of Criminal Extrajudicial Chambers (deciding on appeals in the first instance against pre-trial judge's decisions, confirmation of indictments, deciding on motions of parties and acting judges, decisions on appeals against prosecution decisions on costs, and other in the regular criminal department, Department for organized crime, the Department for War Crimes, the Department for Juveniles, the Department for the Suppression of Corruption)
- Records on juvenile perpetrators of criminal offenses who were sentenced to an educational measure, educational order, security measure, accommodation in a correctional facility, imprisonment (criminal records for juveniles are kept by the court)
- Requests for amnesty (regular criminal department, organized crime department, war crimes department)
- Register of decisions of pre-trial judges regarding the proposals of the prosecutor's office for ordering detention or other measures (regular criminal department, organized crime department, war crimes department, cyber crime, anti-corruption department) -Register of pre-trial judges for various actions during the prosecutorial investigation (regular criminal department, organized crime department, war crimes department, high-tech crime, anti-corruption department)
- The register regarding criminal cases, but not to specific court cases, forwarded to the competent court or prosecutor's office, or answers, for instance to the Ministry of Interior if they need some data from criminal registers regarding persons against whom proceedings were or are being conducted, etc. (regular criminal department, Department for Organized Crime, Department for War Crimes and Department for Juveniles, Department for Suppression of Corruption)

Kosovo*

reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year.

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 incoming cases. As for the decrease in the number of incoming cases, it is mainly a result of the full lockdown which was imposed from mid- March to June.

Question 039

Bosnia and Herzegovina

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 2021, however, the number of incoming second instance civil commercial litigious cases was increased by 9% compared to 2020; nevertheless, that number is by far smaller than the number of incoming second instance civil commercial litigious cases registered in 2019 and 2018. In addition, the courts with the biggest caseload in the country have managed to surpass the 100% clearance rate for many consecutive years, including the reference year; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2021. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the decreased numbers of incoming and resolved administrative cases in 2021 in contrast to the previous year. The workload shrank predominantly in one of the courts in the reference year; which received almost no complaints against the

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 to decide urgently on the huge number of the complaints

Montenegro

(2021): The total of other than criminal law cases is the same as the situation at the end of 2020. and the number of received O(legacy) and RS (complex non-litigation cases) cases has increased. No further explanation was provided.

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:

Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on

North Macedonia

State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

Serbia

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 pertaining to making decisions within a reasonable time in civil and criminal matters": for courts of appeal (R4 g, R4 k, R4 r, Rž k, Rž g, Rž r, Ržk Po1, Ržk Po2), higher courts (Rž k, Rž g, Rž r), the Commercial Court of Appeal (R4 p, R4 st, R4 i, R4 pp, R4 fi, R4 vr, Pž p, Pž st, Pž i, Pž pp, Pž fi, Pž vr), and the Misdemeanor Court of Appeal (R4 p (01, 02, 03), R4 op, Rž p (01, 02,

older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

With regard to this question for more insight please see the analysis provided within the Annual Report on Work of Courts for 2021:

OVERVIEW OF THE NUMBER OF PENDING CASES BEFORE COURTS IN THE REPUBLIC OF SERBIA
2017. 2018. 2019. 2020. 2021.

TOTAL AT THE NATIONAL LEVEL - ALL CASES 1,911,086 1,701,580 1,656,645 1,510,472 1,498,237

TOTAL AT THE NATIONAL LEVEL - EXCEPT ENFORCEMENT 1,118,201 1,024,521 1,072,156 1,209,631 1,450,878

Table 7

* Figures for basic courts include Registers I, Iv while commercial courts include all enforcements

The number of pending cases – except enforcement – increased when compared to 2017, as a result of the increased number of cases received in the last five years (more than two and half million cases above the expected inflow) that the judicial system couldn't absorb completely. Since there was no timely systemic reaction to the enormously increased number of incoming cases, while at the same time, the number of court staff decreased and new employment was banned, or was limited, courts did not manage to stop the trend of increase of the number of pending cases, since 2018 (1.024.521). In 2019, the number of pending cases slightly increased, however, in 2020 there was a significant increase of pending cases in trial matters due to extraordinary circumstances and implementation of measures for protection of population from the pandemic, which is why the courts in the Republic worked with significantly reduced capacities.

The trend of increasing the number of pending cases continued in 2021, caused by the additional burden on the court system with so far the largest inflow of cases, which was mostly reflected in the number of pending cases in basic and misdemeanour courts.

The ratio of incoming, disposed and pending cases at the end of 2021 comparing to the previous reporting periods, shows a decreased number of pending cases (1,498,237) and increase of the number of disposed cases (2,415,672) resulting from the increased engagement of judges and judicial staff, although in circumstances of the enormous increase of inflow (2,402,486).

older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

Kosovo*

data in the CMIS for the second instance. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35 regarding the first instance. To be specific, the administrative cases increased in the first instance and they proceeded to the second instance via appeals.

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 for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35.

Question 040

Albania

(2020): A decrease in the number of resolved criminal cases (-45%) remains unexplained

Bosnia and Herzegovina

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

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 of the first instance severe criminal cases over recent years to the second instance courts of the aforementioned category. 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 addition, 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 and 2018. The number of the first instance severe criminal cases remained stable in 2021.

As for the number of incoming severe criminal law cases at second instance courts, it was increased in 2021 compared to 2020; nevertheless, that number is smaller significantly than the number of incoming severe instance criminal law cases registered at second instance courts in 2019 and 2018.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases dropped slightly in 2021, the decrease is not as significant in absolute numbers.

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 number of

Montenegro

(2021): The number of resolved cases is smaller, so the number of unresolved cases is higher. No further explanation

- 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, compared to the previous year.

North Macedonia

State of Emergency because of COVID 19 pandemic, the Government of North Macedonia adopted a decree-law that allowed the deadlines for cases before the courts to be stopped. Actually, all the deadlines were stopped for 3 months in 2020 and that is the reason why there is a larger number of increased cases before the courts in 2021.

Serbia

regarding requests for release on parole, different criminal cases regarding minors, cases regarding extradition and transfer of convicted persons in ordinary criminal cases, (also in cases of organized crime and war crimes), extension of detention in cases of cyber crime, different decision of the extrajudicial chamber, cases regarding transfer of cases

Kosovo*

reflecting the reality and the numbers of pending cases in the previous year and the number of resolved cases weren't included. Therefore, this year we have been able to provide the full data for those categories and it indicated the discrepancies from the last year. Same comments as for the first instance.

(2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other restrictive

Question 041

Bosnia and Herzegovina

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 instance employment dismissal case

consistent with the statistical information for such cases in 2020. It is important to note that the backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several first instance courts in the biggest cities in Bosnia and Herzegovina.

As for other cases under the Question 41 (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence), it is important to put these differences into the following context. Primarily, the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the length of proceedings and other 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). 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 Herzegovina process very often the corruption cases as the cases of the Abuse of Office (i.e. An official or responsible person who, by taking advantage of his office or official authority and by exceeding the limits of his official authority or by failing to perform his official duty, acquires a benefit to himself or to another person or causes damage to another person or seriously violates the rights of another, shall be punished by imprisonment). The statistics included in the reply for the Question 41 do not include the court cases in which

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 Herzegovina process very often the corruption cases as the cases of

Montenegro

cases.

The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals

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 explained (notably decrease of length of proceedings for litigious divorce cases and employment dismissal cases in first instance ; increase of length of proceedings for insolvency cases in first instance ; increase of length of proceedings in

North Macedonia

(2021): 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.

(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.

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

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 becomes

Question 042

Albania

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.

HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality.

Bosnia and Herzegovina

adopted the 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.

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.

Furthermore, there is a normative framework that consists of the various law provisions, regulations, and guidelines. The framework outlines systematic processes in the entire judicial system of Bosnia and Herzegovina as well as in the

Montenegro

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 (0.5% of a case). If only a decision on costs was revoked,

North Macedonia

criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. Qualitative criteria regarding the judicial work Article 80 (Law on Judicial Council) - The qualitative criteria for assessing the work of the judge are: - the quality of running the court procedure in which it is assessed: the ability to argumentation, readiness to conduct the hearing, compilation of minutes and hearing of parties, readiness to make procedural decisions, as well as the ability to resolve conflicts. - quality of prompt handling of court cases in relation to: respecting the legal deadlines for undertaking procedural actions in the procedure, respecting the legal deadlines for adopting,

Methodology for evaluation of the judgment's work on the basis of compliance of qualitative criteria for judicial work (adopted by the Judicial Council at the end of 2020). Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Also, the Matrix of monitoring indicators for the justice sector performance

Serbia

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 judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".

Question 043

Albania

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 magistrate as Ethics Advisor under the provisions of the Law "On

Bosnia and Herzegovina

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 departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of

North Macedonia

implementation of these standards.

The Rule-book for determining the fulfillment of the qualitative criteria for evaluation of judges prepared in accordance with Article 81 of the Law on Judicial Court was adopted on 21.12.2020 by the Judicial Council of North Macedonia. On 20.05.2021 the Supreme Court of North Macedonia at the general session of judges adopted a positive opinion regarding the proposed Methodology with indicators of the complexity of cases prepared in accordance with Article 85 paragraph 1 of the Law on the Judicial Council.

Additionally, with project "Supporting the Judicial Council in establishing Quality System for Evaluation of Judges", financially supported by the Embassy of the Kingdom of the Netherlands, implemented by "The Center for Legal Research and Analysis (CLRA)" and Judicial Council were developed forms for determining the fulfillment of the qualitative criteria for the work of judges and guidelines for calculating the coefficients of complexity of court cases

Question 044

Kosovo*

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 sense that the number of appeals approved somehow defines the quality of decisions. Also, considering that Kosovo courts face a huge backlog, it remains a very

Question 045

North Macedonia

envisaged as a mechanism in the Judicial Reform Strategy 2017-2022 in the area of Strategic Planning and Policy Making. In 2021, the Second National Measurement was conducted (according to the Matrix of indicators for monitoring of the judicial reform), and the new report was prepared within the project "Embedding analytical and monitoring tools to support the justice sector reforms in the Republic of North Macedonia" implemented by CLRA,

Serbia

(2020): The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are

Question 047

Albania

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;

d) the documentation made available by the School of Magistrates.

North Macedonia

Macedonia (Matrix) is composed by 71 indicators grouped in five areas: efficiency (14 indicators), quality (19 indicators), independence (17 indicators), accountability (7 indicators) and transparency (14 indicators).

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), independence (17 indicators), accountability

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.

indicators

yet, the court performance can not be evaluated.

Bosnia and Herzegovina

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

Montenegro

(General Comment): There is no automatic evaluation of court performance. We regularly get reports from the

Serbia

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 an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme

Kosovo*

performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

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 which is supporting this activity, this CMIS feature

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 needed.

Serbia

19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 93/19 and 18/22), courts semi-annually and annually 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

Kosovo*

the performance of judges with permanent mandate according to the "Random" method, judges with initial mandate and those who are candidates for promotion. The Commission for the Evaluation of Judges' Performance performs its tasks and activities based on the Law on the Judicial Council and the Regulation on the Evaluation of the Performance of Judges, approved by the Kosovo Judicial Council. The Judicial Performance Evaluation Committee assesses the basis for the promotion or demotion of judges, including the initiation of dismissal proceedings and the evaluation for the purpose of reappointment.

Judges with initial mandates are evaluated two (2) times during this mandate and once after the initial training and

Question 050

Serbia

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.

Kosovo*

are evaluated according to the following scales, from 0 to 89 points: 1.1. From 0 to 35 points is evaluated "debit", 1.2. From 36 to 51 points is considered "sufficient", 1.3. From 52 to 67 points is rated "good", 1A. From 68 to 82 points is evaluated "very good", 1.5. From 83 to 89 points is rated "excellent". 2. Only judges who are evaluated with "excellent" evaluation will be considered for promotion, in case of vacancies in the Court of Appeals and / or the Supreme Court. In case the evaluation results that there are not enough judges ranked according to the points with "excellent" evaluation, the Council takes into account the judges ranked according to the points with the evaluation

Question 051

Serbia

specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

Kosovo*

evaluation of judges is done in accordance with the principle of legality, objectivity, transparency and equality, in order to guarantee equal opportunities and rights for the development of the judge's career. . 2. The evaluation is not intended to interfere with the independence and impartiality of the judge. 3. Unless otherwise provided by law or regulation, all data and information collected during the performance appraisal process are confidential and are not disclosed during the first phase of the appraisal. Disclosure of any information that violates the confidentiality of

Question 052

Bosnia and Herzegovina

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

Montenegro

prosecutors and heads of state prosecutor's offices): Article 7 The Prosecutorial Council determines the average measures of the quantity of work in a certain type of case for the following categories: - for basic state prosecutor's offices up to 5 state prosecutors, - for basic state prosecutor's offices from 5 to 10 state prosecutors, - for basic state prosecutor's offices over ten state prosecutors, - for higher state prosecutor's offices. The average measure of the quantity of work is determined at the level of one category of state prosecutor's offices by adding and dividing the number of completed cases by types Kt, Ktm, KT I, Ktr with the number of state prosecutors who performed prosecutorial function in all state cases. prosecutors' offices of one category of state prosecutor's offices in the last three years. (eg ODT Kolašin, Cetinje, Plav, Rožaje, Ulcinj are in the neighboring category of state prosecutor's offices up to 5 state prosecutors, in the last three years a total of 20 state prosecutors worked, and completed a total of 400 Kt cases, 20 Ktm, 20 Kt I and 200 Ktr, the average scale for KT is $400/20 = 20$, for Ktm $20/20 = 1$, for Kt I $20/20 = 1$, for Ktr $200/20 = 10$) A case is considered completed if it resulted with a decision on rejection of a criminal report, a case in which a reconnaissance or investigation was conducted after which it was submitted to the competent prosecutor's office, suspension of investigation, confirmed indictment or indictment filed, decision on sentencing plea agreement, rejected criminal charges in case of postponement of criminal prosecution, as well as Ktr case that has been archived. The number of cases is determined by the number of persons. The Prosecutorial Council also determines the average measure of the quantity of work in a certain type of case for the Special State Prosecutor's Office by adding and dividing the number of completed cases by types of Kt-s, Ktm-s, KT I-s, Ktr-s and the number of special prosecutors in that period. performed the prosecutorial function in the above types of cases in the last three years. Article 8 The quantity of work is assessed on the basis of the report on the work of the state prosecutor and the average measures of the quantity of work in a certain type of case. According to this sub-criterion, the state prosecutor is assessed: - if he has completed up to 20% below the average criteria satisfies; - if he has completed over 20% of the subjects below the average criteria, he does not satisfy. If the state prosecutor worked in different types of cases, the quantity of work is assessed for all types of cases as indicators for assessing the quantity of work, and if the state prosecutor had fewer cases in the work of a certain type than the average measure for that type of case, then satisfies the grade if he has completed 80% of the total number of cases in the work of that type of

Kosovo*

performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

Question 053

Albania

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 Council at least 6 months before the termination of the mandate. Whereas, the prosecutor acting as a member of the High Prosecutorial Council are assessed in

Serbia

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 court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust in the work of judges

Kosovo*

(General Comment): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the

Question 055

Kosovo*

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 the EU best practices. Moreover, a Functional Review process for the Rule of Law Sector is undergoing, meaning that there will be other changes in the structure,

Question 056

Bosnia and Herzegovina

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

(2020): Other: Hierarchical superior court president.

Serbia

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 Minister, to the higher

Question 057

Albania

Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the

Bosnia and Herzegovina

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

(2021): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina serves as the public prosecutorial

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public

Serbia

(General Comment): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

Question 058

Albania

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 written request of the High Judicial

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 ";
- Decision no. 1/1 dated 20.02.2020 "On the addition of the thematic inspection object determined by decision no. 1

Bosnia and Herzegovina

Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators

North Macedonia

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

Scoring of Qualitative Criteria Article 84

(3) The quality of the judge's work in the part of the number of reversed decisions due to significant violations of the procedure in relation to the total number of resolved cases in the period in which it is assessed shall be scored according to the following table:

Percentage of annulled decisions in relation to the total number of resolved cases Points

Up to 5% 25

From 5% to 10% 20

From 10% to 15% 15

From 15% to 20% 10

More than 20% 0

Valuation according to the number of altered decisions made in relation to the total number of resolved cases

Article 87

The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored according to the following table:

Percentage of altered decisions in relation to the total number of resolved cases Points

Up to 5% 20

From 5% to 10% 15

From 10% to 15% 10

From 15% to 20% 7

From 20%to 30% 4

More than 30% 0

Valuation according to the number of altered decisions made in relation to the total number of resolved cases

Article 87

The work of the judge according to the number of altered decisions made in relation to the total number of resolved cases in the period in which he or she is evaluated shall be scored

Serbia

were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

Kosovo*

and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

Question 059

Albania

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 courts, judicial administration,

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

Bosnia and Herzegovina

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 determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Kosovo*

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 regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

Question 060

Bosnia and Herzegovina

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 length of proceedings in resolved and remaining unresolved cases.

Montenegro

information system. Also, the Supreme court monitors the number of those cases and conducts a number of activities to prioritize old cases in courts.

North Macedonia

(General Comment): Judicial Council on regular bases monitor backlog of cases.

Serbia

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 of the Right to Trial within a Reasonable Time ("Official

Question 061

Bosnia and Herzegovina

monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

North Macedonia

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 shall be performed by the Chief Public Prosecutor of the Republic of North Macedonia. (4) The manner of supervision shall be determined by the rulebooks adopted by the

Serbia

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 proceedings. The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are

Question 062

Albania

(2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

Bosnia and Herzegovina

collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

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, Ministry

(2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office and

Serbia

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>; Statistical Office of the Republic of Serbia, Belgrade, Milana Rakica 5

(2021): The Supreme Court of Cassation

(2020): The Supreme Court of Cassation

Question 063

Bosnia and Herzegovina

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 of the High Judicial and Prosecutorial Council of Bosnia

North Macedonia

the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk

<http://www.sud.mk/wps/portal/ssrm/sud/izvestai/>

State Statistical Office publishes detailed statistical data on its web in the field of criminal cases on the web site:

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 presentations.

Question 064

Albania

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 . The name and the address is: General Prosecution Office, Rr. "Qemal Stafa", Nr.1, Tirana, Albania - www.pp.gov.al

Bosnia and Herzegovina

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: <https://vstv.pravosudje.ba/>

Montenegro

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

Serbia

(General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

(2020): Republic Public Prosecutor

Question 065

Bosnia and Herzegovina

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 of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of

North Macedonia

(General Comment): Public Prosecution Office publishes its reports on the web site.

Prosecutor's Offices publishes reports on the web site: <https://jorm.gov.mk/category/dokumenti/izvestai/>

2. Council of Public Prosecutors of the Republic of North Macedonia for the work on the web site:

<http://sjorm.gov.mk/%d0%b3%d0%be%d0%b4%d0%b8%d1%88%d0%b5%d0%bd-%d0%b8%d0%b7%d0%b2%d0%b5%d1%88%d1%82%d0%b0%d1%98/>

Serbia

<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-%D1%80%D0%B0%D0%B4%D1%83/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%82%D0%BE>

Question 066

Albania

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.
 6. Administration of public funds.

Bosnia and Herzegovina

and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Montenegro

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 achieve efficiency. These reports, which are produced on a

North Macedonia

(General Comment): Reports are available on the following web site: www.sud.mk

(2021): Regular activity reports to: the Judicial Council, the Supreme court, Appellate courts, Ministry of Justice, State Statistical Office. An annual report of the Judicial Council to the Assembly.

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.

Question 067

North Macedonia

(2021): Reports are available on the following web site: www.sud.mk

Serbia

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 information

Kosovo*

(2021): In the Department of Statistics at the Kosovo Judicial Council

Question 068

Montenegro

Judicial Council and the Ministry of Justice, no later than February 10 of the current year for the previous year, and to publish it on the court's website within that period. In addition to that, the president of the court prepares a semi-annually report on the work of the court. At the request of the Judicial Council, the president of the court is obliged to submit special - periodic report, within the deadline set by the Judicial Council.

The courts also submit special reports required for reporting to the European Union and international organizations,

Serbia

(General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

Kosovo*

(2021): An annual report is published each year but also other reports on a more frequent basis.

Question 069

Albania

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 prosecution office, based on article 50 of the law

of Albania", the head of the prosecution offices of first and second instance of general jurisdiction prepare an annual report within the month of February of each year, on the progress of work in the relevant prosecution during the previous year and report to the General Prosecutor. Pursuant to Article 148/b of the Constitution of the republic of Albania, the General Prosecutor reports to the Assembly for the state of criminality. In line with Article 104 of Law 97/2016 "On the Organizing and Functioning of the Prosecution Office", reporting must be carried out at least once a year and it contains data and explanations on the number, types, territorial extension, intensity and forms of crime. The decision no.134/2018 of the Assembly of the Republic of Albania, in addition to above, provides that the annual report must contain data regarding even to the institution inner organizing, including the structure and the

Bosnia and Herzegovina

and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

Montenegro

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 status and trends of crime in the previous year.

North Macedonia

(General Comment): Reports are available on the following web site: www.jorm.gov.mk

North Macedonia, Higher public prosecutor's offices, Ministry of Justice, State Statistical Office. An annual report of the Council of Public Prosecutors and an annual Report of the Public Prosecutor's Office of the Republic of North Macedonia, to the Assembly.

Serbia

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 institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported.

Kosovo*

solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

Question 070

Albania

format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

North Macedonia

(2021): Reports are available on the following web site: www.jorm.gov.mk

Kosovo*

solved, manner of solving the cases and other relevant information regarding the functioning of the prosecution offices. Also, after the end of each year, 2 separate work reports are drafted and published in the web portal of the prosecutorial system, the report for the work of KPC and the report for the work of State Prosecutor.

Question 071

Kosovo*

(2021): The KPC work report is published annually and the State prosecutor work report is published every 6 month

Question 072

Albania

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 of common interest and vice versa. The High Judicial Council collaborates with the High Prosecutorial Council

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 main trial.

Montenegro

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 court shall reject such proposals unless the parties demonstrate that at the time of the preparatory hearing they did not know or could not have known of

North Macedonia

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 Chamber may summon the parties to appear before the court on a specific date in order to elaborate their proposals i.e. their

Serbia

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 the court finds of relevance for holding a trial. However, it is important to notice that the together

Kosovo*

Criminal procedure code. There was no change of provisions of the criminal procedure code to ensure that but in the previous cycle, it was marked as No despite having such provisions in force.

Question 073

Bosnia and Herzegovina

procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of the new hearing, as a rule, with prior consultations with the parties.

Montenegro

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 questions, to present all

North Macedonia

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.

Serbia

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 conducting of the proceeding. The court decides, at the hearing, on the time frame, especially on the number of hearings, time of hearings, schedule for taking of evidence

Question 074

Bosnia and Herzegovina

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 measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a

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

valued by the number and type of resolved cases in relation to the orientation number of cases to be solved by the judge monthly obtained from the Automatic Judicial and Information System for Case Management. - the quantity of the judge's work in the section of altered decisions made in relation to the total number of resolved decisions. If the number of resolved cases by certain types of cases in relation to the envision orientation number is 100%, it is considered that the judge has met the quantitative criteria and is valued at 40 points. The higher or lower number of resolved cases in relation to the envision orientation number of cases is evaluated in such a way that for each 1% more or less started, the number of points referred to in paragraph 3 of this Article increases or decreases by 0.5 points, but the total number of points cannot be more than 60 points, nor less than 20 points. The quantity of work of the judge in the part of the reversed and altered decisions is assessed through an insight into the automated computerized court management system by taking into consideration only the number of decisions against which legal remedies are allowed and they are altered due to misapplication of substantive law. The work of the judge

Serbia

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

Question 075

Albania

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 by the Council

Bosnia and Herzegovina

Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

North Macedonia

(General Comment): 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.

Kosovo*

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 undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for

Question 075-1

Albania

(2021): It is part of ethical and professional evaluation of judges. As such it influences the final score and therefore

(2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final score,

Bosnia and Herzegovina

points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

North Macedonia

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 consecutive evaluations, he/she may be dismissed on the basis of unprofessional and negligent performance of the function.

Serbia

(General Comment): 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.

(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

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. After the first 15 years of professional experience as magistrate, each magistrate is evaluated once every five years. Initially, the magistrate conducts a self

Bosnia and Herzegovina

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

Montenegro

criteria for appraisal of work of judges shall be: 1) Professional knowledge; 2) General capabilities for performing judicial office. Appraisal of work of judges under the criteria referred to mention above shall be made by inspecting: 1) Five cases completed by a final and enforceable decision, randomly selected; 2) Five cases completed by a final and enforceable decision, selected by the judge himself / herself; 3) Five cases completed by a final and enforceable decision in which decisions were abolished, randomly selected; 4) A statistical report on the work of the judge, containing information on the work of the judge, data from the records on judges, information on the number of complaints and decisions on complaints against the work of the judge, information on the number of control

North Macedonia

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 higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in

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.

Kosovo*

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)

Question 076-1

Bosnia and Herzegovina

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;

North Macedonia

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 higher instance court, election of a president of a court or member of the Council. Procedure for evaluation of judges is defined in the Law on Judicial Council.

On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for

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 Judicial Council.

Serbia

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.

(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

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 for each type of a case within a given case category and its weight.

Question 079

Bosnia and Herzegovina

Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Kosovo*

(2021): KPC in 2018 has approved the administrative instruction which specifies the orientation norm for State Prosecutors regarding the number of cases that they are obliged to finish in all prosecution offices and all levels.

Question 079-1

Bosnia and Herzegovina

points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

Kosovo*

evaluation, which serves as the basis for promotion, demotion, and can even lead to a permanent dismissal of a prosecutor.

their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Question 080

Bosnia and Herzegovina

the performance

evaluation of judges in December 2020.

The assessment of the statistical quality of the prosecutor's decisions is established on the basis of the quality of the indictments and the quality of the decisions not to investigate and orders to terminate an investigation.

The quality of a prosecutor's indictments is evaluated on the basis of the total number of issued indictments and the total number of final judgements dismissing charges, acquitting the persons charged, and on the basis of final court decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period. The quality of a prosecutor's orders not to investigate and orders to terminate an investigation is evaluated on the basis of the total number of such orders issued during the period covered by the evaluation and the total

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

Montenegro

state prosecutor's offices.

The rules for the evaluation of state prosecutors and heads of state prosecutor's offices are based on: Professional knowledge: quantity and quality of work, ability to plan and effectively implement procedural actions, skills of preparation and keeping case files, skills of using prosecutorial knowledge, skills of acting and professional development. General abilities to perform the prosecutorial function: communication skills, ability to adapt to

Serbia

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 the basis of the SPC decision

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.

(2021): The criteria for the quality assessment of the public prosecutor's work are set by the Law no. 96/2016, "On

Bosnia and Herzegovina

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

North Macedonia

Prosecution office and the Rulebook for evaluation of the work on the public prosecutor's, adopted by Chief Public Prosecutor of the State Public

Prosecution office. EVALUATION CRITERIA from Law on the Public Prosecution office are following: 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."

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

Montenegro

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.

North Macedonia

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 prosecutor of that prosecutor's office.

The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution

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 prosecutor of that prosecutor's office.

The evaluation score of the performance of public prosecutors in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the basic public prosecutor of that prosecutor's office.

Serbia

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 the basis of the SPC decision

Kosovo*

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 prosecutors within each prosecution office, as

undergo 2 types of evaluations. Every year their work is evaluated by their respective chief prosecutor and their performance is evaluated by the committee as well.

Prosecutors in their initial mandate are evaluated twice by the committee and prosecutors with permanent mandate

Question 082-0

Bosnia and Herzegovina

(2021): Preparatory activities for the development of the strategy are ongoing.

(2020): Director of the Secretariat at the HJPC was given a mandate from the HJPC to provide the preconditions for

Montenegro

information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravošua). 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 2023 (migration of data and training of users are last phases that would go in parallel). We have some delays on the project, due to

(abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravošuda). 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 parallel). We have some delays on the project, due to problems we have with the company we got on the tender, because they fail to deliver

Serbia

(General Comment): IT strategy was adopted by ICT Sectorial Council on February 4th 2022. The document in English will be provided later.

(2021): IT strategy was adopted by ICT Sectorial Council on February 4th 2022. The document in English will be provided later.

(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*

(2021): For 2021 there was no specific strategy for the IT but there are measures and activities related to IT included

(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

North Macedonia

brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Serbia

(2020): (Software used for registering judicial proceedings and their management)

Question 082-1

Bosnia and Herzegovina

(2021): Currently there are two running versions of the CMS : - CMS v1 was developed more than 10 years ago,
- CMS v2 was developed between 2 and 5 years ago.
Both versions are used on the same database.

(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.

Serbia

(2021): Firstly, AVP System was implemented in commercial courts in 2010.

Kosovo*

(2020): It has just recently been developed.

Question 082-2

Albania

necessity to develop e 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 new system is envisaged. Its development depends primarily on the securing of financial support.

Bosnia and Herzegovina

(2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and

Montenegro

by the end of the first quarter. Full implementation of the judicial IT system is planned in the new ICT Justice Development Program 2021-2023. for the fourth quarter of 2022. However, it is quite realistic that the full implementation of the CMS system with user training will be completed by the end of 2023.

of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.

North Macedonia

Introduction of the concept of online trials and digitalization in the existing legal framework

Amendments to the Law on Civil Procedure

Amendments to the Law on Criminal Procedure

Amendments to the Law on Justice for Children

Amendments to the Law on Administrative Disputes

Amendments to the Court Rules of Procedure

Providing hardware equipment for the courts

Analysis of existing equipment and determination of needs

Defining performance for required equipment

Procurement of equipment

Introduction of a platform for promoting transparency in 5 pilot courts

Preparation of a specification for the performance of the platform

Installation of the platform in 5 pilot courts - Basic Court Skopje 1 Skopje, Basic Court Skopje 2 Skopje, Basic Court Stip, Basic Court Kavadarci and Basic Court Strumica

Provision of equipment for audio-visual recording and remote trial

Analysis of the use of advanced electronic tools in the courts

Analysis of the use of advanced electronic tools in the courts

Preparation of an overview of the number of courtrooms that will be equipped

Defining the type of required audio-visual equipment

Procurement and installation of equipment in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution

Introduction of a remote trial platform and a medium for recording and storing audio-visual recordings

Analysis of the use of advanced electronic tools in the courts

Making a specification for the performances of the platform

Procurement and availability of the platform in 34 courts, the courtroom in the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution

Introduction of a platform for two-way electronic communication for interoperability (E-delivery)

Making a specification for the performance of the platform

Procurement and installation of the platform

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 completely new CMS.

Serbia

currently (March 2022) it is in inception phase.

(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 publishes

Question 085

Albania

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 used by the majority of the Courts and ARKIT which is used only in Tirana District Court and

Bosnia and Herzegovina

Training Department – former Judicial Documentation Centre. In 2021, the HJPC decided to open this database for public free of charge and without registration. The Council of Ministers of BiH made decision to abolish the annual fee of 50 EUR, so the database is made available to the public free of charge as of 5 March 2021. The HJPC BiH has also issued a new anonymization instruction in order to make database more user friendly. According to this instruction, more information in court decisions are available, i.e. data on all state officials mentioned in the decisions, data on public enterprises and institutions, name and surname of the convicted persons in high-profile cases (war crime cases, organised crime and corruption cases, terrorism cases etc). This is an advancement comparing to the former rule where all data were anonymized (total anonymization). In this way, the HJPC has made an effort to make balance between public and private interest. Also, according to the new instruction, all final decisions in this type of cases are published through the central database, which is new practice compared to previous rule, according to which only decisions selected and provided by the courts of highest instance were published (Appellate Court of Brcko District, Court of BiH – Appellate Division, Supreme Court of BiH Federation and Supreme Court of Republika Srpska).

Also, in 2021, the HJPC secured funding for development of case-law database of the aforementioned courts of highest instance (e-Sentence), through which not only legal positions taken by these courts will be made available,

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 with court stances in cooperation with highest courts (E-sentence). This database will

Serbia

(2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

Kosovo*

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 of the database: <https://www.gjyqesori-rks.org/aktgjkimet/?lang=en>

4. Access to justice - Overview

Legal Aid

Total number of cases per 100 inhabitants in which legal aid was granted from 2018 to 2021 (Table no. 4.1.6)

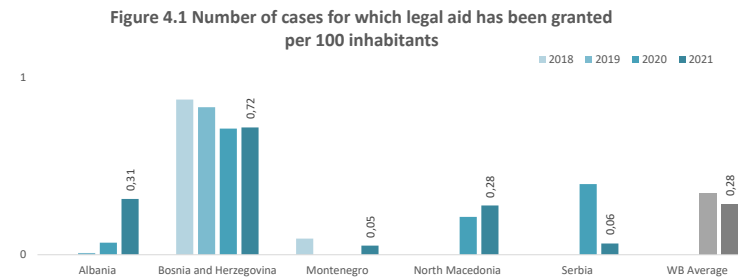
Beneficiaries	Number of cases for which legal aid has been granted per 100 inhabitants			
	2018	2019	2020	2021
Albania	NA	0,01	0,07	0,31
Bosnia and Herzegovina	0,88	0,83	0,71	0,72
Montenegro	0,09	NA	NA	0,05
North Macedonia	NA	NA	0,21	0,28
Serbia	NA	NA	0,40	0,06
Kosovo*	-	0,31	0,44	0,26
WB Average	-	-	0,35	0,28
WB Median	-	-	0,31	0,28

For reference only: the 2020 EU median for the number of cases for which legal aid has been granted is 0,73 per 100 inhabitants.

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

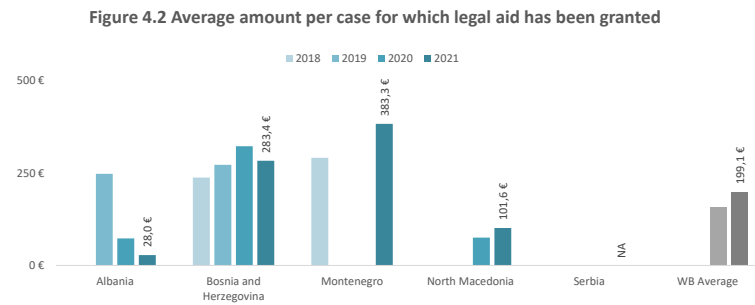
Serbia: Total data only refers to cases where legal aid was granted according to Law on Free Legal Aid (whereas cases in which legal aid was granted according to Criminal Procedure Code are not available).

Kosovo*: The provided number of criminal cases for which legal aid was granted includes only those initiated through the Agency for Free Legal Aid and do not include all cases for which legal aid was granted.



Average amount per case for which legal aid has been granted from 2018 to 2021 (Table no. 4.1.7)

Beneficiaries	Average amount per case for which legal aid has been granted			
	2018	2019	2020	2021
Albania	NA	248,0 €	72,9 €	28,0 €
Bosnia and Herzegovina	237,7 €	272,4 €	322,8 €	283,4 €
Montenegro	291,2 €	NA	NA	383,3 €
North Macedonia	NA	NA	75,6 €	101,6 €
Serbia	NA	NA	NA	NA
Kosovo*	-	382,7 €	176,8 €	366,8 €
WB Average	-	-	157,1 €	199,1 €
WB Median	-	-	75,6 €	192,5 €



Serbia: The main part of legal aid budget is included in Courts budget and cannot be separated. For this reason, it was not possible to calculate the average amount per case for which legal aid was granted in 2021.

* 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*

4. Access to justice - List of tables

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2021 (Q12, Q13-1 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2021 (Q13, Q13-1 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2021 and its evolution between 2018 and 2021 (Q1 and Q13)

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021 (Q1 and Q13)

Table 4.1.5 Access to justice - Number of cases for which legal aid was granted in 2021 (Q86)

Table 4.1.6 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021 (Q1, Q86)

Table 4.1.7 Access to justice - Average amount per case for which legal aid was granted in 2021 (Q13 and Q86)

Table 4.1.8 Income and assets evaluation for granting full or partial legal aid in 2021 (Q87, Q88)


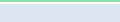
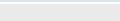
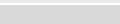
Table 4.1.9 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021 (Q88-1)

Table 4.1.10 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, to minors and victims of domestic violence in 2021 (Q163)

Table 4.1.11 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities, juvenile offenders and other victims in 2021 (Q163)

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2021 (Q12, Q13-1 and Q13-2)

Beneficiaries	Approved budget for legal aid in 2021									Legal aid includes:		Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases			Coverage of court fees	Exemption from court fees	Coverage of court fees	Exemption from court fees
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)				
Albania	547 696 €	260 313 €	287 383 €	NA	NA	NA	NA	NA	NA				
Bosnia and Herzegovina	NA	NA	NA	NA	NA	NA	NA	NA	NA				
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA				
North Macedonia	624 001 €	NA	NA	535 426 €	NA	NAP	88 575 €	NA	NA				
Serbia	41 460 €	41 460 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP				
Kosovo*	1 702 676 €	1 021 402 €	681 274 €	1 371 979 €	950 000 €	421 979 €	330 697 €	71 402 €	259 295 €				
Average	404 386 €	-	-	-	-	-	-	-	-				
Median	547 696 €	-	-	-	-	-	-	-	-				
Minimum	41 460 €	-	-	-	-	-	-	-	-				
Maximum	624 001 €	-	-	-	-	-	-	-	-				

Yes 
 No 
 NA 
 NAP 


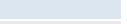
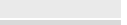

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* is not included in the calculation of summary statistics

Serbia: The main part of legal aid budget is included in Courts budget and cannot be separated.

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2021 (Q13, Q13-1 and Q13-2)

Beneficiaries	Implemented budget for legal aid in 2021									Legal aid includes:		Legal aid budget includes:	
	Total (1+2)			1. In criminal cases			2. In other than criminal cases			Coverage of court fees	Exemption from court fees	Coverage of court fees	Exemption from court fees
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)				
Albania	245 739 €	42 930 €	202 809 €	NA	NA	NA	NA	NA	NA				
Bosnia and Herzegovina	7 073 171 €	NA	NA	NA	NA	NA	NA	NA	NA				
Montenegro	121 500 €	NA	NA	NA	NA	NA	NA	NA	NA				
North Macedonia	518 070 €	517 435 €	635 €	482 435 €	482 435 €	NAP	35 635 €	35 000 €	635 €				
Serbia	3 208 €	3 208 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP				
Kosovo*	1 686 056 €	1 029 986 €	656 070 €	1 367 933 €	938 977 €	428 956 €	318 123 €	91 009 €	227 114 €				
Average	1 592 338 €	187 858 €	-	-	-	-	-	-	-				
Median	245 739 €	42 930 €	-	-	-	-	-	-	-				
Minimum	3 208 €	3 208 €	-	-	-	-	-	-	-				
Maximum	7 073 171 €	517 435 €	-	-	-	-	-	-	-				

Yes 
 No 
 NA 
 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

Serbia: The main part of legal aid budget is included in Courts budget and cannot be separated.

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2021 and its evolution between 2018 and 2021 (Q1 and Q13)

Beneficiaries	Total implemented budget for legal aid per inhabitant in 2021			Evolution of the total implemented budget for legal aid per inhabitant				
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	2018	2019	2020	2021	Trend
Albania	0,09 €	0,02 €	0,07 €	NA	0,02 €	0,05 €	0,09 €	
Bosnia and Herzegovina	2,04 €	NA	NA	2,08 €	2,27 €	2,29 €	2,04 €	
Montenegro	0,20 €	NA	NA	0,26 €	0,33 €	0,24 €	0,20 €	
North Macedonia	0,28 €	0,28 €	0,0 €	0,14 €	0,19 €	0,16 €	0,28 €	
Serbia	0,00 €	0,00 €	NAP	NA	NA	NA	0,00 €	
Kosovo*	0,94 €	0,57 €	0,36 €	-	NA	0,31 €	0,94 €	
Average	0,52 €	0,10 €	-	0,83 €	0,70 €	0,69 €	0,52 €	
Median	0,20 €	0,02 €	-	0,26 €	0,26 €	0,20 €	0,20 €	
Minimum	0,00 €	0,00 €	-	0,14 €	0,02 €	0,05 €	0,00 €	
Maximum	2,04 €	0,28 €	-	2,08 €	2,27 €	2,29 €	2,04 €	

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: The main part of legal aid budget is included in Courts budget and cannot be separated.

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021 (Q1 and Q13)

Beneficiaries	Distribution of the total implemented budget for legal aid between:		Distribution of the total implemented budget for legal aid between:	
	Cases brought to court	Cases not brought to court	Criminal cases	Other than criminal cases
Albania	17,5%	82,5%	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA
Montenegro	NA	NA	NA	NA
North Macedonia	99,9%	0,1%	93,1%	6,9%
Serbia	100,0%	NAP	NAP	NAP
Kosovo*	61%	39%	81%	19%
Average	72,4%	-	-	-
Median	99,9%	-	-	-
Minimum	17,5%	-	-	-
Maximum	100,0%	-	-	-

* 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 4.1.5 Access to justice - Number of cases for which legal aid was granted in 2021 (Q86)

Beneficiaries	Number of cases for which legal aid was granted in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	8 786	784	8 002	805	61	744	7 981	723	7 258
Bosnia and Herzegovina	24 954	8 130	16 824	4 489	3 800	689	20 465	4 330	16 135
Montenegro	317	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	5 098	1 833	3 265	1 613	1 613	NAP	3 485	220	3 265
Serbia	4 345	602	3 743	NA	NA	NA	NA	NA	NA
Kosovo*	4 597	2 255	2 342	211	202	9	4 386	2 053	2 333
Average	8 700	2 837	7 959	2 302	1 825	-	10 644	1 758	8 886
Median	5 098	1 309	5 873	1 613	1 613	-	7 981	723	7 258
Minimum	317	602	3 265	805	61	-	3 485	220	3 265
Maximum	24 954	8 130	16 824	4 489	3 800	-	20 465	4 330	16 135

* 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: Total data only refers to cases where legal aid was granted according to Law on Free Legal Aid (whereas cases in which legal aid was granted according to Criminal Procedure Code are not available).

Kosovo*: The provided number of criminal cases for which legal aid was granted includes only those initiated through the Agency for Free Legal Aid and do not include all cases for which legal aid was granted.

Table 4.1.6 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021 (Q1, Q86)

Beneficiaries	Number of cases for which legal aid was granted per 100 inhabitants in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	0,31	0,03	0,29	0,03	0,00	0,03	0,29	0,03	0,26
Bosnia and Herzegovina	0,72	0,23	0,48	0,13	0,11	0,02	0,59	0,12	0,46
Montenegro	0,05	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	0,28	0,10	0,18	0,09	0,09	NAP	0,19	0,01	0,18
Serbia	0,06	0,01	0,05	NA	NA	NA	NA	NA	NA
Kosovo*	0,26	0,13	0,13	0,01	0,01	0,00	0,24	0,11	0,13
Average	0,28	0,09	0,25	0,08	0,07	-	0,35	0,05	0,30
Median	0,28	0,06	0,23	0,09	0,09	-	0,29	0,03	0,26
Minimum	0,05	0,01	0,05	0,03	0,00	-	0,19	0,01	0,18
Maximum	0,72	0,23	0,48	0,13	0,11	-	0,59	0,12	0,46

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Serbia: Total data only refers to cases where legal aid was granted according to Law on Free Legal Aid (whereas cases in which legal aid was granted according to Criminal Procedure Code are not available).

Kosovo*: The provided number of criminal cases for which legal aid was granted includes only those initiated through the Agency for Free Legal Aid and do not include all cases for which legal aid was granted.

Table 4.1.7 Access to justice - Average amount per case for which legal aid was granted in 2021 (Q13 and Q86)

Beneficiaries	Average amount per case for which legal aid was granted in 2021								
	Total (1+2)			1. In criminal cases			2. In other than criminal cases		
	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)	Total (a+b)	Cases brought to court (a)	Cases not brought to court (b)
Albania	28,0 €	54,8 €	25,3 €	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	283,4 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	383,3 €	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	101,6 €	282,3 €	0,2 €	299,1 €	299,1 €	NAP	10,2 €	159,1 €	0,2 €
Serbia	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	366,8 €	456,8 €	280,1 €	NA	NA	NA	72,5 €	44,3 €	97,3 €
Average	199,1 €	-	-	-	-	-	-	-	-
Median	192,5 €	-	-	-	-	-	-	-	-
Minimum	28,0 €	-	-	-	-	-	-	-	-
Maximum	383,3 €	-	-	-	-	-	-	-	-

* 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*

Serbia: The main part of legal aid budget is included in Courts budget and cannot be separated. For this reason, it was not possible to calculate the average amount per case for which legal aid was granted in 2021.

Kosovo*: The provided number of criminal cases for which legal aid was granted includes only those initiated through the Agency for Free Legal Aid and do not include all cases for which legal aid budget was granted. For this reason, it was not possible to calculate the average amount per criminal case for which legal aid was granted in 2021.

Table 4.1.8 Income and assets evaluation for granting full or partial legal aid in 2021 (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		1 500 €	NA	1 500 €	NA	NAP	NAP	NAP	NAP
Montenegro		NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia		NAP	NAP	2 964 €	NA	NAP	NAP	NAP	NAP
Serbia		3 200 €	NA	3 200 €	NA	NAP	NAP	NAP	NAP
Kosovo*		NA	NAP	NA	NAP	NA	NAP	NA	NAP
Average		-	-	2 555 €	-	-	-	-	-
Median		-	-	2 964 €	-	-	-	-	-
Minimum		-	-	1 500 €	-	-	-	-	-
Maximum		-	-	3 200 €	-	-	-	-	-

* 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*


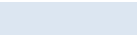
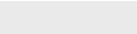

Yes	
No	
NA	
NAP	

Table 4.1.9 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021 (Q88-1)

Beneficiaries	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Albania	5	30
Bosnia and Herzegovina	15	8
Montenegro	15	14
North Macedonia	15	30
Serbia	8	8
Kosovo*	5	NA
Average	12	18
Median	15	14
Minimum	5	8
Maximum	15	30

* 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 4.1.10 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, to minors and victims of domestic violence in 2021 (Q163)

Beneficiaries	Special favourable arrangements for:											
	Victims of sexual violence/rape			Victims of terrorism			Minors (witnesses or victims)			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*												

* 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.



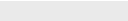
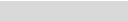


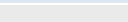
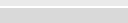
Yes 
 No 
 NA 
 NAP 

Table 4.1.11 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities, juvenile offenders and other victims in 2021 (Q163)

Beneficiaries	Special favourable arrangements for:											
	Ethnic minorities			Persons with disabilities			Juvenile offenders			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	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	No	No
Montenegro	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Serbia	No	No	No	No	No	No	No	No	No	No	No	No
Kosovo*	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No	No	Yes

* 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.

Yes 
 No 
 NA 
 NAP 

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

rules and procedures for the collection, completion, and administration of registers' data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at

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: Each state guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted in order to receive state guaranteed legal aid. The data is sent

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.

(b) legal aid in case of insufficient income and property

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". Criteria for Legal Aid are stipulated in articles 11 and 12 of the law no. 111/2017

Special categories of beneficiaries of legal aid (article 11)

Article 11 mentions groups of persons who qualify for legal aid irrespective of their income and/or property. The groups covered by Article 11 can be divided into subgroups as follows:

- Victims: o victims of domestic violence; o sexually abused victims and human trafficking victims, at any stage of a criminal proceeding o minor victims and minors in conflict with the law, at any stage of a criminal proceeding;

- Children: o children living in social care institutions; o children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian

- Other vulnerable persons: o 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; o persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health; o persons undergoing voluntary treatment in mental health service institutions for serious mental diseases; o persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding o person 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 • persons who are beneficiaries of social protection programs • persons to whom the right has been infringed through action or inaction that constitutes discrimination based on the decision of the competent organ, according to the legislation in force for protection from discrimination.

Article 12 (Insufficient Income and Property)

Article 12 defines under which circumstances persons with sufficient income/property

1. The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counseling, representation, and/or defense in criminal cases, administrative, and civil law cases.
2. The income of a person living in a household shall be considered insufficient in the meaning of paragraph 1 of this

Bosnia and Herzegovina

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 proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law. Also, the courts make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). Employees of institutions providing free legal aid represent the party in various types of court proceedings, **Q086 (2020)**: Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of for granting free legal aid used by

institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which increased considerably in 2021. 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

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 of legal aid may not own or co-own a business;

free legal aid used by

institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which rose considerably in 2021. 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

Montenegro

provide other data under question 86.

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,
- three-bedroom apartment for a family of four or more members;

2) agricultural land or commercial forest area up to:

North Macedonia

(compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). In 2021, the law on free legal aid was implemented, a campaign was launched to promote free legal aid, which led to increased number of submitted and approved requests for 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 2020 we have significantly increasing of the number of cases where primary legal aid was given. Primary legal aid according to the new law can 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

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 of their family members in the written statement on their financial standing for the purpose of having secondary legal aid approved, the secondary legal aid application shall be declined and the application shall not be able to file a new

evaluated depending of the monthly minimum net wage which is 247 euros for 2021. However, the annual income would be 2964 euros, but this amount is not considered in the process of granting free legal aid. Income requirements

(1) The financial standing of the applicant and their family members shall be considered jeopardized by the procedure costs if:

- The monthly income of the applicant living alone does not exceed the minimum net wage in the Republic of North Macedonia, set by the regulations in the area of minimum wage;
- The monthly income of the applicant living in a household with their family members does not exceed the minimum net wage of paragraph (1), item 1, hereof, and the monthly income of each subsequent family member does not exceed 20% of the minimum net wage set by the regulations in the area of minimum wage.

(2) The following is considered monthly income of the legal aid applicant and their family members:

- Net wages;
- Pension in the Republic of North Macedonia or abroad;
- Financial benefit for unemployment;
- Reported or earned net income in the Public Revenue Office;
- Income from financial support in agriculture and rural development from the preceding year;
- Military or civil disability;
- Income from temporary work abroad;
- Income from financial instruments;
- Income from real estate;
- Funds with a payment operations carrier;
- Legal support; and
- Gifts subject to corporate income tax in accordance with the provisions of the Law on Income Tax.

(3) The following is not considered income under paragraph (2) hereof:

- Compensation for support and care by another person;
- Parental benefit for children;
- Child benefit and special benefit;
- Disability benefit;

Serbia

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 the law. The court shall exempt a party from the liability of paying the costs of the Legal Aid, due statistic data for cases in which legal aid was granted according to Criminal Procedure Code, are not available.

This year, data from some Local Self-government units indicate that there were fewer requests than in previous ones reporting periods, which may be related to the changed functioning of the local governments due to the situation caused by COVID19. It is necessary for to enable citizens submitting requests for free legal aid even when entry to the premises of local self-government unit is not allowed for epidemiological reasons. Requests must be available to all citizens in a clearly defined and visible place.

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 following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of

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

6: Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household.

The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

Kosovo*

through the Agency for Free Legal Aid, legal actions are addressed to the following institutions and state bodies:

- Courts - 2255 legal actions
- Municipalities and municipal bodies - 747 legal actions
- Ministries and ministerial bodies - 1214 legal actions
- Other public and private bodies - 323 legal actions

In the reporting period for 2021, 467 lawyers were engaged, of which 425 in the civil field, 22 in the administrative field and in the criminal field 20. Of these, 30 cases were successfully completed, 26 in the civil field, 4 in the administrative field and 5 cases have been terminated, while 432 cases are still pending.

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 Judicial and Kosovo Prosecutorial Councils. We have used the data from KJC for the cases brought to court and the data from KPC for

- 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 both primary and secondary legal aid. The exact amount is defined based on the service offered (ex. Representation, Lawsuit, etc.).

Q087 (2020): We do not have official data regarding the average family incomes for 2020.

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

and procedures for the collection, completion, and administration of registers' data" determines that: Each state-guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted to receive state-guaranteed legal aid. The data is sent within the first 5 (five) days of the month following the reference month. More detailed data can be found at the link:

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: Each state guaranteed legal aid service provider shall periodically send to the Directorate every month, the data of requests and self-declarations of the requesting entities submitted in order to receive state guaranteed legal aid. The data is sent

Bosnia and Herzegovina

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 proceedings by assigning a lawyer to a suspected or accused person if that person meets the conditions laid down by law. Also, the courts make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). Employees of institutions providing free legal aid represent the party in various types of court proceedings,

(2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures

Montenegro

other data under question 86.

North Macedonia

(2021): In 2021 there were 1610 criminal cases referred to the court for which court granted free legal aid (compulsory)

(2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory)

Serbia

(General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting

due statistic data for cases in which legal aid was granted according to Criminal Procedure Code, are not available. This year, data from some Local Self-government units indicate that there were fewer requests than in previous ones reporting periods, which may be related to the changed functioning of the local governments due to the situation caused by COVID19. It is necessary for to enable citizens submitting requests for free legal aid even when entry to the premises of local self-government unit is not allowed for epidemiological reasons. Requests must be available to all citizens in a clearly defined and visible place.

At the same time, there are local self-government units that did not submit a report

(2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were

Kosovo*

the Agency for Free Legal Aid, legal actions are addressed to the following institutions and state bodies:

- Courts - 2255 legal actions
- Municipalities and municipal bodies - 747 legal actions
- Ministries and ministerial bodies - 1214 legal actions
- Other public and private bodies - 323 legal actions

In the reporting period for 2021, 467 lawyers were engaged, of which 425 in the civil field, 22 in the administrative field and in the criminal field 20. Of these, 30 cases were successfully completed, 26 in the civil field, 4 in the administrative field and 5 cases have been terminated, while 432 cases are still pending.

(2020): This year we have been able to generate the complete data for this category. Considering that the budget for

Question 087

Albania

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.
- (b) legal aid in case of insufficient income and property

Bosnia and Herzegovina

granting free legal aid used by

institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which increased considerably in 2021. 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

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 of legal aid may not own or co-own a business;

Montenegro

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,
 - three-bedroom apartment for a family of four or more members;
- 2) agricultural land or commercial forest area up to:

Serbia

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

Kosovo*

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 both primary and secondary legal aid. The exact amount is defined based on the service offered (ex. Representation, Lawsuit, etc.).

(2020): We do not have official data regarding the average family incomes for 2020.

Question 088

Albania

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". Criteria for Legal Aid are stipulated in articles 11 and 12 of the law no. 111/2017

Special categories of beneficiaries of legal aid (article 11)

Article 11 mentions groups of persons who qualify for legal aid irrespective of their income and/or property. The groups covered by Article 11 can be divided into subgroups as follows:

- Victims: o victims of domestic violence; o sexually abused victims and human trafficking victims, at any stage of a criminal proceeding o minor victims and minors in conflict with the law, at any stage of a criminal proceeding;

- Children: o children living in social care institutions; o children under guardianship who request to initiate a proceeding without the approval of their legal guardian or against their legal guardian

- Other vulnerable persons: o 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; o persons undergoing involuntary treatment in mental health service institutions according to the provisions of the legislation in force on mental health; o persons undergoing voluntary treatment in mental health service institutions for serious mental diseases; o persons against whom the removal or restriction of the capacity to act is requested, at any stage of this proceeding o person 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 • persons who are beneficiaries of social protection programs • persons to whom the right has been infringed through action or inaction that constitutes discrimination based on the decision of the competent organ, according to the legislation in force for protection from discrimination.

Article 12 (Insufficient Income and Property)

Article 12 defines under which circumstances persons with sufficient income/property

1. The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counseling, representation, and/or defense in criminal cases, administrative, and civil law cases.
2. The income of a person living in a household shall be considered insufficient in the meaning of paragraph 1 of this

Bosnia and Herzegovina

legal aid used by

institutions of different levels of government for deciding on granting free legal aid to the persons of poor property status in Bosnia and Herzegovina; these criteria are linked to the amount of average salary which rose considerably in 2021. 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

North Macedonia

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

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 of their family members in the written statement on their financial standing for the purpose of having secondary legal aid approved, the secondary legal aid application shall be declined and the application shall not be able to file a new

evaluated depending of the monthly minimum net wage which is 247 euros for 2021. However, the annual income would be 2964 euros, but this amount is not considered in the process of granting free legal aid. Income requirements

(1) The financial standing of the applicant and their family members shall be considered jeopardized by the procedure costs if:

- The monthly income of the applicant living alone does not exceed the minimum net wage in the Republic of North Macedonia, set by the regulations in the area of minimum wage;
- The monthly income of the applicant living in a household with their family members does not exceed the minimum net wage of paragraph (1), item 1, hereof, and the monthly income of each subsequent family member does not exceed 20% of the minimum net wage set by the regulations in the area of minimum wage.

(2) The following is considered monthly income of the legal aid applicant and their family members:

- Net wages;
- Pension in the Republic of North Macedonia or abroad;
- Financial benefit for unemployment;
- Reported or earned net income in the Public Revenue Office;
- Income from financial support in agriculture and rural development from the preceding year;
- Military or civil disability;
- Income from temporary work abroad;
- Income from financial instruments;
- Income from real estate;
- Funds with a payment operations carrier;
- Legal support; and
- Gifts subject to corporate income tax in accordance with the provisions of the Law on Income Tax.

(3) The following is not considered income under paragraph (2) hereof:

- Compensation for support and care by another person;
- Parental benefit for children;
- Child benefit and special benefit;
- Disability benefit;

Serbia

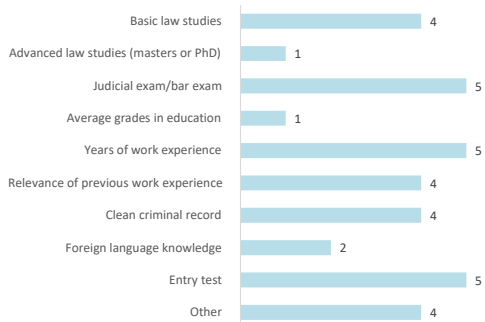
6:Applicant receives free legal aid if the real estate serves as residential space or the real estate is used to perform business activities that serve to support the applicant or a family member, or the applicant's joint household. The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

Appointment, recruitment and promotion of judges

Tables no. 5.1.2, 5.1.5, 5.1.10, 5.1.15, 5.1.17, 6.1.1 and 6.1.2

Figure 5.1 Entry criteria to become a judge (count of beneficiaries)

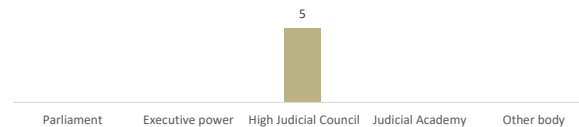


Possibility for non pre-selected judge candidates to appeal in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent for the appeal (count of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (1) (SRB)
- Judicial Academy (0)
- Court (2) (ALB - MNE)
- Other body (2) (MKD - SRB)

Figure 6.1 Authority competent for the promotion of judges (count of beneficiaries)



Possibility to appeal the decision on the promotion of judges in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent to decide on appeal (count of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (3) (ALB - MNE - SRB)
- Judicial Academy (0)
- Other body (1) (MKD)



Figure 5.2 Criteria in the selection procedure for judges (count of beneficiaries)

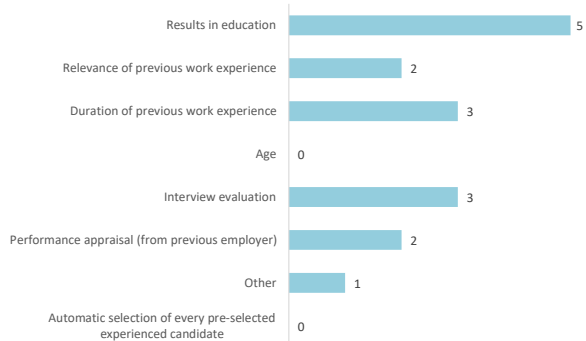
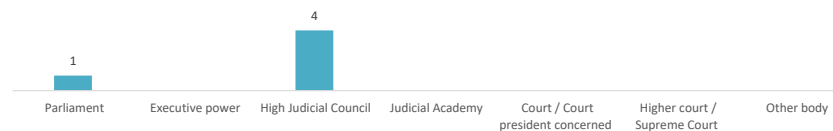


Figure 5.3 Authority competent for the final appointment of judges (count of beneficiaries)



Possibility for non-selected candidates to appeal against the decision of appointment 3 beneficiaries (ALB - MNE - MKD)

Body competent for the appeal (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (2) (ALB - MNE)
- Judicial Academy (0)
- Other body (1) (MKD)

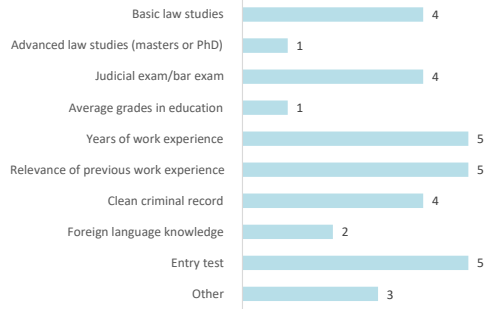
Kosovo is not included in the calculation of summary statistics*

* 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.

Appointment, recruitment and promotion of prosecutors

Tables no. 5.1.3, 5.1.7, 5.1.12, 5.1.16, 5.1.18, 6.1.3 and 6.1.4

Figure 5.4 Entry criteria to become a prosecutor (count of beneficiaries)

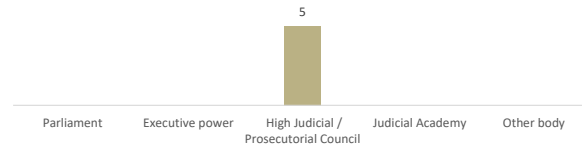


Possibility for non pre-selected prosecutor candidates to appeal in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent for the appeal (count of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (1) (SRB)
- Prosecution services (0)
- Judicial Academy (0)
- Court (2) (ALB - MNE)
- Other body (2) (MKD - SRB)

Figure 6.2 Authority competent for the promotion of prosecutor (count of beneficiaries)



Possibility to appeal the decision on the promotion of prosecutors in 3 beneficiaries (ALB - MNE - SRB -)

Body competent to decide on appeal (count of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (1) (SRB)
- Court / Prosecution office (3) (ALB - MNE - SRB)
- Judicial Academy (0)
- Other body (0)



Figure 5.5 Criteria in the selection procedure for prosecutors (count of beneficiaries)

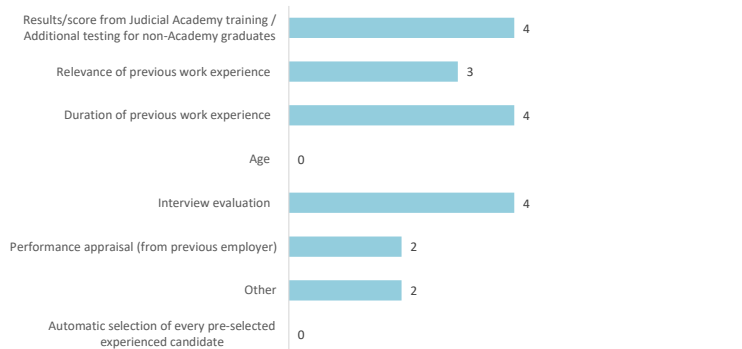
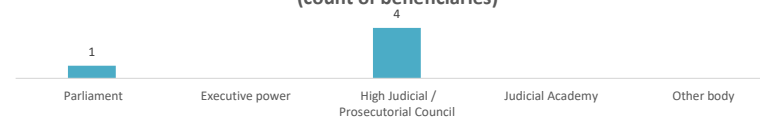


Figure 5.6 Authority competent for the final appointment of prosecutors (count of beneficiaries)



Possibility for non-selected candidates to appeal against the decision of appointment 2 beneficiaries (ALB - MNE)

Body competent for the appeal (count of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (2) (ALB - MNE)
- Judicial Academy (0)
- Other body (0)

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.

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

Table 5.1.1 Recruitment of judges and prosecutors in 2021 (Q89 and Q111)

Table 5.1.2 Entry criteria to become a judge in 2021 (Q90)

Table 5.1.3 Entry criteria to become a prosecutor in 2021 (Q112)

Table 5.1.4 Authority competent for evaluation and decision during the entry selection of judges in 2021 (Q91)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2021 (Q95 and Q96)

Table 5.1.6 Authority competent for evaluation and decision during the entry selection of prosecutors in 2021 (Q113)

Table 5.1.7 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2021 (Q117 and Q118)

Table 5.1.8 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021 (Q92, Q93 and Q94)

Table 5.1.9 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021 (Q114, Q115 and Q116)

Table 5.1.10 Criteria in the selection procedure (after exam/interview, etc) for judges in 2021 (Q97)

Table 5.1.11 Measures in place to ensure the transparency in case the selection of a judge takes place via an "Interview evaluation", in 2021 (Q97-1)

Table 5.1.12 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021 (Q119)

Table 5.1.13 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an "Interview evaluation", in 2021(Q119-1)

Table 5.1.14 Authority competent for selection of judges and prosecutors in 2021 (Q98 and Q120)

Table 5.1.15 Authority competent for the final appointment of judges in 2021 (Q99 and Q100)

Table 5.1.16 Authority competent for the final appointment of prosecutors in 2021 (Q121 and Q121-1)

Table 5.1.17 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q101 and Q102)

Table 5.1.18 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q122 and Q123)

Table 5.1.19 Methods to check the integrity of candidate judges and prosecutors in 2021 (Q103 and Q124)

Table 5.1.20 Mandate of judges in 2021 (Q104, Q108 and Q109)

Table 5.1.21 Mandate of prosecutors in 2021 (Q125, Q129 and Q130)

Table 5.1.22 Probation period for judges and institution responsible to decide if the probation period is successful in 2021 (Q105, Q106 and Q107)

Table 5.1.23 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2021 (Q126, Q127 and Q128)

Table 5.1.1 Recruitment of judges and prosecutors in 2021 (Q89 and Q111)

Beneficiaries	Recruitment of Judges				Recruitment of 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			Yes				Yes	
Bosnia and Herzegovina			Yes				Yes	
Montenegro				Yes				Yes
North Macedonia				Yes				Yes
Serbia	Yes		Yes				Yes	
Kosovo*	Yes				Yes			

Yes	Yes
No	No
NA	NA
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.

Table 5.1.2 Entry criteria to become a judge in 2021 (Q90)

Beneficiaries	Entry criteria to become a judge									
	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*										

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.3 Entry criteria to become a prosecutor in 2021 (Q112)

Beneficiaries	Entry criteria to become a prosecutor									
	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*										

Legend:


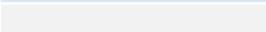



	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.4 Authority competent for evaluation and decision during the entry selection of judges in 2021 (Q91)

Beneficiaries	Judges				
	Authority competent during the entry selection				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania			Both - Via & without Judicial Academy	Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy		
Montenegro			Both - Via & without Judicial Academy		
North Macedonia				Via Judicial Academy	
Serbia			Without Judicial Academy		
Kosovo*			Without Judicial Academy		

Legend:

-  No
-  NA
-  Via Judicial Academy
-  Without Judicial Academy
-  Both - Via & without Judicial Academy

* 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 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2021 (Q95 and Q96)

Beneficiaries	Judges						
	Possibility for non pre-selected candidates to appeal	Body competent for appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Albania	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue	Light Blue
Bosnia and Herzegovina	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Montenegro	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue	Light Blue
North Macedonia	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue
Serbia	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Dark Blue
Kosovo*	Blue	Light Blue	Light Blue	Blue	Light Blue	Light Blue	Light Blue

Legend:

- Light Blue: No
- Light Grey: NA
- Blue: Via Judicial Academy
- Dark Blue: Without Judicial Academy
- Dark Blue: Both - Via & without Judicial Academy

* 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 5.1.6 Authority competent for evaluation and decision during the entry selection of prosecutors in 2021 (Q113)

Beneficiaries	Prosecutors					
	Authority competent during the entry selection					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Albania			Via Judicial Academy		Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy			
Montenegro			Via Judicial Academy			
North Macedonia					Via Judicial Academy	
Serbia			Both - Via & without Judicial Academy			
Kosovo*			Without Judicial Academy			

Legend:

- No
- NA
- Via Judicial Academy
- Without Judicial Academy
- Both - Via & without Judicial Academy

* 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 5.1.7 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2021 (Q117 and Q118)

Beneficiaries	Prosecutors							
	Possibility for non pre-selected candidates to appeal	Body competent for appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Albania	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue	Light Blue
Bosnia and Herzegovina	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Montenegro	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue	Light Blue
North Macedonia	Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Blue
Serbia	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Dark Blue
Kosovo*	Blue	Light Blue	Light Blue	Blue	Light Blue	Light Blue	Light Blue	Light Blue

Legend:

- Light Blue: No
- Light Grey: NA
- Blue: Via Judicial Academy
- Dark Blue: Without Judicial Academy
- Very Dark Blue: Both - Via & without Judicial Academy

* 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 5.1.8 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021 (Q92, Q93 and Q94)

Beneficiaries	Judges								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	Without Judicial Academy	NA	NA	NA	NA	NA	Without Judicial Academy	NA	NA
Montenegro	Without Judicial Academy	NA	NA	NA	NA	NA	NA	Without Judicial Academy	NA
North Macedonia	Without Judicial Academy	NA	NA	NA	NA	NA	NA	NA	NA
Serbia	Both - Via & without Judicial Academy	NA	NA	NA	NA	Both - Via & without Judicial Academy	NA	NA	NA
Kosovo*	Without Judicial Academy	Without Judicial Academy	NA	NA	NA	Without Judicial Academy	NA	NA	NA

Legend:

NA	No
NA	NA
Without Judicial Academy	Via Judicial Academy
Without Judicial Academy	Without Judicial Academy
Both - Via & without Judicial Academy	Both - Via & without Judicial Academy

* 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 5.1.9 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021 (Q114, Q115 and Q116)

Beneficiaries	Prosecutors								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.10 Criteria in the selection procedure (after exam/interview, etc) for judges in 2021 (Q97)

Beneficiaries	Criteria in the selection procedure for 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*								

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.11 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation”, in 2021 (Q97-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a judge				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes	
No	
NA	
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.

Table 5.1.12 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021 (Q119)

Beneficiaries	Criteria in selection procedure for 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*								

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.13 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation”, in 2021 (Q119-1)

Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a prosecutor				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes

No

NA

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.

Table 5.1.14 Authority competent for selection of judges and prosecutors in 2021 (Q98 and Q120)

Beneficiaries	Authority competent for selection of judges					Authority competent for selection of 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											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

Legend:

	No
	NA
	Via Judicial Academy
	Without Judicial Academy
	Both - Via & without Judicial Academy

* 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 5.1.15 Authority competent for the final appointment of judges in 2021 (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			

Yes

No


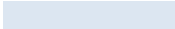
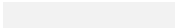

NA

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.

Table 5.1.16 Authority competent for the final appointment of prosecutors in 2021 (Q121 and Q121-1)


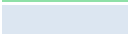


Beneficiaries	Prosecutors								
	Authority competent for the final appointment					Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the 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		
Kosovo*					Yes	Yes			

Yes 
 No 
 NA 
 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.

Table 5.1.17 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q101 and Q102)





Beneficiaries	Judges						
	Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to decide on the appeal					
		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
Serbia	No	No	No	No	No	No	No
Kosovo*	Yes	No	No	Yes	No	No	No

Yes 
 No 
 NA 
 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.

Table 5.1.18 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q122 and Q123)


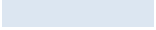
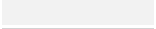

Beneficiaries	Prosecutors						
	Possibility for non-selected candidates to appeal against the decision of appointment	Competent body to decide on the appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	No	NA	NA	NA	NA	NA	NA
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	No	NA	NA	NA	NA	NA	NA
Serbia	No	NA	NA	NA	NA	NA	NA
Kosovo*	No	NA	NA	NA	NA	NA	NA

Yes 
 No 
 NA 
 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.

Table 5.1.19 Methods to check the integrity of candidate judges and prosecutors in 2021 (Q103 and Q124)

Beneficiaries	Methods to check integrity of candidates									
	Judges					Prosecutors				
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment
Albania	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No
Bosnia and Herzegovina	No	No	No	No	No	No	No	No	No	No
Montenegro	Yes	Yes	No	No	No	Yes	No	No	No	No
North Macedonia	No	No	No	Yes	No	No	No	No	Yes	No
Serbia	Yes	No	No	No	No	Yes	No	No	No	No
Kosovo*	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No

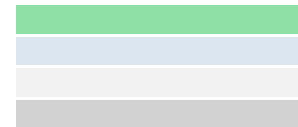
Yes 
 No 
 NA 
 NAP 

* 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.

Table 5.1.20 Mandate of judges in 2021 (Q104, Q108 and Q109)

Beneficiaries	Mandate of judges			Compulsory retirement age
	Appointed to office for an undetermined period	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



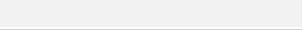

Yes
No
NA
NAP



* 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.

Table 5.1.21 Mandate of prosecutors in 2021 (Q125, Q129 and Q130)

Beneficiaries	Mandate of prosecutors			Compulsory retirement age
	Appointed to office for an undetermined period	Length of the mandate (if it is not undetermined)	Renewable mandate	
Albania	Yes	NA	NA	67 years
Bosnia and Herzegovina	Yes	NA	NA	70
Montenegro	Yes	NA	NA	67
North Macedonia	Yes	NA	NA	62 for women and 64 for men
Serbia	Yes	NA	NA	65
Kosovo*	Yes	NA	NA	-

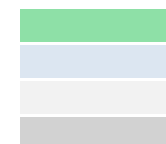
Yes	
No	
NA	
NAP	

* 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.

Table 5.1.22 Probation period for judges and institution responsible to decide if the probation period is successful in 2021 (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	Yes	3			Yes					Yes
Kosovo*	Yes	3			Yes					Yes


Yes
No
NA
NAP

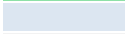


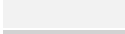
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.


Table 5.1.23 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2021 (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								

Yes 

No 

NA 

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.

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 (multiple replies possible):
- 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 of
- Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this
- 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 length of
- 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 ? (multiple replies
- 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 to office 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 125), what is the
- Question 130. Is it renewable?

Albania

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 professional exam and a psychological

Q096 (2020): Administrative Court of First Instance of Tirana Judicial District

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

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.

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

- 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,

regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9

Q104 (2020): Retirement age: 67/70

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 professional exam and a psychological evaluation exam. The

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.

Albania”, one of the admissibility criteria is the non-conviction of a candidate by a final criminal decision of committing a criminal offense which, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or severely damages the public trust in the judicial system, regardless of whether he/she amended, the call for admissions od 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 prosecutors should submit in the admissions od 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 prosecutors should submit in the School of Magistrates, the amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list of candidates for prosecutors who fulfil the legal criteria provided in Article 28, of this law.

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 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 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”.

Q118 (2020): Administrative Court of First Instance of Tirana

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, prosecutors", 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 accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law "On the status of judges and prosecutors in the 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 and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the Administrative Court.

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.

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 prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

- dismissal; - when is established the fact of inability to perform the duty.

the prosecutors mandate may terminate also when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; dismissal; when is established the fact of inability to perform the duty.

Q125 (2020): Retirement age: 67

Bosnia and Herzegovina

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the

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 candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the candidates who participate in the competition.

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.

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the Prosecutorial Council of Bosnia and Herzegovina, read as follows:

Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b (Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the **Q103 (2021)**: The integrity of candidate judges is checked at the interview conducted with candidates and through 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).

Their role is to assist courts in reducing case backlogs, or to replace temporarily judges who are absent for a prolonged period of time. They are appointed in the publicly announced procedure by the High Judicial and

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 external candidates. Competences of the candidates who are already prosecutors are established based on the 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 candidates.

But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, 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 external candidates. Competences of the candidates who are already prosecutors are established based on the

Q116 (General Comment): The list of pre-selected candidates is published on the internet. The list is available only to

Q119 (General Comment): The candidates who do not hold judicial office and who have applied for a public

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 external candidates. Competences of the candidates who are already prosecutors are established based on the 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 external candidates. Competences of the candidates who are already prosecutors are established based on the

Prosecutorial Council of Bosnia and Herzegovina, read as follows:

Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b (Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the **Q124 (2021)**: The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

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 from office. He/she can be removed from office if it has been proven by the

Montenegro

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

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 dispute can be initiated Article 46Application 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 was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal
- Q092 (General Comment):** The public announcement is published on the web site of the Judicial Council, in one daily

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 at an interview may not be on the ranking list of candidates for judges. While conducting an interview, the Judicial Council **Q096 (General Comment):** Administrative Court of Montenegro - Law on Administrative dispute proscribes entire 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 for training judges and mentors in the conducted 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 may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present 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;

unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of

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 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

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.

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 headquarters in 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."

Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Q118 (2021): Administrative Court

(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).

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.

The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state

Q123 (General Comment): The candidate has the right to file an action with the Administrative Court.

applied to the advertisement and the documentation obtained ex officio in accordance with applicable legal regulations.

first time as a state prosecutor is elected for a term of 4 years.

The Supreme State Prosecutor and the heads of state prosecutor's offices are elected for a term of five years.

The head of the state prosecutor's office and the state prosecutor shall be relieved of his / her duties if he / she is sentenced to unconditional imprisonment by a final judgment. Dismissal shall be pronounced for the most serious disciplinary offenses: 1) if he / she is convicted of 2) if he performs the prosecutorial function unprofessionally and unscrupulously.

The function of the State Prosecutor shall cease: 1) upon the expiration of the mandate; 2) resignation; 3) fulfilling the conditions for old-age pension; 4) termination of citizenship.

The position of the head of the State Prosecutor's Office shall cease when: 1) the term for which he was elected

Q127 (General Comment): Prosecutorial Council

Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia

Q089 (2021): 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 prosecutors.

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 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.

(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.

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 Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of 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 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 Judicial

integrity test by the Judicial Council according to the article 45-a from the Law on courts.

Article 45-a

(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.

(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:

- test that is conducted in a written form and anonymously, based on the standardized list of questions, and ~~is~~^{is} abolished

(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.

(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.

Q104 (General Comment): There is a possibility for judges to prolong their retirement until 67.

Q108 (General Comment): All judges are appointed for a life.

in 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 mentioned above meets the following special terms:

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

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 the Law on 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.

(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.

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 Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or 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 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

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.

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 days.

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, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and

Q121 (2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) integrity test as a part of the entering exam on the Academy for judges and public prosecutors for election on the initial training participants.

Q125 (General Comment): Retirement age for male public prosecutors is 64 years, while for female public

Serbia

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 and worthiness, as well as duration of work experience in the legal profession upon passing of 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 of 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 relationship and if he or she was not convicted by prison sentence of at least six months.

of the RS" and

the daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of Serbia.

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 ("Official Gazette of RS", 7/18).

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

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 submitting the objection.

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.

In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.

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 proposal is simply returned.

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.

The decision of the Constitutional Court is final.

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.

In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the and opinions are obtained from bodies and organisations where the candidate worked in the legal profession, and in case of a candidate coming from a court, it is mandatory to obtain the opinion of the session of all judges of that court, as well as the opinion of the session of all judges of the immediately higher instance court.

Q103 (2021): Opinions on candidates and judges are required and criminal records are checked.

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 ability, if not elected to permanent office, or in case of dismissal. A judge is dismissed if convicted for an offence carrying imprisonment sentence of at least six 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 Serbia;

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 public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Public Prosecutor and eleven years for the Deputy head of a public prosecutorial office. All other holders of prosecutorial function are his deputies, so called 'deputy prosecutors'. However, for the purpose of filling the questionnaire, we will refer all prosecutorial function holders, as prosecutors. Hence, responses regarding entry criteria to become a prosecutor, authority which is competent during the entry selection procedure and final appointment refer only to candidates who are yet to become public

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 relationship and if he or she was not convicted by prison sentence of at least six months. 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

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.

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.

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.

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.

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.

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 (nota bene: not an appeal) to the Administrative Court against

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.

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 candidate for a deputy public prosecutor elected for the first time for the position in a basic

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,

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,

- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,

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 National Assembly, as in the first case.

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.

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 proposal is simply returned.

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 67 years, only with the consent of the deputy and with regard to cases already initiated.

Q125 (2020): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

If yes, are there exceptions.

Q126 (General Comment): The trial period is related only to deputy public prosecutors.

the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

Q129 (2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an

Kosovo*

Q090 (General Comment): By clean criminal record is meant the subject have not been convicted of a criminal

Q090 (2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of 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) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission 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 through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the

Q099 (2021): Other body: President

Q099 (2020): Other body: The President of Republic of Kosovo

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) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission

Q103 (2021): Pursuant to Article 27 point 1.8 of Law no. 06 / L-055 of the Law on the Judicial Council, personal integrity is required. That are in accordance with the Constitution and the criteria set by law.

Q104 (2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office

Q104 (2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a

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 inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the 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 offence;"

Regarding "Other":

- Be a citizen of the Republic of Kosovo;
- Have high professional reputation and personal integrity.

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 online 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 a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo 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 a deadline from five (5) days from the closure date of the appealing deadline.

3. In case that Review Committee following the review of the appeal finds that there were violation of rules regarding the organizing of the qualification test, written test and interview, as set by this Regulation, the named Committee may decide to repeat the respective part of the Exam for the respective candidate.

4. If the Review Committee decides to repeat the respective part of the exam, then the exam shall be organized within five (5) days from the decision brought by the Review Committee. In this case, the remained group of the exam from the process of its drafting shall be used, whereas the results of the remained part of the exam shall be taken in consideration when drafting the final exam list.

5. If the Review Committee finds that there made technical errors when calculating scores of the qualification test, written test and interview, and when reviewing the appeal is proved that the candidate is listed in the group of the

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;
- 1.5. to exercise the function as the Chief State Prosecutor, the candidate must have at least eight reappointment

Final Exam Results

1. Final results regarding the success of the candidate are calculated based on the scores obtained in the written test, interview and evaluation of personal integrity and professional skills.
2. The exam is considered to be passed by those candidates who have obtained the highest results, which namely also corresponds to the number of the candidates set in the vacancy announcement by KPC. The criterion for the respective is that they have scored at least sixty (60) points in the written test, interview and evaluation of the personal integrity and professional skills.
3. When evaluating exam results, Recruitment Committee may evaluate the candidate by grading with minimum one (1) point up to the maximum scores set by this Regulation.
4. Final Exam List is considered to be the published list following the final Decision brought by the Review Committee regarding the appeals of the candidates, as set by Article 25 of this Regulation.

Q120 (General Comment): The competent authority is the Kosovo Prosecutorial Council 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 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who procedures of the recruitment process of prosecutors. KPC established the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for decree, where the final official appointment for the position of state prosecutor is done.

Q121 (2020): Other body: The President of the Republic of Kosovo

Appointment and re-appointment of prosecutors

1. The President appoints and reappoints prosecutors based on the Council's proposals.

2. Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.

Q122 (General Comment): Candidates can appeal during all phases of the selection and recruitment process,

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.

and implements procedures for the recruitment and nomination of state prosecutors.

All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.

This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.

Q125 (2021): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.

The prosecutor's mandate ends upon:

- 1.1. resignation;
- 1.2. dismissal;
- 1.3. death;
- 1.4. retirement;
- 1.5. the loss of working ability due to proved medical reasons, and
- 1.6. if not re-appointment with a permanent mandate 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.

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.

4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution

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 (multiple replies possible):

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 of

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this

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 length of

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 ? (multiple replies

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 to office 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 125), what is the

Question 130. Is it renewable?

Question 089

Albania

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 professional exam and a psychological

Bosnia and Herzegovina

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel,

Montenegro

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

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 dispute can be initiated

North Macedonia

(2021): 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 prosecutors.

(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 prosecutors.

Serbia

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 and worthiness, as well as duration of work experience in the legal profession upon passing of the

Question 090

Bosnia and Herzegovina

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 candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,

Montenegro

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 was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal

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.

(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.

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 of 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 relationship and if he or she was not convicted by prison sentence of at least six months.

Kosovo*

(General Comment): By clean criminal record is meant the subject have not been convicted of a criminal offence nor

(2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of judges.

Question 091

North Macedonia

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 Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of

Question 092

Montenegro

(General Comment): The public announcement is published on the web site of the Judicial Council, in one daily

Question 093

Serbia

RS" and

the daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of Serbia.

Question 094

Bosnia and Herzegovina

candidates who participate in the competition.

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 at an interview may not be on the ranking list of candidates for judges. While conducting an interview, the Judicial Council

Serbia

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

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 096

Albania

(2020): Administrative Court of First Instance of Tirana Judicial District

Montenegro

(General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire

North Macedonia

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

Serbia

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 submitting the objection.

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. In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the delivery of the decision.

Kosovo*

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) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission

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.

Montenegro

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 for training judges and mentors in the conducted

Kosovo*

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 through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the

Question 098

Bosnia and Herzegovina

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel,

Question 099

Bosnia and Herzegovina

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 prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel,

Kosovo*

(2021): Other body: President

(2020): Other body: The President of Republic of Kosovo

Question 100

Albania

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

Bosnia and Herzegovina

Council of Bosnia and Herzegovina, read as follows:

Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b (Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the

Serbia

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 proposal is simply returned.

Question 101

Montenegro

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 may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present

North Macedonia

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 Judicial

Question 102

Serbia

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.

The decision of the Constitutional Court is final.

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.

In Art 67 of Law on judges is prescribed that the judge is entitled to file an appeal against the final and binding decision of the High Judicial Council on the termination of office to the Constitutional Court, within 30 days of the

Kosovo*

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) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission

Question 103

Albania

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.

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

Bosnia and Herzegovina

(2021): The integrity of candidate judges is checked at the interview conducted with candidates and through the

North Macedonia

test by the Judicial Council according to the article 45-a from the Law on courts.

Article 45-a

(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.

(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:

- test that is conducted in a written form and anonymously, based on the standardized list of questions, and ~~SEP~~ abolished

(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.

(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.

Serbia

are obtained from bodies and organisations where the candidate worked in the legal profession, and in case of a candidate coming from a court, it is mandatory to obtain the opinion of the session of all judges of that court, as well as the opinion of the session of all judges of the immediately higher instance court.

(2021): Opinions on candidates and judges are required and criminal records are checked.

Kosovo*

(2021): Pursuant to Article 27 point 1.8 of Law no. 06 / L-055 of the Law on the Judicial Council, personal integrity is required. That are in accordance with the Constitution and the criteria set by law.

Question 104

Albania

- 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,

regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9

(2020): Retirement age: 67/70

Bosnia and Herzegovina

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).

Their role is to assist courts in reducing case backlogs, or to replace temporarily judges who are absent for a prolonged period of time. They are appointed in the publicly announced procedure by the High Judicial and

Montenegro

for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offence which makes him unworthy of performing his judicial office;

unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of

North Macedonia

(General Comment): There is a possibility for judges to prolong their retirement until 67.

Serbia

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 ability, if not elected to permanent office, or in case of dismissal. A judge is dismissed if convicted for an offence carrying imprisonment sentence of at least six

Kosovo*

(2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office due to

(2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a criminal

Question 106

Serbia

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 Serbia;

Question 108

North Macedonia

(General Comment): All judges are appointed for a life.

Question 111

Albania

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 professional exam and a psychological evaluation exam. The

Bosnia and Herzegovina

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 external candidates. Competences of the candidates who are already prosecutors are established based on the

Montenegro

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

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

North Macedonia

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 mentioned above meets the following special terms:

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

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 the Law on the Academy for Judges and Public Prosecutors.

Serbia

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 public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Public Prosecutor and eleven years for the Deputy Public Prosecutor.

Kosovo*

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 inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the

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.

of the admissibility criteria is the non-conviction of a candidate by a final criminal decision of committing a criminal offense which, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or severely damages the public trust in the judicial system, regardless of whether he/she has been

Bosnia and Herzegovina

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 candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina,

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.

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.

(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.

Serbia

of a public prosecutorial office. All other holders of prosecutorial function are his deputies, so called 'deputy prosecutors'. However, for the purpose of filling the questionnaire, we will refer all prosecutorial function holders, as prosecutors. Hence, responses regarding entry criteria to become a prosecutor, authority which is competent during the entry selection procedure and final appointment refer only to candidates who are yet to become public

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 relationship and if he or she was not convicted by prison sentence of at least six months.

Kosovo*

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

offence;”

Regarding “Other”:

- Be a citizen of the Republic of Kosovo;
- Have high professional reputation and personal integrity.

Question 113

Bosnia and Herzegovina

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 external candidates. Competences of the candidates who are already prosecutors are established based on the

North Macedonia

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 Council of the Republic of Macedonia in this manner: one member from the ranks of the judges of the Supreme Court of the Republic of Macedonia, from the courts of appeal, from the basic courts, and one member from the Administrative Court or 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 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

Serbia

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

(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.

Kosovo*

(General Comment): The competent authority is Kosovo Prosecutorial Council

Question 114

Montenegro

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 headquarters in Montenegro

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.

Question 115

Albania

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 prosecutors should submit in the School of

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 prosecutors should submit in the School of Magistrates, the

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.

Kosovo*

(General Comment): The criteria are also specified in the Law on State Prosecutor which is published online

Question 116

Albania

the School of Magistrates, within March of each year publish on its website, the pre-selected list of candidates for prosecutors who fulfil the legal criteria provided in Article 28, of this law.

Bosnia and Herzegovina

(General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the

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.

Question 117

Albania

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 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

Montenegro

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.

Question 118

Albania

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".

(2020): Administrative Court of First Instance of Tirana

Montenegro

Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

(2021): Administrative Court

North Macedonia

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.

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 days.

Serbia

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 (nota bene: not an appeal) to the Administrative Court against

(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.

Kosovo*

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 a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo

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 a deadline from five (5) days from the closure date of the appealing deadline.

3. In case that Review Committee following the review of the appeal finds that there were violation of rules regarding the organizing of the qualification test, written test and interview, as set by this Regulation, the named Committee may decide to repeat the respective part of the Exam for the respective candidate.

4. If the Review Committee decides to repeat the respective part of the exam, then the exam shall be organized within five (5) days from the decision brought by the Review Committee. In this case, the remained group of the exam from the process of its drafting shall be used, whereas the results of the remained part of the exam shall be taken in consideration when drafting the final exam list.

5. If the Review Committee finds that there made technical errors when calculating scores of the qualification test, written test and interview, and when reviewing the appeal is proved that the candidate is listed in the group of the

Question 119

Albania

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,

prosecutors", 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 accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law "On the status of judges and prosecutors in the

Bosnia and Herzegovina

(General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor

Montenegro

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).

North Macedonia

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, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and

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 candidate for a deputy public prosecutor elected for the first time for the position in a basic

Kosovo*

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;
- 1.5. to exercise the function as the Chief State Prosecutor, the candidate must have at least eight

reappointment

Final Exam Results

1. Final results regarding the success of the candidate are calculated based on the scores obtained in the written test, interview and evaluation of personal integrity and professional skills.
2. The exam is considered to be passed by those candidates who have obtained the highest results, which namely also corresponds to the number of the candidates set in the vacancy announcement by KPC. The criterion for the respective is that they have scored at least sixty (60) points in the written test, interview and evaluation of the personal integrity and professional skills.
3. When evaluating exam results, Recruitment Committee may evaluate the candidate by grading with minimum one (1) point up to the maximum scores set by this Regulation.
4. Final Exam List is considered to be the published list following the final Decision brought by the Review Committee regarding the appeals of the candidates, as set by Article 25 of this Regulation.

Question 120

Albania

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 and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the

Bosnia and Herzegovina

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 external candidates. Competences of the candidates who are already prosecutors are established based on the

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,
- inspection of the completeness of the application,

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,

- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,

Kosovo*

(General Comment): The competent authority is the Kosovo Prosecutorial Council

Question 121

Bosnia and Herzegovina

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 external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

North Macedonia

(2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed)

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.

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.

Kosovo*

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 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who

procedures of the recruitment process of prosecutors. KPC established the review committee which is responsible for the review of appeals of candidates. Based on the reports of these 2 committees, KPC decides on the final list of the most successful candidates which list is then sent to the Office of the President of the Republic of Kosovo for

(2020): Other body: The President of the Republic of Kosovo

Question 121-1

Bosnia and Herzegovina

Council of Bosnia and Herzegovina, read as follows:

Article 61 (Decision on the Appointment of Judges and Prosecutors) (1) The Council shall decide on each appointment separately on the basis on the proposal from the relevant sub-council. (2) In the event that the Council does not adopt the proposal of a sub-council and the sub-council does not propose another candidate, the Council may, based on an elaborated proposal by any member of the Council, appoint one of the candidates who achieved the appropriate results required for appointment. (3) When proposing a candidate pursuant to paragraph (2) of the Article, consideration shall be given to circumstances from Article 59b, paragraph (2) of the Rules of Procedure. (4) During an appointment the Council shall also decide on the date of taking up office of an appointee. Article 59b (Activities of the Sub-Council) (1) The relevant sub-council shall carry out the final candidate ranking and submit a proposal to the Council for action. (2) When nominating a candidate for appointment, apart from points scored and the ranking of the candidates who have achieved the required results, the relevant sub-council shall also cumulatively take into account the following: -circumstances that are relevant to the assessment of candidate suitability; -the need to ensure the appropriate ethnic and gender representation in the court or prosecutors office in accordance with Article 43, paragraph (2) of the Law; -the work-related experience of a candidate for a certain field of law, if the court for which appointment is being carried out, apart from municipal and basic court levels, has a need for a judge of a certain specialisation. (3) If the list of candidates who have achieved the minimum results required for appointment has no candidates of the appropriate ethnicity or with the specific work-related experience, the competition shall be repeated only once. (4) Apart from reasons pursuant to paragraph (3) of the

Montenegro

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.

The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state

Serbia

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 proposal is simply returned.

Kosovo*

Appointment and re-appointment of prosecutors

1. The President appoints and reappoints prosecutors based on the Council's proposals.
2. Within 60 days after the receipt of the proposal, the President shall issue a decree on the appointment as prosecutor of the candidate proposed by the Council. If within this deadline the President does not appoint the prosecutor, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the prosecutor upon the proposal of the Council.

Question 122

Kosovo*

(General Comment): Candidates can appeal during all phases of the selection and recruitment process, however

(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.

Montenegro

(General Comment): The candidate has the right to file an action with the Administrative Court.

Kosovo*

(General Comment): Non selected candidates have the right to appeal to the Basic Court.

Question 124

Albania

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.

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

Bosnia and Herzegovina

(2021): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through

Montenegro

(2021): 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.

North Macedonia

integrity test as a part of the entering exam on the Academy for judges and public prosecutors for election on the initial training participants.

Kosovo*

implements procedures for the recruitment and nomination of state prosecutors.

All candidates for prosecutors who have passed the relevant tests are part of the process of assessment of personal integrity and professional skills that includes verification of information provided by candidates and any other relevant information such as: work experience and performance, professional and academic documents, information regarding disciplinary measures, extrajudicial behaviour and criminal past.

This process is conducted in accordance with legal provisions that protect human rights and freedoms as well as in order to provide information relevant to the disclosure of personality, professionalism and personal experience of candidates.

Question 125

Albania

mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;

- dismissal; - when is established the fact of inability to perform the duty.

prosecutors mandate may terminate also when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; dismissal; when is established the fact of inability to

(2020): Retirement age: 67

Bosnia and Herzegovina

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 from office. He/she can be removed from office if it has been proven by the

Montenegro

time as a state prosecutor is elected for a term of 4 years.

The Supreme State Prosecutor and the heads of state prosecutor's offices are elected for a term of five years.

The head of the state prosecutor's office and the state prosecutor shall be relieved of his / her duties if he / she is sentenced to unconditional imprisonment by a final judgment. Dismissal shall be pronounced for the most serious disciplinary offenses: 1) if he / she is convicted of 2) if he performs the prosecutorial function unprofessionally and unscrupulously.

The function of the State Prosecutor shall cease: 1) upon the expiration of the mandate; 2) resignation; 3) fulfilling the conditions for old-age pension; 4) termination of citizenship.

The position of the head of the State Prosecutor's Office shall cease when: 1) the term for which he was elected

North Macedonia

(General Comment): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is

Serbia

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 67 years, only with the consent of the deputy and with regard to cases already initiated.

(2020): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

If yes, are there exceptions.

Kosovo*

(2021): Yes there may be dismissal as a result of disciplinary sanctions and there have been such cases.

The prosecutor's mandate ends upon:

- 1.1. resignation;
- 1.2. dismissal;
- 1.3. death;
- 1.4. retirement;
- 1.5. the loss of working ability due to proved medical reasons, and
- 1.6. if not re-appointment with a permanent mandate

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 first election.

Question 127

Montenegro

(General Comment): 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 first election.

Kosovo*

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.

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.
4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution

Question 128

Montenegro

Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Question 129

Serbia

(2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2021 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2021 (Q135 and Q136)

Table 6.1.3 Authority competent for the promotion of prosecutors in 2021 (Q137)

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2021 (Q140 and Q141)

Table 6.1.5 Procedure and criteria for the promotion of judges in 2021 (Q133 and Q134)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2021 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2021 (Q132)


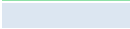
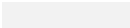

Beneficiaries	Authority competent for the promotion of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes	
No	
NA	
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.

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2021 (Q135 and Q136)



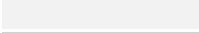

Beneficiaries	Judges						
	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	No	NA	NA	NA	NA	NA	NA
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	Yes	No	No	No	No	No	Yes
Serbia	Yes	No	No	No	Yes	No	No
Kosovo*	Yes	No	No	Yes	No	No	No

Yes 
 No 
 NA 
 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.

Table 6.1.3 Authority competent for the promotion of prosecutors in 2021 (Q137)


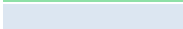


Beneficiaries	Authority competent for the promotion of prosecutors				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					

Yes	
No	
NA	
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.

Table 6.1.4 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2021 (Q140 and Q141)


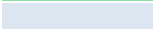
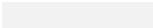

Beneficiaries	Prosecutors						
	Possibility to appeal the decision on the promotion of prosecutors	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body
Albania	Yes	NA	NA	NA	Yes	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA	NA	NA	NA
Montenegro	Yes	NA	NA	NA	Yes	NA	NA
North Macedonia	NA	NA	NA	NA	NA	NA	NA
Serbia	Yes	NA	NA	Yes	Yes	NA	NA
Kosovo*	Yes	NA	NA	Yes	NA	NA	NA

Yes 
 No 
 NA 
 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.

Table 6.1.5 Procedure and criteria for the promotion of judges in 2021 (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)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

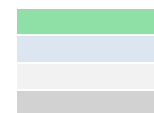
Yes 
 No 
 NA 
 NAP 

* 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.

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2021 (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)	Subjective criteria (e.g. integrity, reputation)	Other	No criteria
Albania									
Bosnia and Herzegovina									
Montenegro									
North Macedonia									
Serbia									
Kosovo*									

Yes
No
NA
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.

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 replies possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies 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 replies possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies 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

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;

c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, there is more than one candidate 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 professional performance; ç)

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 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 High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who

Q138 (2021): High Prosecutorial Council has approved the Regulation "On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction", with Decision no. 200, dated 23.09.2020.

Q138 (2020): High Prosecutorial Council has approved the Regulation "On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction", with Decision no. 200, dated 23.09.2020.

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.

High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.

Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law "On the status 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 the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

Bosnia and Herzegovina

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).

More details on the procedure are available under Q89.

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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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).

More details on the procedure are available under Q111.

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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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 Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority 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;
- 2) ratings of the interview with the candidate.

Q136 (General Comment): Administrative Court

Q137 (General Comment): 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
- grade in the interview.

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 following sub-criteria:

court, art. 40 par 1. of the Law on State

Prosecution Service.

North Macedonia

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 decision regarding the selection of a

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 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 least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .

(3) A person who has completed at least one mandate as a judge of an international court and who meets 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.

In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for 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 and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime 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; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until

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 of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016), 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

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 accordance with those qualities. Worthiness of candidates shall be assumed

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

Q136 (2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Q136 (2020): Administrative Court – An administrative dispute shall be initiate by a lawsuit.

of candidates in the procedure of proposing and electing holders of public prosecutorial office
CRITERIA FOR THE SELECTION OF THE DEPUTY PROSECUTOR

Article 10-Criteria for the election of a deputy public prosecutor shall be applied during the election of deputy public prosecutors who are in a permanent position in another or higher public prosecutor's office.

Deputy public prosecutors who are elected to this position for the first time shall be elected to a permanent position by a decision of the Council, unless their work has been assessed twice as "unsatisfactory" within a period of three years.

Fulfillment of criteria-Article 11

In the procedure for the election of the Deputy Public Prosecutor, the degree of fulfillment of the candidate criteria is determined on the basis of the following criteria:

- 1) evaluation of expertise and skills;
- 2) interview

Article 12-Evaluation of expertise and skills

The expertise and qualification of candidates for election as Deputy Public Prosecutors is determined on the basis of the evaluation of work evaluation according to the Rulebook on Criteria for Evaluation of the Work of Public Prosecutors and Deputy Public Prosecutors.

The evaluation of the evaluation of the work "performs the public prosecutor's function extremely successfully" is evaluated with 50 points.

The evaluation of the evaluation of the work "successfully performs the public prosecutor's function" is evaluated with 30 points.

The evaluation of the evaluation of the work "does not satisfy" did not receive points.

If the candidate does not have an evaluation of the evaluation of work, the Council will order the Public Prosecutor's Office in which the candidate performs the function of Deputy Public Prosecutor to perform an extraordinary evaluation of the candidate's work and submit the assessment thus submitted to the Council.

Interview with the registered candidate-Article 13

Before making a decision on the election, the Council conducts an interview with the registered candidate.

The interview aims to determine the communication skills, readiness to perform the public prosecutor's office and the professional integrity necessary for the position for which he / she is running.

Q138 (2020): 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.

Q141 (General Comment): A candidate may file charges to the Administrative Court.

DEPUTY PUBLIC PROSECUTORS

The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.

Article 59:

Kosovo*

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 the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing Law on the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.

Q134 (General Comment): These criteria are specified in the Law on courts

Q134 (2021): Quantitative criteria (performance) relates to the number of cases solved.

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).

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 promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the 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 there (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.

4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years

decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

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 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 replies possible)

Question 134. Please indicate the criteria used for the promotion of a judge? (multiple replies 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 replies possible)

Question 139. Please indicate the criteria used for the promotion of a prosecutors (multiple replies 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*

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 the collection of information and interview. After the interview, the panel drafts and signs the final ranking table of candidates and notifies all candidates in writing regarding their results.

Question 133

Albania

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;

Bosnia and Herzegovina

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).

More details on the procedure are available under Q89.

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 Article 74 of the present Law. If two candidates in the ranking list have the same number of points, the preference shall be given to a candidate who has scored more points on the basis of work appraisal, and if candidates have scored the same number of points on these grounds, preference shall be given to the candidate who is a member of a minority or

North Macedonia

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 decision regarding the selection of a

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 least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance with the Law on the Judicial Council .

(3) A person who has completed at least one mandate as a judge of an international court and who meets the

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 of judges and court presidents ("Official Gazette of RS;, Nos. 81/2014, 142/2014, 41/2015, 7/2016),

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

Kosovo*

the Kosovo Judicial Council No. 06 / L-55, Law on Courts No. 06 / L-054, Regulation (01/2014) on the procedure of promotion of judges (amended and supplemented), Article 5 of the Annex to the Regulation on Internal Organization of KJC conducts the promotion procedure.

Question 134

Albania

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 professional performance; ç)

Bosnia and Herzegovina

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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and

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 prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and

Montenegro

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]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 least six years uninterrupted judicial service as a judge in the appellate court or the Administrative Court up to the moment of the application for election, who is assessed by a competent authority with a positive assessment , in accordance

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 accordance with those qualities. Worthiness of candidates shall be assumed

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

Kosovo*

(General Comment): These criteria are specified in the Law on courts

(2021): Quantitative criteria (performance) relates to the number of cases solved.

Question 136

Albania

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

Montenegro

(General Comment): Administrative Court

North Macedonia

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

Serbia

(2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.

(2020): Administrative Court – An administrative dispute shall be initiate by a lawsuit.

Kosovo*

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).

Question 137

Montenegro

(General Comment): Prosecutorial Council

Serbia

candidates in the procedure of proposing and electing holders of public prosecutorial office
CRITERIA FOR THE SELECTION OF THE DEPUTY PROSECUTOR

Article 10-Criteria for the election of a deputy public prosecutor shall be applied during the election of deputy public prosecutors who are in a permanent position in another or higher public prosecutor's office.

Deputy public prosecutors who are elected to this position for the first time shall be elected to a permanent position by a decision of the Council, unless their work has been assessed twice as "unsatisfactory" within a period of three years.

Fulfillment of criteria-Article 11

In the procedure for the election of the Deputy Public Prosecutor, the degree of fulfillment of the candidate criteria is determined on the basis of the following criteria:

- 1) evaluation of expertise and skills;
- 2) interview

Article 12-Evaluation of expertise and skills

The expertise and qualification of candidates for election as Deputy Public Prosecutors is determined on the basis of the evaluation of work evaluation according to the Rulebook on Criteria for Evaluation of the Work of Public Prosecutors and Deputy Public Prosecutors.

The evaluation of the evaluation of the work "performs the public prosecutor's function extremely successfully" is evaluated with 50 points.

The evaluation of the evaluation of the work "successfully performs the public prosecutor's function" is evaluated with 30 points.

The evaluation of the evaluation of the work "does not satisfy" did not receive points.

If the candidate does not have an evaluation of the evaluation of work, the Council will order the Public Prosecutor's Office in which the candidate performs the function of Deputy Public Prosecutor to perform an extraordinary evaluation of the candidate's work and submit the assessment thus submitted to the Council.

Interview with the registered candidate-Article 13

Before making a decision on the election, the Council conducts an interview with the registered candidate.

The interview aims to determine the communication skills, readiness to perform the public prosecutor's office and the professional integrity necessary for the position for which he / she is running.

Question 138

Albania

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 High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who

(2021): High Prosecutorial Council has approved the Regulation "On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction", with Decision no. 200, dated 23.09.2020.

(2020): High Prosecutorial Council has approved the Regulation “On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction”, with Decision no. 200, dated 23.09.2020.

Bosnia and Herzegovina

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).

More details on the procedure are available under Q111.

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
- grade in the interview.

North Macedonia

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 Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law

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.

In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for

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 and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime

Serbia

(2020): See answer to the previous question - 137.

Kosovo*

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 promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the

Question 139

Albania

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.

High Prosecutorial Council verifies candidates regarding the integrity and assets and only candidates who successfully complete this process and who do not have disciplinary measures in place are admitted to further promotion procedures.

Detailed rules on the promotion of prosecutors are provided in Article 47 and subsequent of the Law "On the status

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 the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

Bosnia and Herzegovina

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

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

Montenegro

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 following sub-criteria:

1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate

North Macedonia

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; Public prosecutor in a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until

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.

Kosovo*

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.

4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years

Question 140

Kosovo*

decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Question 141

Montenegro

art. 40 par 1. of the Law on State Prosecution Service.

Serbia

(General Comment): A candidate may file charges to the Administrative Court.

DEPUTY PUBLIC PROSECUTORS

The Public Prosecutor or the Deputy Public Prosecutor may personally or through a proxy file an objection against the decision on the evaluation of work to the State Council of Prosecutors within 15 days from the day of delivery of the decision.

Article 59:

Kosovo*

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 decide with a simple majority of votes regarding

7. Training - Overview

Training budget and Number of in-service training courses available and delivered by the public institution(s) responsible for training

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2021 (Table no. 7.1.3)

Beneficiaries	Total budget for training per inhabitant covered by training institutions, court and prosecution budget					
	2018	2019	2020	2021	Variation 2018-2021 (%)	Variation 2020-2021 (%)
Albania	NA	0,5 €	0,5 €	0,8 €	NA	39,2%
Bosnia and Herzegovina	NA	NA	0,2 €	0,2 €	NA	6,5%
Montenegro	NA	1,0 €	1,0 €	0,7 €	NA	-31,6%
North Macedonia	0,6 €	0,5 €	0,4 €	0,6 €	5,2%	83,4%
Serbia	NA	NA	NA	0,5 €	NA	NA
Kosovo*	NA	0,7 €	0,3 €	NA	NA	NA
WB Average	-	0,7 €	0,5 €	0,6 €	-	24,4%

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget compared with the number of inhabitants in millions in 2021

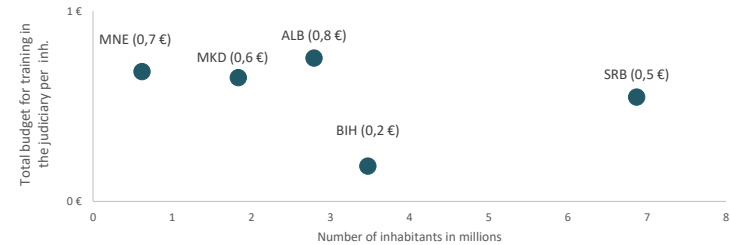


Figure 7.2 Total budget for training per inhabitant covered by training institutions, court and prosecution budget

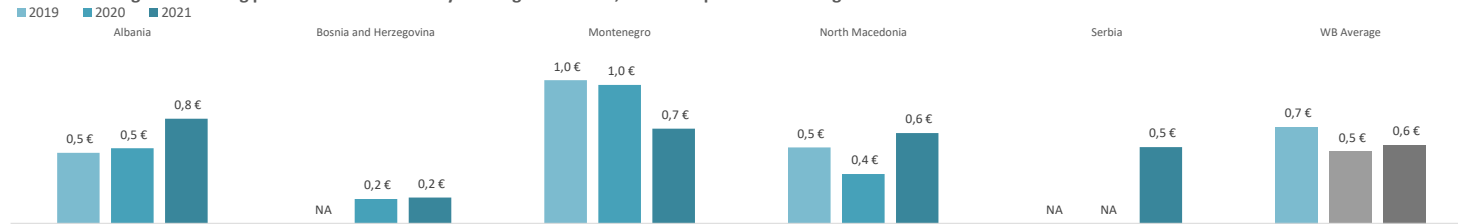
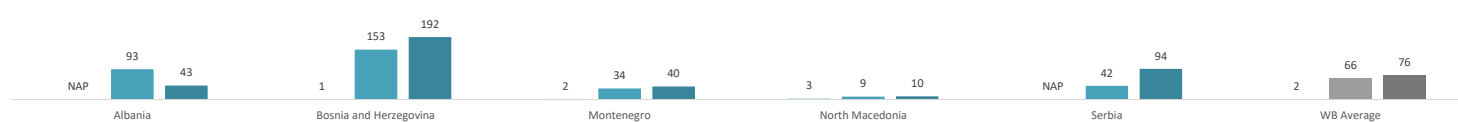


Figure 7.3 Total number of delivered courses (in days)



Figure 7.4 Total number of available courses online training courses



North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* 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*

Trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of training courses organised by institutions responsible for trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights in 2021
(Tables no. 7.2.1 and 7.2.2)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of in-person training courses available		Number of delivered in-person training courses in days		Number of online training courses (e-learning) available	
	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights	EU Law	EU Charter of Fundamental Rights/European Convention on Human Rights
Albania	2	6	2	2	5	4
Bosnia and Herzegovina	6	13	6	NA	6	10
Montenegro	0	7	0	13	4	10
North Macedonia	1	5	1	4	NAP	NAP
Serbia	3	11	6	13	3	7
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	2	8	3	8	5	8

Figure 7.5 Number of delivered in-person training courses in days in 2021

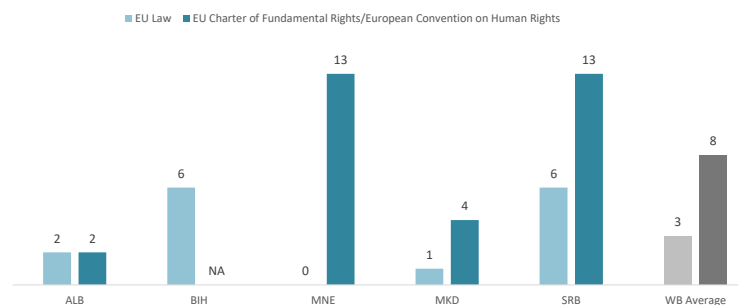


Figure 7.6 Training on EU Law in 2021

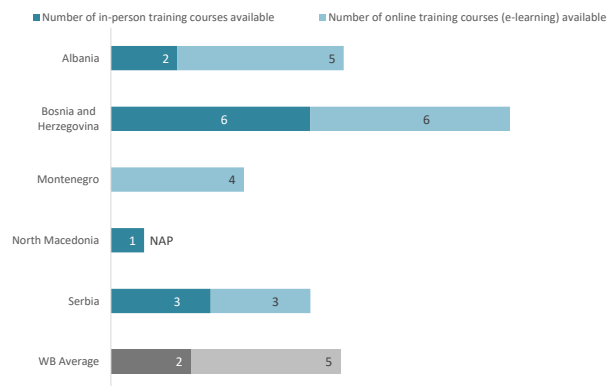
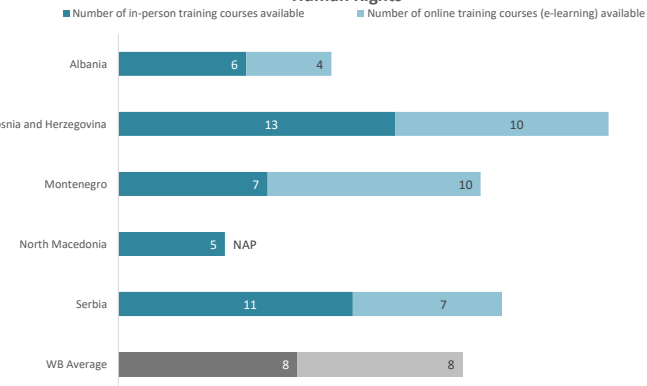


Figure 7.7 EU Charter of Fundamental Rights/European Convention on Human Rights



* 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

Number of participants to in-service training courses and trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of participants to in-service training courses and trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights (Tables no. 7.1.6, 7.1.7, 7.2.1 and 7.2.2)

Beneficiaries	Training courses organised by institutions responsible for training									
	In-person training courses			Online training courses			EU Law		EU Charter of Fundamental Rights/European Convention on Human Rights	
	Total	Judges	Prosecutors	Total	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	239	86	73	548	196	199	34	32	58	17
Bosnia and Herzegovina	914	585	155	1 000	590	222	86	25	117	46
Montenegro	649	240	164	1 013	412	265	54	38	250	105
North Macedonia	4 924	1 650	713	18	7	6	28	7	50	19
Serbia	5 911	1 145	250	1 880	963	306	28	0	72	49
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
WB Average	2 527	741	271	892	434	200	46	20	109	47

■ Judges ■ Prosecutors

Figure 7.8 Number of participants in in-person training courses in 2021 (judges and prosecutors)

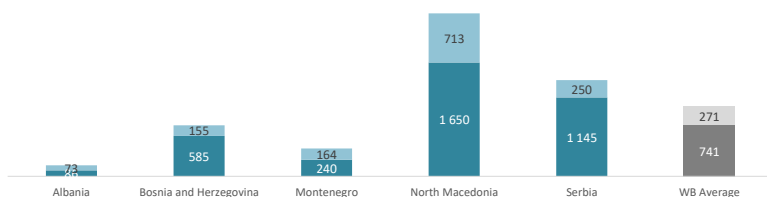


Figure 7.9 Number of participants in online training courses in 2021 (judges and prosecutors)

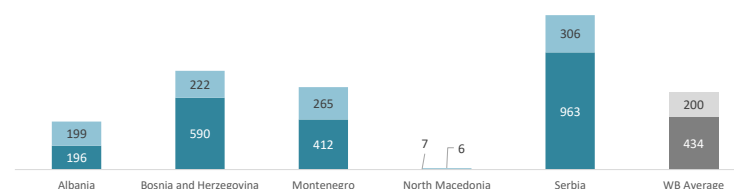


Figure 7.10 Number of participants in training courses on EU Law in 2021 (judges and prosecutors)

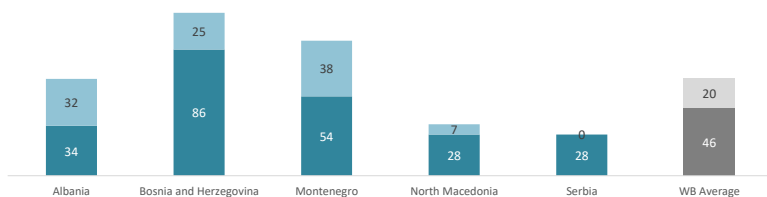
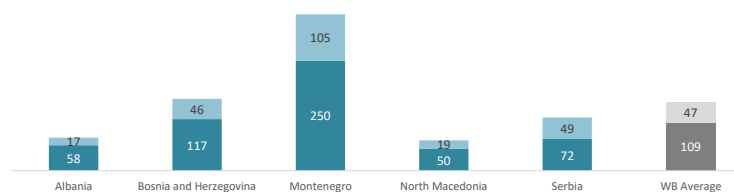


Figure 7.11 Number of participants in training courses on EU Charter of Fundamental Rights/European Convention on Human Rights in 2021 (judges and prosecutors)



* 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. Kosovo* is not included in the calculation of summary statistics

7.Training - List of tables

Table 7.1.1 Total budget of the training: training budget of training institutions and implemented courts and public prosecution services budget allocated to training in 2021 (Q4, Q6, Q142)

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2018 and 2021 (Q4, Q6, Q142)

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2021 (Q1, Q4, Q6, Q142)

Table 7.1.4 Types and frequency of training courses for judges in 2021 (Q143 and Q145)

Table 7.1.5 Types and frequency of training courses for prosecutors in 2021 (Q144 and Q146)

Table 7.1.6 Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)

Table 7.1.7 Number of in-service online training courses (e-learning) available and delivered by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)

Table 7.1.8 Sanctions for judges and prosecutors for not attending compulsory in-service trainings in 2021 (Q148 and Q149)

Table 7.1.9 Compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest in 2021 (Q150, Q151 and Q152)

Table 7.1.10 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)

Table 7.2.1 Training courses on the EU law organised by institutions responsible for trainings in 2021 (Q154)

Table 7.2.2 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2021 (Q154)

Table 7.2.3 Training courses on the EU law organised/financed by other stakeholders in the framework of co-operation programmes in 2021 (Q155)

Table 7.2.4 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2021 (Q155)

Table 7.1.1 Total budget of the training: training budget of training institutions and implemented courts and public prosecution services budget allocated to training in 2021 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget (1 + 2 + 3)	Training budget covered by training institutions (1)	Implemented courts budget allocated to training (2)	Implemented public prosecution services budget allocated to training (3)
Albania	2 101 845 €	2 101 845 €	NAP	NAP
Bosnia and Herzegovina	645 416 €	548 518 €	73 866 €	23 032 €
Montenegro	422 455 €	419 654 €	2 801 €	NAP
North Macedonia	1 193 036 €	1 193 036 €	NAP	NAP
Serbia	3 766 707 €	3 766 707 €	NAP	NAP
Kosovo*	NA	NA	0 €	0 €
Average	1 625 892 €	1 605 952 €	-	-
Median	1 193 036 €	1 193 036 €	-	-
Minimum	422 455 €	419 654 €	-	-
Maximum	3 766 707 €	3 766 707 €	-	-

* 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 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2018 and 2021 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget				Variations		
	2018	2019	2020	2021	2018-2021 (%)	2019-2021 (%)	2020-2021 (%)
Albania	NA	1 444 436 €	1 538 461 €	2 101 845 €	NA	45,5%	36,6%
Bosnia and Herzegovina	NA	NA	608 839 €	645 416 €	NA	NA	6,0%
Montenegro	NA	638 382 €	617 631 €	422 455 €	NA	-33,8%	-31,6%
North Macedonia	1 280 894 €	1 134 195 €	735 500 €	1 193 036 €	-6,9%	5,2%	62,2%
Serbia	NA	NA	NA	3 766 707 €	NA	NA	NA
Kosovo*	NA	1 178 046 €	542 801 €	NA	NA	NA	NA
Average	-	1 072 338 €	875 108 €	1 625 892 €	-	5,6%	18,3%
Median	-	1 134 195 €	676 566 €	1 193 036 €	-	5,2%	21,3%
Minimum	-	638 382 €	608 839 €	422 455 €	-	-33,8%	-31,6%
Maximum	-	1 444 436 €	1 538 461 €	3 766 707 €	-	45,5%	62,2%

* 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 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2021 (Q1, Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget per inhabitant				Variation		
	2018	2019	2020	2021	2018-2021 (%)	2019-2021 (%)	2020-2021 (%)
Albania	NA	0,5 €	0,5 €	0,8 €	NA	48,2%	39,2%
Bosnia and Herzegovina	NA	NA	0,2 €	0,2 €	NA	NA	6,5%
Montenegro	NA	1,0 €	1,0 €	0,7 €	NA	-33,8%	-31,6%
North Macedonia	0,6 €	0,5 €	0,4 €	0,6 €	5,2%	19,0%	83,4%
Serbia	NA	NA	NA	0,5 €	NA	NA	NA
Kosovo*	NA	0,7 €	0,3 €	NA	NA	NA	NA
Average	-	0,7 €	0,5 €	0,6 €	-	11,1%	24,4%
Median	-	0,5 €	0,4 €	0,6 €	-	19,0%	22,8%
Minimum	-	0,5 €	0,2 €	0,2 €	-	-33,8%	-31,6%
Maximum	-	1,0 €	1,0 €	0,8 €	-	48,2%	83,4%

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 7.1.4 Types and frequency of training courses for judges in 2021 (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		On child-friendly justice	
		Type of training	Frequency	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*													

* 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.

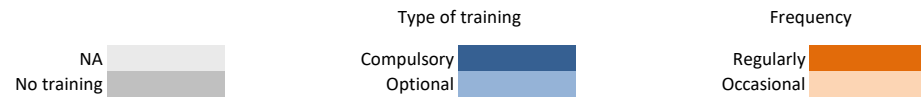


Table 7.1.5 Types and frequency of training courses for prosecutors in 2021 (Q144 and Q146)

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		On child-friendly justice	
		Type of training	Frequency	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*													

* 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.

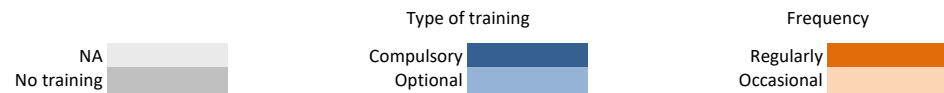


Table 7.1.6 Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)

Beneficiaries	In-person training courses																		
	Number of available 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	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	
Albania	23	9	9	2	2	1	20	11	1	3	3	2	239	86	73	38	24	18	
Bosnia and Herzegovina	330	185	124	NA	NA	21	166	151	72	NA	NA	10	914	585	155	NA	NA	71	
Montenegro	33	28	28	10	11	12	64	55	55	17	19	24	649	240	164	130	72	43	
North Macedonia	235	160	125	28	11	16	310	187	97	27	10	27	4 924	1 650	713	NA	NA	1 332	
Serbia	122	80	43	27	23	66	150	108	48	31	24	71	5 911	1 145	250	205	95	4 216	
Kosovo*	NA	NA	NA	NA	NA	NAP	NA	NA	NA	NA	NA	NAP	NA	NA	NA	NA	NA	NA	
Average	149	92	66	17	12	23	142	102	55	20	14	27	2 527	741	271	124	64	1 136	
Median	122	80	43	19	11	16	150	108	55	22	15	24	914	585	164	130	72	71	
Minimum	23	9	9	2	2	1	20	11	1	3	3	2	239	86	73	38	24	18	
Maximum	330	185	125	28	23	66	310	187	97	31	24	71	5 911	1 650	713	205	95	4 216	

* 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 Number of in-service online training courses (e-learning) available and delivered by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)



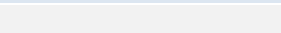

Beneficiaries	Online training courses (e-learning)											
	Number of available courses						Number of participants					
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Training for other professionals
Albania	43	31	9	1	1	1	548	196	199	45	64	44
Bosnia and Herzegovina	192	155	75	NA	NA	32	1 000	590	222	NA	NA	271
Montenegro	40	39	27	20	19	17	1 013	412	265	98	83	155
North Macedonia	10	9	8	NAP	NAP	NAP	18	7	6	NA	NA	2
Serbia	94	69	37	12	21	27	1 880	963	306	104	85	422
Kosovo*	NA	NA	NA	NA	NA	NAP	NA	NA	NA	NA	NA	NA
Average	76	61	31	11	14	19	892	434	200	82	77	179
Median	43	39	27	12	19	22	1 000	412	222	98	83	155
Minimum	10	9	8	1	1	1	18	7	6	45	64	2
Maximum	192	155	75	20	21	32	1 880	963	306	104	85	422

* This designation is without

Kosovo* is not included in the calculation of summary statistics

Table 7.1.8 Sanctions for judges and prosecutors for not attending compulsory in-service trainings in 2021 (Q148 and Q149)

Beneficiaries	Sanctions for not attending compulsory in-service training	
	Judges	Prosecutors
Albania	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Montenegro	No	No
North Macedonia	Yes	Yes
Serbia	Yes	Yes
Kosovo*	Yes	Yes

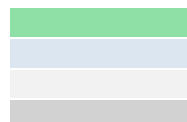
Yes	
No	
NA	
NAP	

* 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.

Table 7.1.9 Compulsory in-service training solely dedicated to ethics, the prevention of corruption and conflicts of interest in 2021 (Q150, Q151 and Q152)

Beneficiaries	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	Yes	Yes	Longer than 3 days	More than once on an ad hoc basis	More than once on an ad hoc basis
Bosnia and Herzegovina	NA	NA			
Montenegro	NA	NA			
North Macedonia	Yes	Yes	Up to 1 day	More than once on an ad hoc basis	More than once on an ad hoc basis
Serbia	Yes	Yes	2-3 days	More than once on a regular basis	More than once on a regular basis
Kosovo*	Yes	NA	2-3 days	More than once on a regular basis	

Yes
No
NA
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.

Table 7.1.10 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)

Beneficiaries	Specially trained prosecutors			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Albania	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Bosnia and Herzegovina	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Montenegro	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
North Macedonia	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Serbia	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Kosovo*	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims

Yes

No

NA

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.

Table 7.2.1 Training courses on the EU law organised by institutions responsible for trainings in 2021 (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			
				2020	2021	Variation 2020-2021 (%)	2020	2021	Variation 2020-2021 (%)	
Albania	2	2	5	38	34	-10,5%	8	32	300,0%	
Bosnia and Herzegovina	6	6	6	261	86	-67,0%	38	25	-34,2%	
Montenegro	0	0	4	49	54	10,2%	27	38	40,7%	
North Macedonia	1	1	NAP	58	28	-51,7%	7	7	0,0%	
Serbia	3	6	3	5	28	460,0%	NA	0	NA	
Kosovo*	NA	NA	NA	0	NA	NA	0	NA	NA	
Average	2	3	5	82	46	68,2%	20	20	76,6%	
Median	2	2	5	49	34	-10,5%	18	25	20,4%	
Minimum	0	0	3	5	28	-67,0%	7	0	-34,2%	
Maximum	6	6	6	261	86	460,0%	38	38	300,0%	

* 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 on the EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2021 (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			
				2020	2021	Variation 2020-2021 (%)	2020	2021	Variation 2020-2021 (%)	
Albania	6	2	4	19	58	205,3%	18	17	-5,6%	
Bosnia and Herzegovina	13	NA	10	306	117	-61,8%	111	46	-58,6%	
Montenegro	7	13	10	116	250	115,5%	45	105	133,3%	
North Macedonia	5	4	NAP	241	50	-79,3%	80	19	-76,3%	
Serbia	11	13	7	5	72	340,0%	NA	49	NA	
Kosovo*	NA	NA	NA	118	NA	NA	10	NA	NA	
Average	8	8	8	137	109	304,0%	64	47	-1,8%	
Median	7	9	9	116	72	115,5%	63	46	-32,1%	
Minimum	5	2	4	5	50	-79,3%	18	17	-76,3%	
Maximum	13	13	10	306	250	1340,0%	111	105	133,3%	

* 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*

Table 7.2.3 Training courses on the EU law organised/financed by other stakeholders in the framework of co-operation programmes in 2021 (Q155)

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			
				2020	2021	Variation 2020-2021 %	2020	2021	Variation 2020-2021 %	
Albania	0	0	1	0	9	-	0	4	-	
Bosnia and Herzegovina	5	5	5	141	69	-51,1%	19	14	-26,3%	
Montenegro	0	0	3	21	43	104,8%	14	28	100,0%	
North Macedonia	3	6	NAP	58	19	-67,2%	7	12	71,4%	
Serbia	3	6	3	NA	28	NA	NA	0	NA	
Kosovo*	NA	NA	NA	0	NA	NA	0	NA	NA	
Average	2	3	3	55	34	-4,5%	10	12	48,4%	
Median	3	5	3	40	28	-51,1%	11	12	71,4%	
Minimum	0	0	1	0	9	-67,2%	0	0	-26,3%	
Maximum	5	6	5	141	69	104,8%	19	28	100,0%	

* 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 7.2.4 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2021 (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			
				2020	2021	Variation 2020-2021 %	2020	2021	Variation 2020-2021 %	
Albania	0	0	0	0	0	0,0%	0	0	0,0%	
Bosnia and Herzegovina	8	NA	4	209	61	-70,8%	63	11	-82,5%	
Montenegro	6	12	3	92	134	45,7%	22	39	77,3%	
North Macedonia	14	18	NAP	221	103	-53,4%	63	72	14,3%	
Serbia	11	13	7	NA	72	NA	NA	49	NA	
Kosovo*	NA	NA	NA	35	NA	NA	3	NA	NA	
Average	8	11	4	131	74	-19,6%	37	34	2%	
Median	8	13	4	151	72	-26,7%	43	39	7%	
Minimum	0	0	0	0	0	-70,8%	0	0	-83%	
Maximum	14	18	7	221	134	45,7%	63	72	77%	

* 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:

Question 144. Training of public prosecutors:

Question 145. Frequency of the in-service training of judges:

Question 146. Frequency of the in-service training of public prosecutors:

Question 147-1. Number of participants of the training courses during the reference year

Question 147. Number of in-service training courses available and delivered (in days) by the public institution(s)

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to

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 prosecutors who are specially trained in areas of domestic violence and

Question 154. Number of training courses organised by the institutions responsible for training and number of

Question 142

Bosnia and Herzegovina

two different

entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2021 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 221079 Euro. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 327439 Euro. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external

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 Bosnia and Herzegovina cut the funds allocated to the training center for 2020 within the general budget rebalancing procedure

Montenegro

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, upon the collected data, it is visible that

North Macedonia

(2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the

planned 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, according to this amount was made and the new budget in 2020, having in mind that in 2020 there wasn't a new generation on the Academy.

Kosovo*

government the the final budget for 2020 has been 519903. When we refer to budgetary cuts, we always mean because of the pandemic situation.

Question 143

Bosnia and Herzegovina

assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Montenegro

at least two working days annually for which they are to apply based on their own interest. (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 (except for the mentioned two days per year), however, the Centre for Training in Judiciary and State Prosecution in the framework of the In-service Training Program organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court and Administrative Court). The only compulsory specialized training is the training for judges for the juveniles (who are the only ones competent to act in criminal proceedings with juveniles) according to the Law on the Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The

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 implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor’s Offices in Montenegro, which was adopted in 2019.

North Macedonia

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by

Serbia

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

(2021): Double-checked by competent institution.

(2020): We've increased the number of practices this year.

Question 144

Bosnia and Herzegovina

assigned to work on criminal

cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

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)).

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 Offices in Montenegro, which was adopted in 2019. When it comes to training activities for the use of computers in state prosecution offices, these training activities are

North Macedonia

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by

Serbia

(2021): Double-checked by competent institution.

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 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.

Question 145

Bosnia and Herzegovina

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

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training

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.

North Macedonia

of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Kosovo*

(General Comment): There are on-going trainings throughout the year.

Question 146

Bosnia and Herzegovina

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

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training

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

North Macedonia

of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Kosovo*

(General Comment): There are on-going trainings throughout the year, with the exception of July and August

Question 147-1

Albania

(2021): Please note that more attention is being given to initial training, as the number of new students has

(2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337 participants in

Montenegro

more modalities of training, i.e. in-person, hybrid and online training activities, which in a sense can be considered as a systematic change, or more precisely – the broadening of modalities.

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 training (of this number 15 online trainings - all together 57 days of training) activities for 141 trainees/interns, 107 in courts and 34 in state prosecution offices.

North Macedonia

staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 1229 is total number for non-judge and non-prosecutor staff that participated on the trainings. Total number of participants in online training courses (e-learning) is 3 and because of the same reason it is answered as NA.

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 presence, whereby a total of 56 non-judge and non-

Serbia

measures prescribed by the state due to Covid 19.
Double-checked by competent institution.

Question 147

Albania

(2021): Please note that more attention is being given to initial training, as the number of new students has

(2020): The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

Bosnia and Herzegovina

prosecutors – please refer to the comment provided for Q142. Training courses are held in different formats: in-person, online and combined. Individual training courses last one or more days.

It should be taken into account that both judges and prosecutors took part in certain training courses (e.g. there were joint training courses aimed at enhancing the competences of criminal judges and prosecutors dealing with corruption cases, organized crime cases etc.). Non-judge staff and Non-prosecutor staff: The institutions for the training of judges and prosecutors could not provide precise data for the training courses that were at disposal to this category of participants.

the spread of coronavirus.

Number of on-line training courses increased considerably in 2020 as a result of the measures taken against the

Montenegro

and days in which they were invited and participated together with judges and prosecutors.

-The Centre always organizes joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended only for judges dealing with civil matters (as well as lawyers, bailiffs, notaries, ...). There were 18 training activities (5 face to face and 13 online) of this kind in 2021 and they lasted for 27 days.

-In 2021 the Centre organized 6 training activities (5 face to face and 1 online) only for prosecutors and they lasted for 12 days.

- Out of the 33 total trainings that were conducted in-person, 3 trainings were conducted in a hybrid training format. Total - online training courses available (e learning) – 58 training days For judges - online training courses available (e learning) – 57 training days For prosecutors - online training courses available (e learning) – 38 training days For non-judge staff - online training courses available (e learning) – 28 training days For non-prosecutor staff - online training courses available (e learning) – 28 training days Training for other professionals - online training courses available (e learning) – 21 training days -Advisers from courts and state prosecution offices are allowed to participate in trainings intended for judges and state prosecutors in case that judges and state prosecutors are prevented from attending the trainings. Their participation hereof is listed in the table above. In the table above we did not include training activities organized within the Special training programme for advisers from courts and state prosecution offices (adopted on 23 December 2019). In 2021 the Centre organized 11 two-day training activities – 4 of which were conducted online (8 training days for 46 judicial advisers and 31 prosecutorial advisers), whereas 7 training activities were conducted face to face (14 training days for 85 judicial advisers and 27 prosecutorial advisers), which were attended by the total of 189 advisers from courts and state prosecution offices. In addition to the abovementioned programme, 30 advisers (23 judicial advisers and 7 prosecutorial advisers) attended another 2 training activities (4 training days) organized face to face in cooperation with the NGO “The Centre for Democracy and Human Rights” (CEDEM).

- In the table above related to online trainings, we did not include 2 HELP online courses (e-learning) due to the days of training (multi-month courses):

- The first HELP online course – e-learning (19 February – 10 May 2021) – The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2

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 and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no.55/2016 and 57/2016) and upon the Training

North Macedonia

were delivered on-line. From a total of 235 delivered trainings, 69 were trainings for judges, 31 trainings for prosecutors, 94 trainings were common for judges and prosecutors, 17 for non-judge staff and 0 for non-prosecutor staff, 11 trainings were organized as common for non-judges and non-prosecutors and 16 for other categories).

Because we don't have separate row for common trainings, in the total number of 160 for judges are included 66 trainings organized only for judges + 94 common trainings for judges and public prosecutors. In total number of 125 trainings for public prosecutors are included 31 trainings organized only for public prosecutors plus 94 common trainings.

In total number of 28 trainings for non-judges staff are included 17 trainings organized for non-judges staff plus 11 common trainings for non-judges staff and non-prosecutors staff.

In total number of 11 trainings for non-prosecutor staff are included 11 from common trainings, separate trainings only for non-prosecutors were not organized.

Trainings for judges reflected in days are total 188 days (69 +17 from common trainings) Trainings for prosecutors in days are total 187 (68 +119 from common trainings), for non-judge staff are 27 days (17+10 from common trainings) and for non-prosecutor staff are total 10 days.

According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge

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 trainings participate judges, on 7

Serbia

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.

measures prescribed by the state due to Covid 19.
Double-checked by competent institution.

Kosovo*

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 days). This number of training courses includes also in-person training courses, which, for the well-known reasons, could not be held in

Question 150

Albania

the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

Bosnia and Herzegovina

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 training on ethics. Attending training on ethics, the prevention of corruption and conflicts of interest is obligatory only for the newly appointed

Montenegro

(General Comment): No, training activities are not compulsory.

(2020): No, training activities are not compulsory.

North Macedonia

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 working schedule (days when they do not have trial).

Kosovo*

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 competencies and jurisdiction.

Question 151

Montenegro

Center offers training on this topic in duration 2-3 days to judges and state prosecutors through the annual In-service training programme.

(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

cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Question 152

North Macedonia

(2021): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Question 153

Montenegro

Polje have prosecutors who are specially trained in the field of domestic violence and sexual violence, as well as in the particular field of domestic violence and sexual violence against juvenile victims.

The Basic State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Plav have prosecutors who are specially trained in the field of domestic violence and sexual violence.

The High State Prosecutor's Office in Bijelo Polje, the High State Prosecutor's Office in Podgorica and the Basic State Prosecutor's Office in Bar have specialized prosecutors for dealing with juvenile victims, in the criminal offences of

(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

and sexual violence.

The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.

The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group

Serbia

prosecutors and judges, in order to process cases involving juveniles (both as victims and criminal offenders) need to have a certificate, i.e. to pass a specialized training.

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

Question 154

Albania

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. criminal code, criminal procedure code), the interest of in-service judges and prosecutors has been higher for trainings on changes of legislation rather

Bosnia and Herzegovina

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 Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

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 2021, 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

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 delivered several new training courses on the European Union Law and the European Convention on Human Rights that they had developed in cooperation with

Montenegro

(2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this project there were a large number of trainings pertaining to EU law and European standards).

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

Kosovo*

(General Comment): All trainings are organized by Academy of Justice

Question 155

Albania

partners, due to suspension of international travel, were cancelled. This is why there were no activities financed by our international partners on the topic and therefore no participating judges or prosecutors.

Bosnia and Herzegovina

European Convention on Human Rights, they financed and co-organized 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 stakeholder, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, was the German Foundation for International Legal Cooperation; the trainings covered the subject: „The relation between EU Law and national law“. The partner organizations, 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: 1. The London based Advice on Individual Rights in Europe, 2. the Organization for Security and Co-operation in Europe, 3. the Women's Rights Centre, 4. Council of Europe (COE HELP), 5. Sarajevo Open Centre. 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

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.

The training institutions' implementation of the specific cooperation programmes with the European Delegation in

Montenegro

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); - AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law and supporting authorities in Montenegro"; - EU and Council of Europe project "Freedom of expression and freedom of the media in Southeast Europe – JUFREX 2- Montenegro".

Also, in the table above we did not include that in 2021 the Centre in cooperation with - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals) organized 2 HELP e-learning courses and participated in one regional HELP online course:

- The first HELP online course – e-learning (19 February – 10 May 2021) - The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) - The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and

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);
- AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

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, EIPA/Luxembourg - 1 training, OSCE Mission in Skopje - 3 trainings, BAR Chamber/Council of Europe - 1 training,

Serbia

(2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

Indicator 7- Training

by question No.

Question 142. What is the budget of the training institution(s)?

Question 143. Training of judges:

Question 144. Training of public prosecutors:

Question 145. Frequency of the in-service training of judges:

Question 146. Frequency of the in-service training of public prosecutors:

Question 147-1. Number of participants of the training courses during the reference year

Question 147. Number of in-service training courses available and delivered (in days) by the public institution(s)

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to

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 prosecutors who are specially trained in areas of domestic violence and

Question 154. Number of training courses organised by the institutions responsible for training and number of

Question 142

Bosnia and Herzegovina

two different

entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2021 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 221079 Euro. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 327439 Euro. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external

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 Bosnia and Herzegovina cut the funds allocated to the training center for 2020 within the general budget rebalancing procedure

Montenegro

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, upon the collected data, it is visible that

North Macedonia

(2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the

planned 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, according to this amount was made and the new budget in 2020, having in mind that in 2020 there wasn't a new generation on the Academy.

Kosovo*

government the the final budget for 2020 has been 519903. When we refer to budgetary cuts, we always mean because of the pandemic situation.

Question 143

Bosnia and Herzegovina

(General Comment): NA

Montenegro

(General Comment): NA

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 implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's Offices in Montenegro, which was adopted in 2019.

North Macedonia

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by

Serbia

(General Comment): NA

(2021): Double-checked by competent institution.

(2020): We've increased the number of practices this year.

Question 144

Bosnia and Herzegovina

(General Comment): NA

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)).

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 Offices in Montenegro, which was adopted in 2019. When it comes to training activities for the use of computers in state prosecution offices, these training activities are

North Macedonia

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by

Serbia

(2021): Double-checked by competent institution.

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 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.

Question 145

Bosnia and Herzegovina

(General Comment): NA

Montenegro

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training

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.

North Macedonia

of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Kosovo*

(General Comment): NA

Question 146

Bosnia and Herzegovina
(General Comment): NA

Montenegro

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training

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

North Macedonia

of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Kosovo*

(General Comment): NA

Question 147-1

Albania

(2021): Please note that more attention is being given to initial training, as the number of new students has

(2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337 participants in

Montenegro

more modalities of training, i.e. in-person, hybrid and online training activities, which in a sense can be considered as a systematic change, or more precisely – the broadening of modalities.

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 training (of this number 15 online trainings - all together 57 days of training) activities for 141 trainees/interns, 107 in courts and 34 in state prosecution offices.

North Macedonia

staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 1229 is total number for non-judge and non-prosecutor staff that participated on the trainings. Total number of participants in online training courses (e-learning) is 3 and because of the same reason it is answered as NA.

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 presence, whereby a total of 56 non-judge and non-

Serbia

measures prescribed by the state due to Covid 19.
Double-checked by competent institution.

Question 147

Albania

(2021): Please note that more attention is being given to initial training, as the number of new students has

(2020): The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

Bosnia and Herzegovina

prosecutors – please refer to the comment provided for Q142. Training courses are held in different formats: in-person, online and combined. Individual training courses last one or more days.

It should be taken into account that both judges and prosecutors took part in certain training courses (e.g. there were joint training courses aimed at enhancing the competences of criminal judges and prosecutors dealing with corruption cases, organized crime cases etc.). Non-judge staff and Non-prosecutor staff: The institutions for the training of judges and prosecutors could not provide precise data for the training courses that were at disposal to this category of participants.

the spread of coronavirus.

Number of on-line training courses increased considerably in 2020 as a result of the measures taken against the

Montenegro

and days in which they were invited and participated together with judges and prosecutors.

-The Centre always organizes joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended only for judges dealing with civil matters (as well as lawyers, bailiffs, notaries, ...). There were 18 training activities (5 face to face and 13 online) of this kind in 2021 and they lasted for 27 days.

-In 2021 the Centre organized 6 training activities (5 face to face and 1 online) only for prosecutors and they lasted for 12 days.

- Out of the 33 total trainings that were conducted in-person, 3 trainings were conducted in a hybrid training format. Total - online training courses available (e learning) – 58 training days For judges - online training courses available (e learning) – 57 training days For prosecutors - online training courses available (e learning) – 38 training days For non-judge staff - online training courses available (e learning) – 28 training days For non-prosecutor staff - online training courses available (e learning) – 28 training days Training for other professionals - online training courses available (e learning) – 21 training days -Advisers from courts and state prosecution offices are allowed to participate in trainings intended for judges and state prosecutors in case that judges and state prosecutors are prevented from attending the trainings. Their participation hereof is listed in the table above. In the table above we did not include training activities organized within the Special training programme for advisers from courts and state prosecution offices (adopted on 23 December 2019). In 2021 the Centre organized 11 two-day training activities – 4 of which were conducted online (8 training days for 46 judicial advisers and 31 prosecutorial advisers), whereas 7 training activities were conducted face to face (14 training days for 85 judicial advisers and 27 prosecutorial advisers), which were attended by the total of 189 advisers from courts and state prosecution offices. In addition to the abovementioned programme, 30 advisers (23 judicial advisers and 7 prosecutorial advisers) attended another 2 training activities (4 training days) organized face to face in cooperation with the NGO “The Centre for Democracy and Human Rights” (CEDEM).

- In the table above related to online trainings, we did not include 2 HELP online courses (e-learning) due to the days of training (multi-month courses):

- The first HELP online course – e-learning (19 February – 10 May 2021) – The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2

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 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 and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no.55/2016 and 57/2016) and upon the Training

North Macedonia

were delivered on-line. From a total of 235 delivered trainings, 69 were trainings for judges, 31 trainings for prosecutors, 94 trainings were common for judges and prosecutors, 17 for non-judge staff and 0 for non-prosecutor staff, 11 trainings were organized as common for non-judges and non-prosecutors and 16 for other categories).

Because we don't have separate row for common trainings, in the total number of 160 for judges are included 66 trainings organized only for judges + 94 common trainings for judges and public prosecutors. In total number of 125 trainings for public prosecutors are included 31 trainings organized only for public prosecutors plus 94 common trainings.

In total number of 28 trainings for non-judges staff are included 17 trainings organized for non-judges staff plus 11 common trainings for non-judges staff and non-prosecutors staff.

In total number of 11 trainings for non-prosecutor staff are included 11 from common trainings, separate trainings only for non-prosecutors were not organized.

Trainings for judges reflected in days are total 188 days (69 +17 from common trainings) Trainings for prosecutors in days are total 187 (68 +119 from common trainings), for non-judge staff are 27 days (17+10 from common trainings) and for non-prosecutor staff are total 10 days.

According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge

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 trainings participate judges, on 7

Serbia

(General Comment): NA

measures prescribed by the state due to Covid 19.

Double-checked by competent institution.

Kosovo*

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 days). This number of training courses includes also in-person training courses, which, for the well-known reasons, could not be held in

Question 150

Albania

the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

Bosnia and Herzegovina

(General Comment): NA

Montenegro

(General Comment): NA

(2020): No, training activities are not compulsory.

North Macedonia

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 working schedule (days when they do not have trial).

Kosovo*

(General Comment): NA

Question 151**Montenegro**

(General Comment): NA

(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

cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Question 152**North Macedonia**

(2021): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Question 153**Montenegro**

(General Comment): NA

(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

and sexual violence.

The Academy for Judges and Public Prosecutors within the general Program for continuous training of judges and public prosecutors as well as in the Catalog for mandatory continuous training envisages and implements trainings on domestic violence and sexual violence.

The notifications submitted to the courts and prosecutor's offices for each specific training indicate the target group

Serbia

prosecutors and judges, in order to process cases involving juveniles (both as victims and criminal offenders) need to have a certificate, i.e. to pass a specialized training.

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

Question 154**Albania**

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. criminal code, criminal procedure code), the interest of in-service judges and prosecutors has been higher for trainings on changes of legislation rather

Bosnia and Herzegovina

(General Comment): NA

(2021): NA

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 delivered several new training courses on the European Union Law and the European Convention on Human Rights that they had developed in cooperation with

Montenegro

(2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation

pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this project there were a large number of trainings pertaining to EU law and European standards).

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

Kosovo*

(General Comment): NA

Question 155

Albania

partners, due to suspension of international travel, were cancelled. This is why there were no activities financed by our international partners on the topic and therefore no participating judges or prosecutors.

Bosnia and Herzegovina

(2021): NA

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.

The training institutions' implementation of the specific cooperation programmes with the European Delegation in

Montenegro

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); - AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law and supporting authorities in Montenegro"; - EU and Council of Europe project "Freedom of expression and freedom of the media in Southeast Europe – JUFREX 2- Montenegro".

Also, in the table above we did not include that in 2021 the Centre in cooperation with - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals) organized 2 HELP e-learning courses and participated in one regional HELP online course:

- The first HELP online course – e-learning (19 February – 10 May 2021) - The total of 49 participants successfully completed this course – 11 judges, 2 state prosecutors, 17 advisers from courts, 2 advisers from the Special State Prosecution Office, 7 trainees from courts, 1 trainee from a state prosecution office, 3 candidates for judges, 2 candidates for state prosecutors, 2 lawyers, 2 special pedagogues of the Professional Service of the High Courts.
- The second HELP online course – e-learning (22 September – 10 December 2021) - The total of 53 participants successfully completed this course – 16 judges, 6 advisers from courts, 4 trainees from courts, 3 trainees from state prosecution offices, 3 candidates for judges, 5 lawyers, 12 representatives of the Ministry of Justice and Human and

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);
- AIRE Center from London (Advice on Individual Rights in Europe) through the project "Strengthening the rule of law

North Macedonia

(2021): The column that reads the number of online trainings (E-learning) is empty because the trainings took place in real time, ie they were not like e-learning trainings attached to the web and available at any time.

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, EIPA/Luxembourg - 1 training, OSCE Mission in Skopje - 3 trainings, BAR Chamber/Council of Europe - 1 training,

Serbia

(2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

8. Accountability and processes affecting public trust - Overview

Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges and prosecutors in 2021 (Tables no. 8.5.3 and 8.5.6)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2021					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	11	6	6	2	6	6
Bosnia and Herzegovina	22	13	22	9	17	8
Montenegro	4	1	4	5	1	1
North Macedonia	142	3	91	0	14	0
Serbia	6	17	1	17	1	17
Kosovo*	NA	14	NA	5	NA	5
WB Average	37	8	25	7	8	6

Figure 8.1 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2021 (per 100 judges)

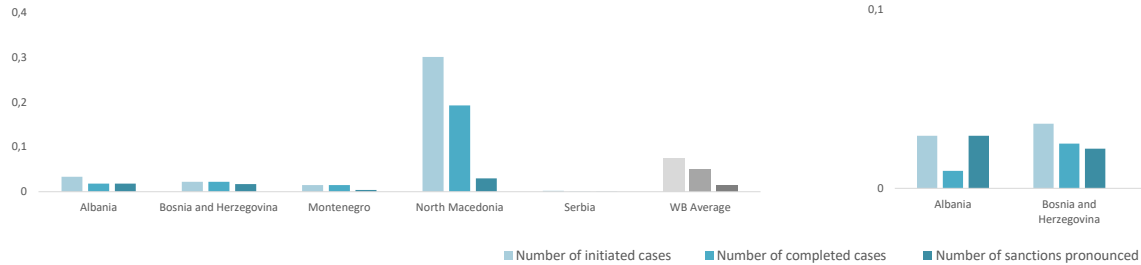


Figure 8.2 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2021 (Table 8.2.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2021					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	2	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5	0	2	0	1	0
Montenegro	1	0	0	0	0	0
North Macedonia	0	0	0	0	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	NA	15	NA	30	NA	NA
WB Average	2	0	1	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*

8. Accountability - List of tables

- Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2021 (Q156)
- Table 8.1.2 System for compensating users: amounts by specific circumstances in 2021 (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 2021 (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 2021 (Q159)
- Table 8.1.5 Procedure to effectively challenge a judge and ratio between the total number of initiated procedures and the total number of pronounced recusals in 2021 (Q160 and Q161)
- Table 8.1.6 Status of public prosecution services in 2021 (Q162-0)
- Table 8.1.7 Specific instructions to prosecute or not, addressed to a public prosecutor in 2021: existence and modalities (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4 and Q162-5)
- Table 8.2.1 Type of legal provisions to guarantee the integrity of judges and prosecutors in 2021 (Q164 and Q166)
- Table 8.2.2 Number of criminal cases against judges or prosecutors in 2021 (Q171)
- Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2021 (Q172-0)
- Table 8.2.4 Code of ethics for judges in 2021 (Q172, Q173 and Q173-1)
- Table 8.2.5 Code of ethics for prosecutors in 2021 (Q174, Q175 and Q175-1)
- Table 8.2.6 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2021 (Q176, Q177, Q178, Q179, Q180 and Q181)
- Table 8.2.7 System to report attempt for influence/corruption on judges and prosecutors in 2021 (Q182)
- Table 8.2.8 Transparency and organisation of distribution of court cases in 2021 (Q183, Q184)
- Table 8.2.9 Transparency and organisation of reassignment of court cases in 2021 (Q185, Q186, Q187 and Q188)
- Table 8.3.1 Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration (Q190 and Q192)
- Table 8.3.2 Declaration of assets for judges in 2021: 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 2021: verification, registration and publication of the declaration (Q198, Q199 and Q200)
- Table 8.3.4 Declaration of assets for judges in 2021: sanction in case of non-declaration (Q201)
- Table 8.3.5 Declaration of assets for prosecutors in 2021: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)
- Table 8.3.6 Declaration of assets for prosecutors in 2021: 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 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)

8. Accountability - List of tables

Table 8.3.8 Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets (Q214)

Table 8.3.9 Declaration of assets for judges and prosecutors in 2021: 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 2021 (Q217)

Table 8.4.2 Other functions/activities carried out by judges in 2021 (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 2021 (Q222 and Q223)

Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2021 (Q226)

Table 8.4.5 Other functions/activities carried out by prosecutors in 2021 (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 2021 (Q231 and Q232)

Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2021 (Q224 and Q233)

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2021 (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 2021 (Q236, Q240, Q241 and Q242)

Table 8.5.3 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2021 (Q237, Q238 and Q239)

Table 8.5.4 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2021 (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 in 2021 (Q245, Q250 and Q251)

Table 8.5.6 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (Q246, Q247 and Q248)

Table 8.5.7 Description of professional inadequacy for judges in 2021 (Q237 and Q237-1)

Table 8.5.8 Description of professional inadequacy for prosecutors in 2021 (Q246 and Q246-1)

Table 8.1.1 System for compensating users: number of requests for compensations and condemnations by specific circumstances in 2021 (Q156)

Beneficiaries	System for compensating users											
	Total number of requests for compensation	Total number of condemnations	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
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	4 670	694	641	543	192	86	198	51	349	14	3 290	111
Montenegro	NA	NA	149	64	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	NA	339	386	331	NAP	NAP	NA	7	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	-	-	392	313	-	-	-	-	-	-	-	-
Median	-	-	386	331	-	-	-	-	-	-	-	-
Minimum	-	-	149	64	-	-	-	-	-	-	-	-
Maximum	-	-	641	543	-	-	-	-	-	-	-	-

* 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 2021 (Q156)

Beneficiaries	System for compensating users										
	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	654 624 €	205 107 €	31,3%	5 647 €	0,9%	426 581 €	65,2%	0 €	0,0%	17 289 €	2,6%
Montenegro	NA	40 000 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	152 520 €	55 259 €	36,2%	NAP	NAP	74 858 €	49,1%	22 403 €	14,7%	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	-	100 122 €	-	-	-	-	-	-	-	-	-
Median	-	55 259 €	-	-	-	-	-	-	-	-	-
Minimum	-	40 000 €	-	-	-	-	-	-	-	-	-
Maximum	-	205 107 €	-	-	-	-	-	-	-	-	-

* 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 2021 (Q157 and Q158)

Beneficiaries	National or local procedure for filing complaints about the functioning of the judicial system										
	Existence	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	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	No	No	No	No	No	No	Yes	No	Yes	Yes

* 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.



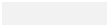

Yes 
 No 
 NA 
 NAP 

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 2021 (Q159)

Beneficiaries	National or local procedure for filing complaints about the functioning of the judicial system											
	Total number of complaints	Total amount granted compensation (in €)	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 €)
Albania	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA	NA
Bosnia and Herzegovina	1 352	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	925	NAP	427
Montenegro	NA	NA	48	NA	0	NAP	25	NAP	123	NAP	NA	NA
North Macedonia	NA	NAP	NA	NAP	NA	NAP	268	NAP	669	NAP	436	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	-	-	-	-	-	-	-	-	-	572	-	-
Median	-	-	-	-	-	-	-	-	-	669	-	-
Minimum	-	-	-	-	-	-	-	-	-	123	-	-
Maximum	-	-	-	-	-	-	-	-	-	925	-	-

* 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 and ratio between the total number of initiated procedures and the total number of pronounced recusals in 2021 (Q160 and Q161)

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial in 2021	Ratio between the total number of initiated procedures of challenges and total number of pronounced recusals
Albania		NA
Bosnia and Herzegovina		16%
Montenegro		99%
North Macedonia		98%
Serbia		NA
Kosovo*		NA
Average		71%
Median		98%
Minimum		16%
Maximum		99%



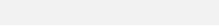

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Yes	
No	
NA	
NAP	

Table 8.1.6 Status of public prosecution services in 2021 (Q162-0)

Beneficiaries	Status of public prosecution services						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	Part of the judicial power (without functional independence)	Mixed model	Other status
Albania	Yes	No	No	No	No	No	No
Bosnia and Herzegovina	No	No	No	Yes	No	No	No
Montenegro	Yes	No	No	No	No	No	No
North Macedonia	Yes	No	No	No	No	No	No
Serbia	No	No	No	No	No	No	No
Kosovo*	Yes	No	No	No	No	No	No

Yes	
No	
NA	
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.

Table 8.1.7 Specific instructions to prosecute or not, addressed to a public prosecutor in 2021: existence and modalities (Q162, Q162-1, Q162-2-0; 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		Absence of a law or another regulation to prevent specific instructions to prosecute or not, addressed to a public prosecutor																
	Yes	Exceptions provided by the law/ regulations	Authority issuing the specific instructions				Form of instructions				Type of instructions				Frequency of the instructions				
			General Prosecutor	Higher prosecutor/Head of prosecution office	Executive power	Other	Oral instruction	Oral instruction with written confirmation	Written instruction	Other	Issued seeking prior advice from the competent public prosecutor	Mandatory	Argumented	Recorded in the case file	Other	Exceptional	Occasional	Frequent	Systematic
Albania																			
Bosnia and Herzegovina																			
Montenegro																			
North Macedonia																			
Serbia																			
Kosovo*																			

Yes
No
NA
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.

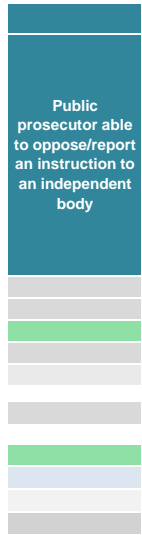

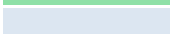
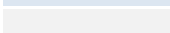
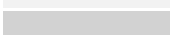


Table 8.2.1 Type of legal provisions to guarantee the integrity of judges and prosecutors in 2021 (Q164 and Q166)

Beneficiaries	Legal provisions to guarantee the integrity of judges and prosecutors							
	Judges				Prosecutors			
	Constitution	Special law	Law	Other	Constitution	Special law	Law	Other
Albania	Yes	Yes	No	No	Yes	Yes	No	No
Bosnia and Herzegovina	Yes	Yes	No	No	Yes	Yes	No	No
Montenegro	Yes	Yes	No	No	Yes	Yes	No	No
North Macedonia	Yes	Yes	No	No	Yes	Yes	No	No
Serbia	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	Yes	Yes	No	No	Yes	Yes	No	No

Yes 
 No 
 NA 
 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.

Table 8.2.2 Number of criminal cases against judges or prosecutors in 2021 (Q171)

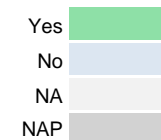
Beneficiaries	Number of criminal cases against judges or prosecutors					
	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	2	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5	2	1	0	0	0
Montenegro	1	0	0	0	0	0
North Macedonia	0	0	0	0	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	NA	NA	NA	15	30	NA
Average	2	1	0	0	0	0
Median	2	0	0	0	0	0
Minimum	0	0	0	0	0	0
Maximum	5	2	1	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 2021 (Q172-0)


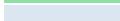
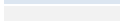
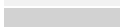
Beneficiaries	Specific measures to prevent corruption													
	Rotation of assignments		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania														
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.

Table 8.2.4 Code of ethics for judges in 2021 (Q172, Q173 and Q173-1)


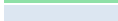
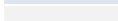
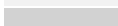
Beneficiaries	Judges											
	Existence of code of ethics	Regular update of the code for ethics	Principals contained in the code of ethics									Link to the code of ethics
			Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Albania	Yes	Yes	Yes	No	No	No	No	Yes	No	No	No	http://www.gjykataelarte.gov.al/web/kodi_etikes_gjyqesore_1754.pdf
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://vstv.pravosudje.ba/vstvfo/B/141/kategorijske-vijesti/1172/1180/12032
Montenegro	Yes	No	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	https://sudovi.me/static/sdsv/doc/eticki_kodeksi_sudija.pdf
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	http://www.vsrn.mk/wps/wcm/connect/vsrn/10ae444c-09fd-4cbd-9fa6-ed45ae4ad13b/%D0%9A%D0%BE%D0%BA%D0%B5%D0%BA%D1%81%D0%B7
Serbia	No	No	No	No	No	No	No	No	No	No	No	-
Kosovo*	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.gjyqesori-rks.org/wp-content/uploads/lgsi/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf

Yes 
 No 
 NA 
 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.

Table 8.2.5 Code of ethics for prosecutors in 2021 (Q174, Q175 and Q175-1)


Beneficiaries	Prosecutors											Link to the code of ethics
	Existence of code of ethics	Regular update of the code for ethics	Principals contained in the code of ethics									
			Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, citizens and users	Competence and continuing education	Extrajudicial activities	Conflict of interest	Information disclosure and relationship with press agencies	Political activity	Association membership and institutional positions	Gift rules	
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://klp.al/2022/03/03/standardet-etikes-dhe-rregullat-e-sjelljes-se-prokurorit/
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://vstv.pravosudje.ba/vstvfo/B/141/kategorijske-vijesti/1172/1180/12032
Montenegro	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	https://sudovi.me/static/vrdt/doc/L2RydHovZG9jL0VUSUNLSSUyMEtPREVLUyUyMERSWkFWTKiJTWvFVaSUXBQ0EIMjAyMD
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://jorm.gov.mk/eitchki-kodeks-na-%d1%98avnite-obviniteli-2021/
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	-
Kosovo*	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokument%20Publikime/KPK/AkteNenLigjore/Kodi


Yes 
 No 
 NA 
 NAP 

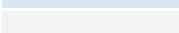
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.


Table 8.2.6 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2021 (Q176, Q177, Q178, Q179, Q180 and Q181)

Beneficiaries	Judges			Prosecutors		
	Existence of the institution	Members of the institution/body	Opinions publicly available	Existence of the institution	Members of the institution/body	Opinions publicly available
Albania	Yes	Judges and other legal professionals	Yes	Yes	Only prosecutors	Yes
Bosnia and Herzegovina	Yes	Judges and other legal professionals	No	Yes	Prosecutors and other legal professionals	No
Montenegro	Yes	Judges and other legal professionals	Yes	Yes	Prosecutors and other legal professionals	Yes
North Macedonia	Yes	Only judges	Yes	Yes	Only prosecutors	Yes
Serbia	No	NA	No	No	NA	No
Kosovo*	Yes	Only judges	Yes	No	NAP	No

Yes 

No 

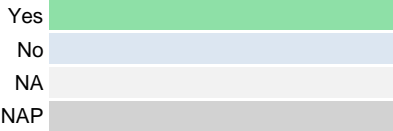
NA 

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.

Table 8.2.7 System to report attempt for influence/corruption on judges and prosecutors in 2021 (Q182)


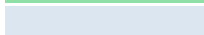


Beneficiaries	System to report attempt for influence/corruption	
	Judges	Prosecutors
Albania	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Montenegro	Yes	Yes
North Macedonia	Yes	Yes
Serbia	Yes	Yes
Kosovo*	Yes	Yes



* 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 8.2.8 Transparency and organisation of distribution of court cases in 2021 (Q183, Q184)


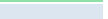
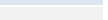
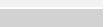
Beneficiaries	Transparency in case distribution	Organisation in distribution of court case					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Albania	Yes	No	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	Yes	No	No	Yes	No
Kosovo*	Yes	No	Yes	No	No	No	No

Yes	
No	
NA	
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.

Table 8.2.9 Transparency and organisation of reassignment of court cases in 2021 (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													
Bosnia and Herzegovina													
Montenegro													
North Macedonia													
Serbia													
Kosovo*													

Yes 
 No 
 NA 
 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.

Table 8.3.1 Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration (Q190 and Q192)


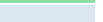
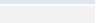
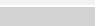
Beneficiaries	Law(s) and regulation(s) that require a declaration of assets for judges							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania	Yes	Yes	No	Yes	No	No	No	Yes
Bosnia and Herzegovina	No	No	Yes	No	No	No	No	Yes
Montenegro	No	No	No	Yes	No	No	No	Yes
North Macedonia	No	No	No	Yes	No	No	No	Yes
Serbia	No	No	No	Yes	No	No	No	Yes
Kosovo*	No	No	No	Yes	No	No	No	Yes

Yes	Yes
No	No
NA	NA
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.

Table 8.3.2 Declaration of assets for judges in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)


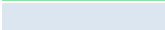
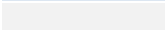

Beneficiaries	Declaration of assets for judges															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term 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																
Bosnia and Herzegovina																
Montenegro																
North Macedonia																
Serbia																
Kosovo*																

Yes 
 No 
 NA 
 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.

Table 8.3.3 Declaration of assets for judges in 2021: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Beneficiaries	Declaration of assets for judges								
	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	No	Yes	No
Bosnia and Herzegovina	Yes	No	No	No	No	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Yes	
No	
NA	
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.

Table 8.3.4 Declaration of assets for judges in 2021: sanction in case of non-declaration (Q201)


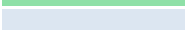
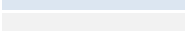
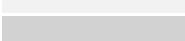
Beneficiaries	Sanction in case of non-declaration of assets by judges							
	Warning	Fine	Withdrawal from cases	Transfer to another (court) geographical location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania								
Bosnia and Herzegovina								
Montenegro								
North Macedonia								
Serbia								
Kosovo*								

Yes	
No	
NA	
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.

Table 8.3.5 Declaration of assets for prosecutors in 2021: 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 for prosecutors							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	Yes	Yes	No	No	Yes
Bosnia and Herzegovina	No	No	Yes	No	No	No	No	Yes
Montenegro	No	No	No	Yes	No	No	No	Yes
North Macedonia	No	No	No	Yes	No	No	No	Yes
Serbia	No	No	No	Yes	No	No	No	Yes
Kosovo*	No	No	No	Yes	No	No	No	Yes

Yes 
 No 
 NA 
 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.

Table 8.3.6 Declaration of assets for prosecutors in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Beneficiaries	Declaration of assets for prosecutors														
	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
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes
No
NA
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.

3)

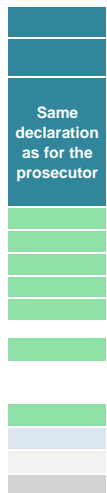

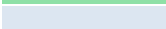
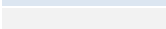
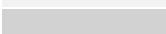


Table 8.3.7 Declaration of assets for prosecutors in 2021: verification, registration and publication of the declaration (Q211, Q212 and Q213)


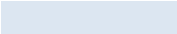
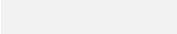

Beneficiaries	Declaration of assets for prosecutors								
	Declarations of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		On internet	In an official journal	Other	Not published
Albania	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No
Bosnia and Herzegovina	Yes	No	No	No	No	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	No	No	No	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

Yes	
No	
NA	
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.

Table 8.3.8 Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets (Q214)

Beneficiaries	Sanction in case of non-declaration of assets by prosecutors							
	Warning	Fine	Withdrawal from cases	Transfer to another public prosecution office	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania	No	Yes	No	No	No	Yes	Yes	No
Bosnia and Herzegovina	Yes	Yes	No	Yes	Yes	No	Yes	No
Montenegro	Yes	Yes	No	No	Yes	No	No	No
North Macedonia	No	Yes	No	No	No	No	Yes	No
Serbia	Yes	Yes	No	No	No	Yes	No	No
Kosovo*	No	Yes	No	No	No	Yes	No	No

Yes 
 No 
 NA 
 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.

Table 8.3.9 Declaration of assets for judges and prosecutors in 2021: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

Beneficiaries	Number of proceedings due to violations/discrepancies in the declaration of assets					
	Against judges			Against 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	1	1	0	0	0	0
Montenegro	175	20	13	3	0	0
North Macedonia	25	0	0	3	0	0
Serbia	3	3	2	0	0	0
Kosovo*	NA	NA	NA	NA	NA	NA
Average	51	6	4	2	0	0
Median	14	2	1	2	0	0
Minimum	1	0	0	0	0	0
Maximum	175	20	13	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*

Table 8.4.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2021 (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
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	No
Serbia	Yes	No	Yes	Yes	No
Kosovo*	Yes	No	No	No	Yes

Yes	Yes
No	No
NA	NA
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.

Table 8.4.2 Other functions/activities carried out by judges in 2021 (Q218, Q219, Q220 and Q221)

Beneficiaries	Other functions/activities carried out by judges																					
	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																						
Bosnia and Herzegovina																						
Montenegro																						
North Macedonia																						
Serbia																						
Kosovo*																						

Yes
 No
 NA
 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.

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 2021 (Q222 and Q223)

Beneficiaries	Judges														
	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
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes
No
NA
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.

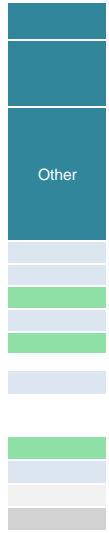


Table 8.4.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2021 (Q226)


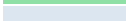
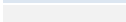

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of prosecutors				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a prosecutor with other functions/professional activities	Other
Albania	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	No
Serbia	Yes	No	Yes	Yes	No
Kosovo*	No	No	No	No	Yes

Yes	Yes
No	No
NA	NA
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.

Table 8.4.5 Other functions/activities carried out by prosecutors in 2021 (Q227, Q228, Q229 and Q230)





Beneficiaries	Other functions/activities carried out by prosecutors																				
	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 prosecutor 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	The public prosecution office in question	High Judicial/Prosecutorial Council		Other			
Albania																					
Bosnia and Herzegovina																					
Montenegro																					
North Macedonia																					
Serbia																					
Kosovo*																					

Yes 
 No 
 NA 
 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.

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 2021 (Q231 and Q232)

Beneficiaries	Prosecutors															
	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			Yes			Yes	Yes	Yes				Yes		
Bosnia and Herzegovina				Yes		Yes									Yes	
Montenegro	Yes			Yes				Yes								
North Macedonia	Yes							Yes								
Serbia					Yes		Yes							Yes		Yes
Kosovo*	Yes			Yes			Yes		Yes				Yes			

Yes 
 No 
 NA 
 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.

Table 8.4.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2021 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest					
	Against judges			Against 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	1	0	0	0	1	1
Montenegro	0	0	0	0	0	0
North Macedonia	3	2	0	0	0	0
Serbia	5	8	2	1	1	1
Kosovo*	NA	NA	NA	NA	NA	NA
Average	2	3	1	0	1	1
Median	2	1	0	0	1	1
Minimum	0	0	0	0	0	0
Maximum	5	8	2	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*

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2021 (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	Disciplinary body (disciplinary prosecutor, investigator etc.)	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
Albania																		
Bosnia and Herzegovina																		
Montenegro																		
North Macedonia																		
Serbia																		
Kosovo*																		

Yes
No
NA
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.

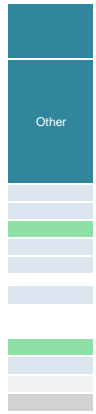


Table 8.5.2 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent in 2021 (Q240, Q241 and Q242)

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 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
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Yes
No
NA
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.

Table 8.5.2 Possibility f(Q236, Q240, Q241 and Q242)

Beneficiaries	to another court sent
	For other reason
Albania	
Bosnia and Herzegovina	
Montenegro	
North Macedonia	
Serbia	
Kosovo*	

* This designation is without prejudice

Table 8.5.3 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2021 (Q237, Q238 and Q239)

Beneficiaries	Number of disciplinary proceedings initiated against judges						Number of cases completed against judges						Number of sanctions pronounced against judges										
	Total 1+...+5	breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total 1+...+5	breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total 1+...+10	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical (court) location	Resignation	Other	Dismissal
Albania	11	1	5	1	4	1	6	1	4	1	2	0	6	1	1	NAP	NAP	1	NAP	NAP	NAP	NAP	3
Bosnia and Herzegovina	22	16	6	0	0	0	22	8	14	0	0	0	17	6	0	NAP	NAP	10	0	0	0	0	1
Montenegro	4	0	3	0	0	1	4	0	3	0	0	1	1	0	0	0	0	1	0	0	0	0	0
North Macedonia	142	0	142	0	0	NAP	91	0	91	0	0	NAP	14	1	7	NAP	NAP	0	NAP	NAP	0	NAP	6
Serbia	6	2	4	0	0	0	1	0	0	0	0	0	1	0	NAP	NAP	NAP	1	NAP	NAP	NAP	0	0
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	37	4	32	0	1	1	25	2	22	0	0	0	8	2	2	-	-	3	-	-	0	0	2
Median	11	1	5	0	0	1	6	0	4	0	0	0	6	1	1	-	-	1	-	-	0	0	1
Minimum	4	0	3	0	0	0	1	0	0	0	0	0	1	0	0	-	-	0	-	-	0	0	0
Maximum	142	16	142	1	4	1	91	8	91	1	2	1	17	6	7	-	-	10	-	-	0	0	6

* 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 2021 (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	Disciplinary body (disciplinary prosecutor, investigator etc.)	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*																					

Yes
No
NA
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.

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 in 2021 (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	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No	Yes
Montenegro	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No
North Macedonia	Yes	Yes	Yes	No	No	No	Yes	No	No	No	No	No
Serbia	Yes	Yes	Yes	No	No	No	Yes	Yes	No	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No

Yes 
 No 
 NA 
 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.

Table 8.5.6 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2021 (Q246, Q247 and Q248)

Beneficiaries	Number of initiated disciplinary proceedings against prosecutors						Number of completed cases against prosecutors						Number of pronounced sanctions against prosecutors										
	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Breach of professional ethics (including breach of integrity)	Professional inadequacy	Corruption	Other criminal offence	Other	Total	Reprimand	Suspension	Withdrawal from cases	Fine	Temporary reduction of salary	Position downgrade	Transfer to another geographical location	Resignation	Other	Dismissal
	1+...+5	1	2	3	4	5	1+...+5	1	2	3	4	5	1+...+10	1	2	3	4	5	6	7	8	9	10
Albania	6	0	6	0	0	0	2	0	2	0	0	0	6	3	0	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3
Bosnia and Herzegovina	13	4	9	0	0	0	9	2	7	0	0	0	8	1	0	NAP	NAP	5	2	0	0	0	0
Montenegro	1	0	1	0	0	0	5	5	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0
North Macedonia	3	3	0	0	0	NAP	0	0	0	0	0	NAP	0	0	0	NAP	NAP	0	NAP	NAP	0	NAP	0
Serbia	17	17	0	0	0	0	17	17	0	0	0	0	17	NA	NAP	NAP	NAP	NA	NAP	NAP	NAP	NA	NA
Kosovo*	14	NA	NA	NA	NA	NA	5	1	NA	NA	NA	NA	5	1	NAP	4	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	8	5	3	0	0	0	7	5	2	0	0	0	6	1	0	0	1	2	1	0	0	0	1
Median	6	3	1	0	0	0	5	2	0	0	0	0	6	1	0	0	1	0	1	0	0	0	0
Minimum	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Maximum	17	17	9	0	0	0	17	17	7	0	0	0	17	3	0	0	1	5	2	0	0	0	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*

Table 8.5.7 Description of professional inadequacy for judges in 2021 (Q237 and Q237-1)

Beneficiaries	Judges	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	5	Unjustified delays in the judicial process, Unjustified absence from work, according to the provisions of the law, Non-implementation of legal and sub-legal provisions governing the organization and functioning of courts or prosecutor's offices. Actions performed by judges, which has brought unfair benefits or damages to the parties in the trial. Repeated violation of the rules of conduct and solemnity in relations with the parties in the trial or with other subjects involved in the judicial process...etc
Bosnia and Herzegovina	6	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 HJPC; 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. Law on HJPC, article 56, paragraphs 8, 9, 10, 14, 17, 20 and 21 are used for classification of disciplinary offences of judges related to the professional inadequacies. Other paragraphs of article 56 are classified under Breach of professional ethics (including breach of integrity).
Montenegro	3	Procrastination of proceedings in a manner that did not come to the scheduled hearing without a justified reason, which was the reason for postponing the scheduled hearings In the performance of the judicial function, judge puts himself in a state or behaves in a manner that is not appropriate for the performance of the judicial function. Has been absent from work for five consecutive days without excuse
North Macedonia	142	- gross influence and interference in the performance of the judicial function of another judge - manifestly violation of the rules for exemption - without justified reasons does not schedule the hearings in the cases assigned to him or otherwise delay the procedure - 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.
Serbia	4	Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 7 -unjustifiable prolonging of proceedings; Paragraph 8 –unjustifiable failure to notify the president of the court about cases with prolonged proceedings.
Kosovo*	NA	-

* 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 8.5.8 Description of professional inadequacy for prosecutors in 2021 (Q246 and Q246-1)

Beneficiaries	Prosecutors	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	6	Non-implementation of legal and sub-legal provisions governing the organization and functioning of courts or prosecutor's offices. Repeated violation of the rules of conduct and solemnity in relations with the parties in the trial or with other subjects involved in the judicial process..etc.
Bosnia and Herzegovina	9	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. Law on HJPC, article 57, paragraphs 8, 9, 10, 13, 15, 17, 20 and 21 are used for classification of disciplinary offences of prosecutors related to the professional inadequacies. Other paragraphs of article 57 are classified under Breach of professional ethics (including breach of integrity).
Montenegro	1	Zbog postojanja osnovane sumnje da bez opravdanih razloga državni tužilac nije postupio u predmetima.
North Macedonia	0	There are no such cases.
Serbia	0	NAP
Kosovo*	NA	Disciplinary violations for 14 Requests for initiation of proceedings during 2021 1. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.1 (no prosecutorial action required by law has been taken) 2. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 1 sub-paragraph 1.3 (violation of official duties as a prosecutor) and Article 6 paragraph 2 sub-paragraph 2.10 (included in conduct which damages the reputation of the state prosecutor or which may undermine public confidence in the impartiality or credibility of the state prosecutor) 3. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 4. Article 16 of Regulation 3/2019 on the Public Communication Service, Code of Ethics article 4.1 Transparency and Media and the Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.10 (included in conduct which damages the reputation of the prosecutor of state or that may undermine public confidence in the impartiality or credibility of the state prosecutor) 5. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.4 (does not ensure that evidence and facts during investigations are collected in accordance with the law) 6. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 (violation of the prosecutor's duties) 7. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.10 (included in conduct which damages the reputation of the state prosecutor or which may damage the public confidence in the impartiality or credibility of the state prosecutor) 8. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.1 (no prosecutorial action required by law has been taken) 9. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.2 (does not take into account the guilty and acquittal evidence and facts during the investigation of the crime and does not ensure that the investigation was conducted in full respect of the rights of the defendant) and 2.4 (does not ensure that evidence and facts during the investigation are collected in accordance with the law) 10. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.1 (continuously does not undertake any prosecutorial action required by applicable law or does not exercise prosecutorial functions within the timeframes provided by law, unless the seriousness of inaction or level of violation is the basis for initiating disciplinary proceedings for a single violation) 11. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.2 (does not take into account the guilty and acquittal evidence and facts during the investigation of the crime and does not ensure that the investigation was conducted in full respect of the rights of the defendant) 12. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.2 (does not take into account the guilty and acquittal evidence and facts during the investigation of the crime and does not ensure that the investigation was conducted in full respect of the rights of the defendant) and 2.6 does not comply with the decisions or lawful instructions of the Chief Prosecutor) 13. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6, point 1.3 (violates his official duties as a prosecutor) 14. Law on Disciplinary Responsibility of Judges and Prosecutors, Article 6 paragraph 2 under paragraph 2.2 (does not take into account the guilty and acquittal evidence and facts during the investigation of the crime and does not ensure that the investigation was conducted in full respect of the rights of the defendant)

Table 8.5.8 Description of professional inadequacy for prosecutors in 2021 (Q246 and Q246-1)

Beneficiaries	Prosecutors	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"

* 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 (recusal), if a party considers that the judge is not
- Question 161. If yes, what is the ratio between the total number of initiated procedures and the total number of
- Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a
- 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 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 following
- Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges
- 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, who are the members of this institution / body?
- 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, who are the members of this institution / body ?
- 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 on
- 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 assets:

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?

Question 208. Does this declaration concern the members of the family?

Question 209. Is the declaration for family members the same as for the prosecutor?

Question 210. Which authority receives the declaration?

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 of

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of

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 respect of

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of

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 respect of

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Question 235. Which authority has disciplinary power over judges? (multiple replies possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)

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 replies

Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):

Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.

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

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

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.

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 Prosecutor 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 by the verification.

From 1 February until 30 October 2020, The High Justice Inspector had about 757 complaints from the first backlog

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.

The request must contain the grounds of dismissal, documents and other available evidence.

The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws

relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the

decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings

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 must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.

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.

According to Article 46/1, 2 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", higher prosecutors may issue general instructions and reasoned in writing, which are binding for lower prosecutors. This kind of instructions may be of administrative and procedural nature.

The general instructions of administrative and procedural nature, according to Article 47/1, 2, of the above mentioned law, may be appealed from lower prosecutors at High Prosecutorial Council. The prosecutor is obliged to follow the appealed instruction except the case that he evaluates that, this instruction is clearly illegal. The prosecutor bears no responsibility for appealing and non-compliance with the instruction except when he acts openly in violation of the law and with malice or gross negligence.

According to Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", non-binding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors of 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.

Instruction 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 must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.

Where the prosecutor disagrees or is uncertain about the instructions given, has the right to request further explanations in writing. The head prosecutor or section is obliged to explain the instructions and repeat them in the

- 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 relations, entry in the program of the defendants judges and prosecutors in the Republic of Albania", as a result of the initiation of criminal proceedings for criminal offenses such as "Abuse of duty" or "Passive corruption of judges, prosecutors and other officials of the judiciary", during 2021, the High Prosecution Council has imposed the measure of suspension from duty for 3 (three)

Q175 (2021): The updating of the Code of Ethics is realised when new circumstances are necessary to take in consideration regarding prosecutor's ethic conduct or when changes are approved in law.

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 and relevant Council decisions;

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", 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;

Q182 (2020): Judge must report any attempt of influence/corruption

average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

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 appointment as judges and prosecutors and every time that they apply for a position at a higher level.

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 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

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



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 from 2019, approximately 10,937 asset declarations were made publicly available. HIDAACI has published during 2020 in total 6,182

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 from 2019, approximately 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 imprisonment".

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. 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. 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. 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

Q205 (2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of

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 e.g., for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

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
- Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of

which are declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

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 have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets

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 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

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

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have strengthened 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, 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

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas 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 person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are reporting a potential conflict of interest

Withdrawing from a case is regulated in civil procedure code and criminal procedure code

http://www.gjkataelarte.gov.al/web/etika_4929.pdf

Code of ethics provides the relevant rules for gifts other ethics issues

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.

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 status of judges and prosecutors, 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 subjects and related persons). The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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

Conflict of Interests.

According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of

1. Constitution of the Republic of Albania.

2. Criminal Procedure Code.

3. Law "On the status of judges and prosecutors in the Republic of Albania"

4. Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions"

5. Decision nr. 26, dated 22.02.2019, "On the activities out of function of the prosecutors", of the High Prosecutorial Council.

6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", High Council of the Prosecution.

7. Decision no. 407, dated 17.12.2021, "On the approval of the Regulation" On the organization and internal functioning of the High Council of the Prosecution ", of the High Council of the Prosecution.

Article 148/d, of the Constitution provides that:

1. The prosecutor bears disciplinary responsibility under the law; 2. A prosecutor shall be dismissed by the High Prosecutorial Council when:

a) commits serious professional or ethical violations that discredit the position and image of the prosecutor in the exercise of his or her duties;

Article 149/a

1. High Prosecutorial Council exercises these responsibilities:

.....

ç) approves the rules on ethics and supervise their respecting.

In Article 26, point 1, of the Criminal Procedure Code is provided that:

"1. Prosecutor is obliged to give up when there exist reasons for bias on the cases provided in Article 17."

In Article 17, of the Criminal Procedure Code is provided that:

1. A judge has the duty to quit the judgment of a particular case: a) when there is interest in the proceedings or when one of the private parties or a defence counsel is a debtor or creditor of his, his spouse or his children;

b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private

breaches of rules on conflict of interest in respect of prosecutors, as follows:

Article 101

Disciplinary violations

1. The Magistrate commits a disciplinary offense, wilfully or negligently, when:

- a) commits acts or omissions which constitute a breach of duty, unprofessional or unethical conduct in the exercise of his or her office, which discredit the position and image of the magistrate, or impair public confidence in the judicial or prosecutorial system;
- b) in the exercise of his function does not refer to the law or to facts, intentionally or because of gross negligence, or where there is manifest professional disabilities."

Article 102

Disciplinary violations related to the exercise of function

1. Disciplinary violations in the exercise of office shall be, in particular, but not limited to, the actions, omissions or behaviours of the magistrate, as follows:

- a) failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the Magistrate was aware or should have been aware of such circumstances;
- b) filing a request for waiver of the proceeding or adjudication of the case, if such action:
 - i. is not based on the reasons provided by law;
 - ii. done with the intent to create unjust benefits for the parties and third parties or aims at avoiding the legal obligation to examine the case or to enable the case to be examined by another magistrate;
 - iii. it is not carried out immediately after becoming aware of the cause;

.....

dh) the action, inaction or conduct of the magistrate, which brings unfair benefits or damages to the parties in a judicial or investigative proceeding contrary to the law;

.....

g) serious or repeated violation of the legal and sub-legal provisions regulating the organization and functioning of the courts or the prosecution;

.....

i) to notify the Head and the Council, as well as the competent authorities, by law, of interference or other forms of 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 "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.

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.

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

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.

Q239 (2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant councils. violations on its own

initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council,

found not based in law from the majority of members of the Council and the proposal was rejected by the Decision no. 269, dated 17.12.2020, of High Prosecutorial Council.

competent court.

Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

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 detention longer than the sentence to which he was convicted; (iv) a person who served a sentence of imprisonment, and was pronounced a shorter imprisonment sentence in reopened criminal proceedings than the sentence he had served, or was condemnations refers to the total number of condemnations issued in 2021, regardless of the year of request.

There were some significant variations between data for 2020 and 2021.

The Constitutional Court of Bosnia and Herzegovina reported the increase of the number of condemnations for excessive length of proceedings and non-execution of court decisions in 2021. Namely, the Court concluded during the reporting year that the majority of the relevant legislative and other authorities in Bosnia and Herzegovina failed to meet the timeframe determined previously by that institution for taking legislative measures and other corrective activities to help reduce systematic violations of the right to trial within a reasonable time. Accordingly, the Court has intensified the processing of individual applications of the parties in court proceedings alleging infringement of the right to trial within a reasonable time or the right to have a court decision enforced. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2021 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders, the Constitutional Court of Bosnia and Herzegovina) explained that the numbers of requests and

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 measures to reduce the 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 disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless Herzegovina (ODC) received 925 complaints against judges and prosecutors. The Ombudsman received 427 complaints against courts in 2021; the structure of the complaints was as follows: 69 complaints alleging excessive length of proceedings, 31 complaints alleging ineffective enforcement of court decisions, 8 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 317 complaints related to the violation of other rights related to court procedure. In 2021 the Ombudsman issued 58 recommendations to the courts.

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 related to court procedure. In 2019 the Ombudsman issued 36 recommendations to the courts.

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 session decides on the

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; to propose the issuance of a warrant for pronouncement of the sentence pursuant

Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 16% procedures.

Q161 (2020): 99% challenges submitted by the parties in proceedings during 2020 were resolved in the same year. proceedings may in a specific case be initiated and conducted upon the motion of the prosecutor. The prosecutor must initiate prosecution if there is an 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 the Code; to order authorized officials to execute an order issued by the Court as provided by the 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; to propose the issuance of a warrant for pronouncement of the sentence pursuant to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. 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 public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of another public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor.

Recently, in December 2021, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the

Q162-1 (2021): Please see the comments in the general comments (Q162-0).

Q162-1 (2020): Please see details in the section with comments.

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 about their

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 judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional

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 upon

Q171 (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.

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 Guidelines elaborate the existing legislation and code of ethics and go into further detail with practical “do’s and don’ts” in a variety of situations.

There is an automated case assignment system in place, where cases are randomly assigned to judges, according to predetermined criteria.

In a situation where the judge to whom a case is assigned must, as required by law, be disqualified or recused from further proceedings, the case will be reassigned to another judge by the Court President or his deputy.

Disqualification of judges is governed by the civil procedure codes in Bosnia and Herzegovina (Law on Civil Procedure before the Court of BiH and civil procedure codes of the BiH Federation, Republika Srpska and Brcko District of BiH), which stipulate that:

a) the judge may be disqualified if circumstances exist that cast doubt to his impartiality (disqualification); b) the motion for disqualification of a judge shall be decided by Court President, and the motion for disqualification of Court President shall be decided by the court in plenary session; c) the provisions on disqualification of judges shall apply, mutatis mutandis, to record keepers. The criminal procedure codes of BiH, BiH Federation, Republika Srpska and Brcko District of BiH stipulate that:

a) the provisions on disqualification of a judge shall accordingly be applied to prosecutors and persons authorised to represent the prosecutor in the proceedings, record keepers, court interpreters and other staff members; b) the prosecutor shall decide the disqualification of persons authorised to represent him in criminal proceedings, and the Collegium of the Prosecutor’s Office shall decide the disqualification of the prosecutor. c) the panel, presiding judge
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 following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the **Q178 (2020)**: The Committee usually meets once per month.

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 following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the **Q181 (2020)**: The Committee usually meets once per month.

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.

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 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 prescribed by the law or by the decision 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 explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case

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:

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 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 administrative dispute initiated by the HJPC before the Court of of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in of Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form.

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the **Q192 (2020)**: The attached declaration of assets form has been changed in relation to 2019, according to the amending the answer to question 190.

Other: Activities of household members in public or private companies, associations, political parties.

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.

part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q200 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are 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.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

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.

(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.

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the

Q205 (2020): The attached declaration of assets form has been changed in relation to 2019, according to the

Q206 (2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to the part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q213 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are 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.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

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 the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.

4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.

4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or 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 remuneration for

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

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.

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question, 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 employment of relatives.

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 prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a 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 remuneration for

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question, 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 impartiality or credibility of the public prosecutor", for leasing the flat for office to defence attorneys representing the clients counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

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.

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 addition, 2 judges remain suspended as a result of criminal proceedings initiated before 2020.

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.

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 office of a prosecutor can be requested until

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;

counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The number of disciplinary proceedings initiated against prosecutors increased considerably in 2021 compared to 2020. The most significant cause for this development was the increased number of complaints received in 2021 by 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 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).

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).

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.

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 Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European

Montenegro

cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 64 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 40 000 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, 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 may also relate to respective criminal offences in regard to which the conditions for approving compensation are met."

reasonable time has been questioned in the procedure prescribed by the Law on the protection of the right to a trial within reasonable time (this could be any court in Montenegro).

Judicial Council:

During 2021, 123 complaints about the work of courts and judges were submitted to the Judicial Council, 58 complaints were transferred from 2020. A total of 58 complaints from 2020 and 94 complaints from 2021 were resolved, while 29 complaints remained unresolved.

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 courts in relation to organizing the work in courts in accordance with The Law on Courts, and inspection supervision in relation to organizing the work in state prosecution offices in accordance with the Law on State Prosecution Office. In 2021, Ministry of Justice acted upon 25 petitions and complaints of the citizens and legal persons on the work of

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 courts in relation to organizing the work in courts in accordance with The Law on Courts, and inspection supervision in relation to

Q160 (2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure Code).

party considers that the judge is not impartial, the party may submit a request, which is decided by the president of the court. If some conditions are met, the presiding judge may decide upon the submitted request for recusal, and those conditions are prescribed by the law. Courts had in total 2084 cases on exemption, out of which 2056 cases

Q161 (2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which 1860 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

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

Q164 (2021): Law on the judicial Council and Judges

Q164 (2020): Law on the judicial Council and Judges

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 public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent

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 public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent

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. As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

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

As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the 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 interest, restrictions in 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 interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the

judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

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 public. 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

If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred to in Art. 50, he may submit

an application on threats to the public interest that indicate the existence of corruption to the Agency.

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 the Court shall make a special

decision on the reasons as well as the duration of the suspension of the assignment of the cases to the judge, which

Q187 (2020): 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 take actions in the case, because of the recusal of a judge or if a judge is prevented from performing the judicial office for

Q190 (General Comment): Law on prevention of corruption

Q190 (2021): Special Law - Law on prevention of corruption

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, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, a public official may give consent to the Agency for 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

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.

Q200 (General Comment): www.antikorupcija.me

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 about the results of this proceeding, in the deadline of 60 days.

Q202 (2021): 90 administrative proceedings and 85 misdemeanor proceedings initiated;
7 administrative proceedings completed
13 misdemeanor proceedings completed Sanctions pending
13 sanctions issued: 12 warnings and 1 fine of 150 EUR

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

High Judicial or Prosecutorial Council can only act as enforcement bodies and t the judge/prosecutor can't appeal an

Agency's decision before these Councils. The decisions of the Agency can be appealed before the Administrative

Q203 (General Comment): Law on prevention of corruption

Q203 (2021): 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' 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, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, a public official may give consent to the Agency for

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

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

Q213 (General Comment): www.antikorupcija.me

Q213 (2021): <https://www.antikorupcija.me/me/registri/>

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 about the results of this proceeding, in the deadline of 60 days.

last year is still ongoing until 31st March this year. The number of prosecutors is less than number of judges. The Annual Plan of Verification includes verification half the number of judges (166) and half the number of prosecutors (60). This information should help better understanding the results of the verification process of these two target 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

The variety of sanctions the Agency applies to the public officials, in this case: judges and prosecutors. The administrative case that we mentioned is finalized within the remits of the Agency. The disciplinary measure imposed by the body responsible for appointing the prosecutors is something the Agency can't influence.

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 actions could violate the provisions of the law in terms 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 conflict with the performance of the prosecutorial function.

Q231 (General Comment): “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 of

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 Commission for Monitoring the Implementation of 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 members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against **Q237 (2021):** Does not submit data on property and income in accordance with the regulations governing the **Q237 (2020):** Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three 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 and Commission for 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.

The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted prevention of conflicts of interest, referred to in Article 108, paragraph 2, item 8 of the Law on the State Prosecutor's Office.

Q247 (2021): Od 5 etičkih postupaka u 2 etička postupka je utvrđena povreda Etičkog kodeksa, dok u ostala 3 nije

North Macedonia

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 realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

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 protection against the unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of

Q159 (2021): The number of complaints submitted to the Judicial Council has increased compared to 2020 when

Q161 (2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were

Q161 (2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were 2277

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.

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.

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:

- 1) if, at the time when giving the statement, the victim is less than 18 years of age;
- 2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person

Q164 (General Comment): The independence of judges in Macedonian legal system is regulated with the

Q164 (2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law

Q166 (General Comment): The independence of prosecutors in Macedonian legal system is regulated with the

Q166 (2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and

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.

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 circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested

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 circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested

Q178 (2021): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

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 he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution 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 he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution

Q181 (2021): <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.

(6) If, in the course of committing the crime referred to in paragraph (5), bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least four years.

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).

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 all judges in the

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.

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 by

(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 membership in management boards, membership in associations and foundations, and other data required by the

Q196 (General Comment): There is not separate declaration form for the family members, the data for the family

Q196 (2021): There is not separate declaration form for the family members, the data for the family members is

Q200 (General Comment): http://www.dksk.org.mk/imoti_2/

Q200 (2021): http://www.dksk.org.mk/imoti_2/

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 inaccuracies or
- 4) manifestly violation of the rules for exemption in situations in which the judge knew or should have known about 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 procedure will be initiated in front of the misdemeanour commission in SCPC.

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 by

Q209 (General Comment): There is not separate declaration form for the family members, the data for the family

Q209 (2021): There is not separate declaration form for the family members, the data for the family members is

Q213 (General Comment): http://www.dsk.org.mk/imoti_2/

Q213 (2021): http://www.dsk.org.mk/imoti_2/

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
- a dismissal.

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
- a dismissal.

time, a misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this cases. The procedure is on going.

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 the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

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 party activity.

Q222 (General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of

Q222 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Q223 (General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of

Q223 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

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 the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

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 participate in scientific and professional projects in that area, only after a prior accord provided by the Public

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 Chief Public Prosecutor of the

Q231 (General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of

Q231 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q232 (General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of

Q232 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

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 office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have

Dismissal of a judge

Article 74

- (1) The judge shall be dismissed from the judicial office: ^[1]~~[2]~~ 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 notify the Judicial Council of the Republic of Macedonia in writing within a period of eight days from the day of recognizing the committed violation, but not longer than three months from the committed violation.

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 the request:
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 dismissal, two decisions are final. The other two 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 reprimand.

Right to appeal

Article 72

(1) The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia (hereinafter: the Appeals Council) 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.

(2) The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern 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.

(3) The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

(4) In the cases referred to in paragraph (3) of this Article, 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.

(5) If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

(6) An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).

(7) The President of the Supreme Court of the Republic of North Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.

Re-opening of the procedure on a final judgment of the European Court of Human Rights in Strasbourg

Article 73

(1) When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30 days from the date of receipt of the decision, file an appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia, 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. 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.

If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with

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. (10) The temporary transfer of a judge referred to in paragraph (9) of
- (3) The judge cannot be transferred from one to another court against his/her will.
- (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 North 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. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council of the Republic of Macedonia by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
- (11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within

(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. Proceeding for establishment of public prosecutors' liability for 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. Proceeding for establishment of public prosecutors' liability for

(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.

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.

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, - 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, - 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
- 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,
- 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, - 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,
- 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:

(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

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

Serbia

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 satisfaction (Articles 26-33 of this Law). The amount of compensation for non pecuniary damages is limited to EUR 300 - 3,000 and regarding pecuniary

- 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

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 the Law on Civil Procedure, Article 39 of the Law on Criminal Procedure etc).

Q161 (2020): Statistics are not available at this time.

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 instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the

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.

The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense counsel may be ordered by the court exceptionally if after taking statements from

Q164 (2021): NA

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 autonomous act of the HJC (not bylaw of the Ministry)

Q172-0 (2020): Answers that are NAP should be NA.

Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

Q177 (2021): NA

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.

Q178 (2021): NA

Q178 (2020): As these opinions are only in the form of conclusions (not decisions) they are published on the website

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, professor of ethics on the School of Philosophy).

Members of the Ethics Committee are being elected by the Council for the period of three years and they may be re-elected, 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, professor of ethics on the School of Philosophy).

Members of the Ethics Committee are being elected by the Council for the period of three years and they may be re-elected. In 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

Term of complaints

Article 87

The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.

In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.

The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.

Complaint Regularity

Article 88

The complaint shall contain the facts causing doubt over corruption, the name of the body of public authority, name and surname of the person against whom it is lodged, i.e. the data based on which the identity of such person can be determined, the time, place and description of the corruptive action or corruptive conduct, as well as the signature and data on the applicant, unless the complaint is anonymous.

The complaint shall be deemed irregular if containing faults that prevent the Agency from acting upon it, if unclear and incomplete. In case the petition is irregular, the Agency shall notify the application as to how to revise 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 distribution of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.

Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.

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 of pilot project.

Q187 (2020): The information about changes of the judge and about the CMS user who has made the change

Q190 (2021): Law on the Corruption Prevention

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 shall become fully applicable as of 1st of September 2020.

Q192 (2021): Yes, added to the previous questionnaire but only in Serbian.

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;
- 22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of 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 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;
- 22) other data that a public official deems important for the application of this Law.

The gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance to Article 62 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 that such property and income have change significantly, compared to the previous year.

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 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. *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 from the officials to submit data on the assets of 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 from the officials to submit data on the assets

Q198 (2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of

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 hereof shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the A public official may be pronounced a measure of reprimand 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 reprimand 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, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand 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 Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or

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).

Q203 (2021): Law on Prevention of Corruption

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 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

Q205 (2021): Yes, added to the previous questionnaire but only in Serbian.

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;
- 22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.

* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for

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;
- 22) other data that a public official deems important for the application of this Law.

Note: The gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance to 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 to the previous year.

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 to the previous year.

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 conceal 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

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

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 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

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 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the

Q213 (2021): <http://www.acas.rs/pretraga-registra/>

Q213 (2020): <http://www.acas.rs/pretraga-registra/>

A public official may be pronounced a measure of reprimand 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 reprimand 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, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand 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 Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

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. 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).

According to the new Law on the Corruption Prevention:

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 during 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 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 Authority

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 Authority

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. About 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 this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a 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, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request

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 official (judge, public prosecutor, deputy prosecutor) is obliged to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with 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 are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of the law for the case initiated in 2020)

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 are: measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public office by force of the law for the case initiated in 2020)

Q224 (2021): Number of cases completed - 8 (6 cases initiated before 2021 and 2 cases initiated in 2021)
Number of sanctions pronounced - 2 (1 measure of reprimand for the case initiated in 2019, and 1 decision which imposes the termination of second public office by force of the law for the case initiated in 2020)

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 Republic 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.

1 Regulation/procedure for recusal/withdrawal from a case

Criminal Procedure Code - Article 37

A judge or lay judge may not perform judicial duty in certain proceedings in the following cases:

- 1) where he was aggrieved by the criminal offence;
- 2) where the judge is the spouse or person with whom he lives in a common law marriage or other permanent

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.

2)

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 Authority

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.

Handover of the Received Protocol or Appropriate Gift to the Body of Public

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.

About 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 this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a 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, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a 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 official (judge, public prosecutor,

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, humanitarian and sports activities, without prior approval of the Agency for Anti-Corruption if it doesn't endanger the impartial carrying of eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with 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 are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of

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

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

Q233 (2020): 2 cases initiated in 2019

Q234 (2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC

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 :

line 17- unjustifiable change in the court's annual schedule of judges activities, and the violation of the principle of

Q239 (2021): Other: ban on promotion for a period of 3 years

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 prolonging of proceedings. In 1 case a prohibition of advancement for a period of 1 year was imposed due to a disciplinary offense of Article 90 Paragraph 1 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 Paragraph 1 of the Law on Judges provides that a judge may be transferred with his/her consent 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. The High Judicial Council, in 2021 passed 10 decisions on the transfer of judges, as follows: 5 decisions on the transfer of basic court judges, 1 decision on the transfer of judge of higher court, 3 decisions on the transfer of misdemeanor court judged, and 1 decision on the transfer of commercial court judge. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type and same or directly lower instance for a period no longer than one year. Exceptionally, a judge may be assigned to an immediately superior court if meeting the statutory requirements for election as a judge of the court to which he/she is assigned. A judge is assigned to court in which 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 Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency. Therefore, we could choose only "Other";

Q243 (2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC

Q243 (2020): The reply was changed due to more specific interpretation given in the Explanatory Note

Q244 (General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the second 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;

Q248 (2021): Other: ban on promotion in 3 years period

Kosovo*

Q156 (2020): We could not obtain these data because of the switch from the manual to electronic case management

Q158 (2021): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be

Q158 (2020): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be

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 parties are

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.”

Immunity

1. Prosecutors shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities.
 2. Prosecutors shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
 3. When a prosecutor is indicted or arrested, he or she shall immediately give notice to the Chief State Prosecutor 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 declaration recorded so he/she does not have to repeat it; video conferencing of the hearing of a vulnerable person; excluding the public in
- Q171 (2021):** For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain the data since the Prosecution Offices are still working remotely and only dealing with urgent matters.

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 ethical questions. Is more an ad hoc Commission

Q178 (2021): Please refer to the previous question.

Q178 (2020): Please refer to the previous question.

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 on that matter. So, there is not a permanent body that gives opinions on ethical questions.

prosecutors involving influence and corruption.

Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

- The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
- Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
- The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor

Natural and legal persons can also file complaints against prosecutors with the People's Advocate.

In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the People's Advocate.

Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel

Q192 (2021): Same as the previous cycle form

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person.

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

Q198 (General Comment): The Agency verifies the content of each asset declaration.

Q200 (General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database

Q201 (General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year.

Q205 (2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Q207 (General Comment): Other: At the request by the Anti-Corruption Agency

Q207 (2021): Annual declarations of assets, declarations of assets at the request of 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

Q213 (General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal

Q213 (2021): Anti corruption agency web page

Q214 (General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year. other material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

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 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and

Q218 (2020): They can teach both with or without remuneration and can conduct research too.

Declaration, Origin and Control of Gifts of All Public Officials

Criminal Procedure Code

Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

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 "

And of course, they can conduct these activities without remuneration, if they wish.

humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

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 this rules, the disciplinary case is initiated by the chief prosecutor of that particular prosecution service. If the prosecutor is aware that he/she has committed PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

fails to timely perform official duties required by Law or when in continuity fails to participate in disciplinary procedures and to respond to disciplinary investigations, unless permitted by Law.

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.

Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

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 transfers the complaint to the competent authority

disciplinary offence were founded. From 14 requests for initiating disciplinary procedures, for 13 KPC established the investigative panels. Out of these, for 5 cases there were final decisions made regarding disciplinary liability. 1 cases was suspended due to criminal procedures.

For 2 other cases the decision will be made in one of KPC meetings in 2022.

5 other cases are ongoing.

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 (recusal), if a party considers that the judge is not

Question 161. If yes, what is the ratio between the total number of initiated procedures and the total number of

Question 162. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a

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 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 following

Question 164. What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges

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, who are the members of this institution / body?

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, who are the members of this institution / body ?

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 on

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 assets:

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?

Question 208. Does this declaration concern the members of the family?

Question 209. Is the declaration for family members the same as for the prosecutor?

Question 210. Which authority receives the declaration?

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 of

Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of

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 respect of

Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of

Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts

Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of

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 respect of

Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of

Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against

Question 234. Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

Question 235. Which authority has disciplinary power over judges? (multiple replies possible)

Question 236. What are the possibilities for the judge to present an argumentation? (multiple replies possible)

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 replies

Question 244. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

Question 245. What are the possibilities for prosecutors to present an argumentation (multiple replies possible):

Question 246. Number of disciplinary proceedings initiated during the reference year against public prosecutors.

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

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

Bosnia and Herzegovina

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 11/3.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 detention longer than the sentence to which he was convicted; (iv) a person who served a sentence of imprisonment, and was pronounced a shorter imprisonment sentence in reopened criminal proceedings than the sentence he had served, or was

condemnations refers to the total number of condemnations issued in 2021, regardless of the year of request. There were some significant variations between data for 2020 and 2021.

The Constitutional Court of Bosnia and Herzegovina reported the increase of the number of condemnations for excessive length of proceedings and non-execution of court decisions in 2021. Namely, the Court concluded during the reporting year that the majority of the relevant legislative and other authorities in Bosnia and Herzegovina failed to meet the timeframe determined previously by that institution for taking legislative measures and other corrective activities to help reduce systematic violations of the right to trial within a reasonable time. Accordingly, the Court has intensified the processing of individual applications of the parties in court proceedings alleging infringement of the right to trial within a reasonable time or the right to have a court decision enforced. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2021 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders, the Constitutional Court of Bosnia and Herzegovina) explained that the numbers of requests and

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 measures to reduce the

Montenegro

work upon claims for just satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 64 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 40 000 EUR. The Law on the protection of the right to a trial within reasonable time prescribes that the compensation is determined in the amount range 300 - 5.000 EUR. The following criteria shall be taken into account when determining the amount of compensation: the complexity of the case in factual and legal terms, conduct of the

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 may also

North Macedonia

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 realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

Serbia

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 satisfaction (Articles 26-33 of this Law).

Kosovo*

(2020): We could not obtain these data because of the switch from the manual to electronic case management

Question 157

Bosnia and Herzegovina

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 disciplinary proceeding, such proceeding must be completed within one year from the date of the filing of a formal complaint before a disciplinary panel, unless

Serbia

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

Question 158

Albania

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 filing 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.

North Macedonia

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 protection against the unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of

Kosovo*

(2021): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be revised

(2020): It is an ad hoc commission which is formed after a complaint is submitted . The complaint will be revised

Question 159

Albania

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 Prosecutor 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 by the verification.

From 1 February until 30 October 2020, The High Justice Inspector had about 757 complaints from the first backlog

Bosnia and Herzegovina

(ODC) received 925 complaints against judges and prosecutors. The Ombudsman received 427 complaints against courts in 2021; the structure of the complaints was as follows: 69 complaints alleging excessive length of proceedings, 31 complaints alleging ineffective enforcement of court decisions, 8 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 317 complaints related to the violation of other rights related to court procedure. In 2021 the Ombudsman issued 58 recommendations to the courts.

(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 related to court procedure. In 2019 the Ombudsman issued 36 recommendations to the courts.

Montenegro

reasonable time has been questioned in the procedure prescribed by the Law on the protection of the right to a trial within reasonable time (this could be any court in Montenegro).

Judicial Council:

During 2021, 123 complaints about the work of courts and judges were submitted to the Judicial Council, 58 complaints were transferred from 2020. A total of 58 complaints from 2020 and 94 complaints from 2021 were resolved, while 29 complaints remained unresolved.

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 courts in relation to organizing the work in courts in accordance with The Law on Courts, and inspection supervision in relation to organizing the work in state prosecution offices in accordance with the Law on State Prosecution Office. In 2021, Ministry of Justice acted upon 25 petitions and complaints of the citizens and legal persons on the work of

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 courts in relation to organizing the work in courts in accordance with The Law on Courts, and inspection supervision in relation to

North Macedonia

(2021): The number of complaints submitted to the Judicial Council has increased compared to 2020 when total of

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.

The request must contain the grounds of dismissal, documents and other available evidence.

The request for the dismissal of a judge is examined in consultation chamber in a session by another judge of the

judge in cases of incompatibility on grounds of participating in proceedings; incompatibility on grounds of family, blood or in-laws

relation, when the judge has the duty to abstain from the judgment, and if, in the exercise of his functions and prior to the issuance of the

decision, he has expressed his opinion on the facts or circumstances object of the proceedings. Similar proceedings

Bosnia and Herzegovina

to his/her impartiality.

The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the

Montenegro

(2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure Code).

Serbia

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 the Law on Civil Procedure, Article 39 of the Law on Criminal Procedure etc).

Question 161

Bosnia and Herzegovina

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; to propose the issuance of a warrant for pronouncement of the sentence pursuant

Out of the total number of initiated procedures in the reference year, the party's request for the recusal of the judge was accepted in 16% procedures.

(2020): 99% challenges submitted by the parties in proceedings during 2020 were resolved in the same year.

Montenegro

considers that the judge is not impartial, the party may submit a request, which is decided by the president of the court. If some conditions are met, the presiding judge may decide upon the submitted request for recusal, and those conditions are prescribed by the law. Courts had in total 2084 cases on exemption, out of which 2056 cases were

(2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which 1860 cases

North Macedonia

(2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were 2614

(2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were 2277 decisions

Serbia

(2020): Statistics are not available at this time.

Kosovo*

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 parties are accepted.

Question 162

Albania

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 must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.

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.

According to Article 46/1, 2 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", higher prosecutors may issue general instructions and reasoned in writing, which are binding for lower prosecutors. This kind of instructions may be of administrative and procedural nature.

The general instructions of administrative and procedural nature, according to Article 47/1, 2, of the above mentioned law, may be appealed from lower prosecutors at High Prosecutorial Council. The prosecutor is obliged to follow the appealed instruction except the case that he evaluates that, this instruction is clearly illegal. The prosecutor bears no responsibility for appealing and non-compliance with the instruction except when he acts openly in violation of the law and with malice or gross negligence.

According to Article 48 of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", non-binding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors of 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.

Instruction 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 must be in writing and reasoned. Exceptionally, where circumstances do not allow, instructions may be given verbally and, within a reasonable time, confirmed in writing.

Where the prosecutor disagrees or is uncertain about the instructions given, has the right to request further explanations in writing. The head prosecutor or section is obliged to explain the instructions and repeat them in the

Bosnia and Herzegovina

may in a specific case be initiated and conducted upon the motion of the prosecutor. The prosecutor must initiate prosecution if there is an 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 the Code; to order authorized officials to execute an order issued by the Court as provided by the 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; to propose the issuance of a warrant for pronouncement of the sentence pursuant to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. 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 public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of another public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor.

Recently, in December 2021, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the

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.”

Question 162-1

Bosnia and Herzegovina

(2021): Please see the comments in the general comments (Q162-0).

(2020): Please see details in the section with comments.

North Macedonia

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.

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

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 instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the

Kosovo*

Immunity

1. Prosecutors shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities.
2. Prosecutors shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
3. When a prosecutor is indicted or arrested, he or she shall immediately give notice to the Chief State Prosecutor

Question 163

Albania

- 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 relations, entry in the program of the defendants

Bosnia and Herzegovina

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 about their

Montenegro

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

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

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:

- 1) if, at the time when giving the statement, the victim is less than 18 years of age;
- 2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person

Serbia

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.

The measure of special protection whereby data about the identity of a protected witness is withheld from the defendant and his defense counsel may be ordered by the court exceptionally if after taking statements from

Kosovo*

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 declaration recorded so he/she does not have to repeat it; video conferencing of the hearing of a vulnerable person; excluding the public in

Question 164

Bosnia and Herzegovina

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 judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional

Montenegro

(2021): Law on the judicial Council and Judges

(2020): Law on the judicial Council and Judges

North Macedonia

(General Comment): The independence of judges in Macedonian legal system is regulated with the Constitution and

(2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on

Serbia

(2021): NA

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 autonomous act of the HJC (not bylaw of the Ministry)

Question 166

Bosnia and Herzegovina

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 upon

North Macedonia

(General Comment): The independence of prosecutors in Macedonian legal system is regulated with the

(2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law

Question 171

Albania

and prosecutors in the Republic of Albania", as a result of the initiation of criminal proceedings for criminal offenses such as "Abuse of duty" or "Passive corruption of judges, prosecutors and other officials of the judiciary", during 2021, the High Prosecution Council has imposed the measure of suspension from duty for 3 (three) prosecutors.

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.

Kosovo*

(2021): For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain the data since the Prosecution Offices are still working remotely and only dealing with urgent matters.

Question 172-0

Bosnia and Herzegovina

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 Guidelines elaborate the existing legislation and code of ethics and go into further detail with practical “do’s and don’ts” in a variety of situations. There is an automated case assignment system in place, where cases are randomly assigned to judges, according to predetermined criteria.

In a situation where the judge to whom a case is assigned must, as required by law, be disqualified or recused from further proceedings, the case will be reassigned to another judge by the Court President or his deputy.

Disqualification of judges is governed by the civil procedure codes in Bosnia and Herzegovina (Law on Civil Procedure before the Court of BiH and civil procedure codes of the BiH Federation, Republika Srpska and Brcko District of BiH), which stipulate that:

a) the judge may be disqualified if circumstances exist that cast doubt to his impartiality (disqualification); b) the motion for disqualification of a judge shall be decided by Court President, and the motion for disqualification of Court President shall be decided by the court in plenary session; c) the provisions on disqualification of judges shall apply, mutatis mutandis, to record keepers. The criminal procedure codes of BiH, BiH Federation, Republika Srpska and Brcko District of BiH stipulate that:

a) the provisions on disqualification of a judge shall accordingly be applied to prosecutors and persons authorised to represent the prosecutor in the proceedings, record keepers, court interpreters and other staff members; b) the prosecutor shall decide the disqualification of persons authorised to represent him in criminal proceedings, and the Collegium of the Prosecutor’s Office shall decide the disqualification of the prosecutor. c) the panel, presiding judge or judge shall decide the disqualification of record keepers, court interpreters and other staff member, and, until the

Serbia

(2020): Answers that are NAP should be NA.

Question 173

North Macedonia

(General Comment): New Code of Ethics for judges and lay judges was adopted in September 2019.

Question 175

Albania

(2021): The updating of the Code of Ethics is realised when new circumstances are necessary to take in consideration regarding prosecutor’s ethic conduct or when changes are approved in law.

North Macedonia

(General Comment): Last amendments on the Ethical code of public prosecutors are from 2019.

Serbia

finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

Question 177

Bosnia and Herzegovina

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 following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the

Montenegro

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 public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent

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 public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the present Law shall be performed by the Agency for the Prevention of Corruption, as an autonomous and independent

North Macedonia

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 circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested

Serbia

(2021): NA

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*

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 ethical questions. Is more an ad hoc Commission which, in cases

Question 178

Bosnia and Herzegovina

(2020): The Committee usually meets once per month.

Montenegro

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. As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

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

As regards to the Opinions of the Agency for Prevention of Corruption, such Opinions are given at the request of the

North Macedonia

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 circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested

(2021): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Serbia

(2021): NA

(2020): As these opinions are only in the form of conclusions (not decisions) they are published on the website of

Kosovo*

(2021): Please refer to the previous question.

(2020): Please refer to the previous question.

Question 179

Albania

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 and relevant Council decisions;

Serbia

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, professor of ethics on the School of Philosophy).

Members of the Ethics Committee are being elected by the Council for the period of three years and they may be re-

Kosovo*

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 on that matter. So, there is not a permanent body that gives opinions on ethical questions.

Question 180

Bosnia and Herzegovina

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 following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the

Montenegro

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 interest, restrictions in the

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 interest, restrictions in the exercise of public functions, verification of the reports on income and assets by public officials, handling of whistleblower applications, whistleblower protection, as well as other activities in accordance with the

North Macedonia

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 he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution

Serbia

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, professor of ethics on the School of Philosophy).

Members of the Ethics Committee are being elected by the Council for the period of three years and they may be re-

Question 181

Bosnia and Herzegovina

(2020): The Committee usually meets once per month.

Montenegro

(General Comment): 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.

(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.

North Macedonia

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 he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution

(2021): <http://zjorm.org.mk/>

Serbia

charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

Question 182

Albania

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", 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;

(2020): Judge must report any attempt of influence/corruption

Bosnia and Herzegovina

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.

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

Montenegro

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

If the whistleblower has not been informed, or is not satisfied with the notification or the measures referred to in Art. 50, he may submit

an application on threats to the public interest that indicate the existence of corruption to the Agency.

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.

(6) If, in the course of committing the crime referred to in paragraph (5), bodily injuries are inflicted on the persons of the referred paragraph or on close persons thereto, the offender shall be sentenced to imprisonment of at least four years.

Serbia

Term of complaints

Article 87

The complaint shall be the written address of natural person or a legal entity to the Agency, in which facts causing doubt over corruption are presented.

In case the Agency is not competent to act upon a complaint, it shall forward the petition to the competent body and notify the applicant thereof.

The Agency shall protect the identity of the applicant, by not providing his/her data to anyone but the court, for the purpose of reaching the decision as to whether the identity of the applicant can be disclosed for the purpose of preserving public interest or protecting the third-party rights.

Complaint Regularity

Article 88

The complaint shall contain the facts causing doubt over corruption, the name of the body of public authority, name and surname of the person against whom it is lodged, i.e. the data based on which the identity of such person can be determined, the time, place and description of the corruptive action or corruptive conduct, as well as the signature and data on the applicant, unless the complaint is anonymous.

The complaint shall be deemed irregular if containing faults that prevent the Agency from acting upon it, if unclear and incomplete. In case the petition is irregular, the Agency shall notify the application as to how to revise the

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 made thereof and the submitter will be cautioned about the consequences of false reporting. If the criminal complaint is submitted by

Kosovo*

involving influence and corruption.

Pursuant to this law, natural and legal persons may file a complaint against a prosecutor regarding any allegation of a disciplinary violation to the following authorities.

- The Chief State Prosecutor regarding the alleged violations of any Chief Prosecutor
- Chief Prosecutors of the Prosecution regarding the alleged violations of any prosecutor of that Prosecution
- The Prosecutorial Council regarding the alleged violations of the Chief State Prosecutor

Natural and legal persons can also file complaints against prosecutors with the People's Advocate.

In cases when the complaint is grounded and contains elements of a criminal offense, the competent authority must forward the case to the prosecutor's office and notify the Council and the People's Advocate.

Within 15 working days from the receipt of the request for initiation of disciplinary investigations, the Council must establish the investigative panels. Investigative panels are tasked with securing the facts and gathering evidence regarding the alleged disciplinary violation. After this procedure (it is explained in more detail in the Law) the panel

Question 184

Albania

the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

Bosnia and Herzegovina

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 prescribed by the law or by the decision

Serbia

of court cases. The algorithm for automatic random distribution cases contains the formula for evaluating cases by weight in basic, higher, and commercial courts.

Case management systems of courts (AVP and SAPS) have functionality for excluding judges from allocation by system administrator manual commanding in case of sick leave, vacations, etc.

(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 of pilot project.

Question 185

North Macedonia

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).

Question 186

Bosnia and Herzegovina

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

Montenegro

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 the Court shall make a special

decision on the reasons as well as the duration of the suspension of the assignment of the cases to the judge, which

Question 187

Bosnia and Herzegovina

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:

Montenegro

(2020): Random allocation of cases from Judicial Information System (PRIS).

North Macedonia

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 all judges in the

Serbia

(2020): The information about changes of the judge and about the CMS user who has made the change remains

Question 188

Bosnia and Herzegovina

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

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 take actions in the case, because of the recusal of a judge or if a judge is prevented from performing the judicial office for

North Macedonia

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

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 appointment as judges and prosecutors and every time that they apply for a position at a higher level.

Bosnia and Herzegovina

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the HJPC, the judges and prosecutors filed their financial statements for 2018 using an earlier financial statement form.

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the

Montenegro

(General Comment): Law on prevention of corruption

(2021): Special Law - Law on prevention of corruption

Serbia

(2021): Law on the Corruption Prevention

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 shall become fully applicable as of 1st of September 2020.

Question 192

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation

Serbia

(2021): Yes, added to the previous questionnaire but only in Serbian.

(2020): Please refer to the attachment in previous cycle.

Kosovo*

(2021): Same as the previous cycle form

Question 193

Albania

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

Bosnia and Herzegovina

amending the answer to question 190.

Other: Activities of household members in public or private companies, associations, political parties.

Montenegro

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, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, a public official may give consent to the Agency for

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 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;
- 22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of 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 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;
- 22) other data that a public official deems important for the application of this Law.

The gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance to Article 62

Kosovo*

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person.

Question 194

Bosnia and Herzegovina

(2020): Other: The financial statement forms are submitted as soon as one is appointed judge or prosecutor.

Montenegro

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

North Macedonia

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 by

Serbia

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 that such property and income have change significantly, compared to the previous year.

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

Kosovo*

(General Comment): Other: at the request by the Anti-Corruption Agency

Question 195

Albania

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

Bosnia and Herzegovina

the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

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.

North Macedonia

(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 membership in management boards, membership in associations and foundations, and other data required by the

Serbia

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. *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 from the officials to submit data on the assets of

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 from the officials to submit data on the assets

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

Question 196

North Macedonia

(General Comment): There is not separate declaration form for the family members, the data for the family

(2021): There is not separate declaration form for the family members, the data for the family members is declared

Question 198

Albania

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

Serbia

(2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials

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 hereof shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

*Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the

Kosovo*

(General Comment): The Agency verifies the content of each asset declaration.

Question 200

Albania

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 from 2019, approximately 10,937 asset declarations were made publicly available. HIDAACI has published during 2020 in total 6,182

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 from 2019, approximately

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on

Montenegro

(General Comment): www.antikorupcija.me

North Macedonia

(General Comment): http://www.dsk.org.mk/imoti_2/

(2021): http://www.dksk.org.mk/imoti_2/

Kosovo*

(General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database of

Question 201

Albania

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 imprisonment”.

Bosnia and Herzegovina

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.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

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.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

Montenegro

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 about the results of this proceeding, in the deadline of 60 days.

North Macedonia

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) A 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

4) A manifestly violation of the rules for exemption in situations in which the judge knew or should have known about

Serbia

A public official may be pronounced a measure of reprimand 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 reprimand 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, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand 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 Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or

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. 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).

Kosovo*

(General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year.

Question 202

Albania

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. 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.

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. 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

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.

Montenegro

(2021): 90 administrative proceedings and 85 misdemeanor proceedings initiated;
7 administrative proceedings completed
13 misdemeanor proceedings completed Sanctions pending
13 sanctions issued: 12 warnings and 1 fine of 150 EUR

9 administrative procedures initiated (1 out of 9 initiated in 2019)

5 misdemeanor proceedings initiated

Number of cases completed:

8 administrative procedures completed 5 misdemeanor 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

High Judicial or Prosecutorial Council can only act as enforcement bodies and t the judge/prosecutor can't appeal an Agency's decision before these Councils. The decisions of the Agency can be appealed before the Administrative

North Macedonia

the procedure has been completed with issuing on a misdemeanor payment order, which were paid on time. For the other 10 cases, where the misdemeanor payment order was not paid, a misdemeanor procedure will be initiated in front of the misdemeanor commission in SCPC.

Question 203

Bosnia and Herzegovina

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the

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 administrative dispute initiated by the HJPC before the Court of Bosnia and Herzegovina against the decision of the Agency for Protection of Personal Data in Bosnia and Herzegovina. As an interim solution, in order to comply with the Article 86 of the Law on the

Montenegro

(General Comment): Law on prevention of corruption

(2021): Law on prevention of corruption

Serbia

(2021): Law on Prevention of Corruption

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 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

Question 205

Albania

(2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation

Serbia

(2021): Yes, added to the previous questionnaire but only in Serbian.

Kosovo*

(2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Question 206

Albania

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

for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

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

Bosnia and Herzegovina

(2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to the

Montenegro

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, educational, cultural, artistic, humanitarian, sports or similar associations.

For the purpose of verification of the data from the Report, a public official may give consent to the Agency for

Serbia

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;
- 22) Cash, digital property and valuables, as well as other movable property whose value exceeds EUR 5,000, in RSD equivalent based on the middle exchange rate of the National Bank of Serbia.

* Note: A public official and a family member cannot receive a gift in relation to discharging public office, except for

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;
- 22) other data that a public official deems important for the application of this Law.

Note: The gifts are not being declared in the Report. The reporting on received gifts is regulated in accordance to

Question 207

Albania

who is declared during each year

(annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of

declared during each time the prosecutors apply for promotion in higher positions. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Montenegro

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

North Macedonia

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 by

Serbia

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 to the previous year.

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 to the previous year.

Kosovo*

(General Comment): Other: At the request by the Anti-Corruption Agency

(2021): Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency,

Question 208

Albania

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 have not been declared, they are administratively or criminally liable for the omission to declare. However, for underage children the obligation to declare their assets

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

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

Bosnia and Herzegovina

the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

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

Serbia

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 conceal 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

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

Question 209

North Macedonia

(General Comment): There is not separate declaration form for the family members, the data for the family

(2021): There is not separate declaration form for the family members, the data for the family members is declared

Question 211

Albania

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

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have

Serbia

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 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the

of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

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 hereof, shall be bound, within three months from the date of reception of the notification, to familiarize the Agency with the undertaken measures.

* Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the

Question 213

Albania

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,

Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on

Montenegro

(General Comment): www.antikorupcija.me

(2021): <https://www.antikorupcija.me/me/registri/>

North Macedonia

(General Comment): http://www.dsk.org.mk/imoti_2/

(2021): http://www.dsk.org.mk/imoti_2/

Serbia

(2021): <http://www.acas.rs/pretraga-registra/>

(2020): <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 database

(2021): Anti corruption agency web page

Question 214

Albania

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

Bosnia and Herzegovina

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.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief

Montenegro

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 about the results of this proceeding, in the deadline of 60 days.

North Macedonia

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
- a dismissal.

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
- a dismissal.

Serbia

A public official may be pronounced a measure of reprimand 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 reprimand 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, as well as whether the public official has acted upon the previously imposed measure of reprimand until the expiry of the time limit that was set in the decision.

Requirements for Pronouncing Measures

Article 83

Measure of reprimand 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 Law on the Corruption Prevention:

According to article 103 paragraph 17 – a public official shall be fined from 100,000 to 150,000 RSD for the failure to report assets and income or submit a notification within the prescribed time limit, i.e. submits an incorrect or incomplete report on assets and income (articles 68 and 69).

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).

According to the new Law on the Corruption Prevention:

Kosovo*

(General Comment): Other criminal sanction: prohibition of exercising the function for up to one (1) year.

material benefits or financial obligations 1. Any person who by law is obliged to declare assets, income, gifts, other property benefit or financial obligations, and who does not do so, is punished by a fine or by imprisonment of up to three (3) years. The criminal offense from paragraph 1. of this Article is considered to have been committed when the statement is not submitted within the deadline for submission of the statement. "

Question 215

Albania

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

Montenegro

is still ongoing until 31st March this year. The number of prosecutors is less than number of judges. The Annual Plan of Verification includes verification half the number of judges (166) and half the number of prosecutors (60). This information should help better understanding the results of the verification process of these two target groups.

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

The variety of sanctions the Agency applies to the public officials, in this case: judges and prosecutors. The administrative case that we mentioned is finalized within the remits of the Agency. The disciplinary measure imposed by the body responsible for appointing the prosecutors is something the Agency can't influence.

North Macedonia

misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this cases. The procedure is on going.

Question 217

Albania

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 person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are

reporting a potential conflict of interest

Withdrawing from a case is regulated in civil procedure code and criminal procedure code

http://www.gjykataelarte.gov.al/web/etika_4929.pdf

Code of ethics provides the relevant rules for gifs other ethics issues

Bosnia and Herzegovina

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 the judge in connection with the performance of judicial duties, nor shall a judge knowingly permit such conduct by court staff or others under his supervision during and after performance of their judicial duties.

4.11.a A judge should inform their close family members about the rules on receiving prohibited gifts or other benefits.

4.12 Subject to law and to any legal requirements of public disclosure, a judge may receive a token gift, award or

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 the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

Serbia

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 during 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 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 Authority

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 Authority

Kosovo*

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 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in

Question 218

North Macedonia

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 party activity.

Serbia

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

About 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 this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a 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, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request

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 official (judge, public prosecutor, deputy prosecutor) is obliged to

Kosovo*

(2020): They can teach both with or without remuneration and can conduct research too.

Question 219

Bosnia and Herzegovina

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 remuneration for

Question 222

Albania

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.

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Question 223

Albania

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 status of judges and prosecutors,

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.

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.

(2) 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.

(3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with 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 are measures of public announcement

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 are: measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second public

Question 224

Albania

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

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 subjects and related persons).

The correspondence was initially sent to about 26 public and private legal entities (Bank of Albania, second tier banks, investment companies, IPRO, NBC, Agency for Legalisation, Urbanisation and Integration of Informal Areas

Bosnia and Herzegovina

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 employment of relatives.

Montenegro

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 actions could violate the provisions of the law in terms

Serbia

(2021): Number of cases completed - 8 (6 cases initiated before 2021 and 2 cases initiated in 2021)

Number of sanctions pronounced - 2 (1 measure of reprimand for the case initiated in 2019, and 1 decision which imposes the termination of second public office by force of the law for the case initiated in 2020)

(2020): 2 (cases initiated in 2018 and 2019)

Question 226

Albania

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

Conflict of Interests.

According to Article 90, of the Law "On the status of judges and prosecutors", as amended, part of the evaluation of

1. Constitution of the Republic of Albania.

2. Criminal Procedure Code.

3. Law "On the status of judges and prosecutors in the Republic of Albania"

4. Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions"

5. Decision nr. 26, dated 22.02.2019, "On the activities out of function of the prosecutors", of the High Prosecutorial Council.

6. Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor", High Council of the Prosecution.

7. Decision no. 407, dated 17.12.2021, "On the approval of the Regulation" On the organization and internal functioning of the High Council of the Prosecution ", of the High Council of the Prosecution.

Article 148/d, of the Constitution provides that:

1. The prosecutor bears disciplinary responsibility under the law; 2. A prosecutor shall be dismissed by the High Prosecutorial Council when:

a) commits serious professional or ethical violations that discredit the position and image of the prosecutor in the exercise of his or her duties;

Article 149/a

1. High Prosecutorial Council exercises these responsibilities:

.....

ç) approves the rules on ethics and supervise their respecting.

In Article 26, point 1, of the Criminal Procedure Code is provided that:

"1. Prosecutor is obliged to give up when there exist reasons for bias on the cases provided in Article 17."

In Article 17, of the Criminal Procedure Code is provided that:

1. A judge has the duty to quit the judgment of a particular case: a) when there is interest in the proceedings or when one of the private parties or a defence counsel is a debtor or creditor of his, his spouse or his children;

b) when he is the guardian, representative or employer of the defendant or one of the private parties, or when the guardian or representative of one of these parties is the close relative of his or her spouse;

c) when he has given advice or when he has expressed an opinion on the object of the proceedings;

ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private

Bosnia and Herzegovina

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 prosecutor's family, shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by the prosecutor in connection with the performance of prosecutorial duties, nor shall a

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 the conflict of interests.

(2) If the official acts upon the request referred to in paragraph (1) of this Article, the State Commission shall stop the procedure and shall inform the official person and the applicant of the report thereof.

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 Republic 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.

1 Regulation/procedure for recusal/withdrawal from a case

Criminal Procedure Code - Article 37

A judge or lay judge may not perform judicial duty in certain proceedings in the following cases:

- 1) where he was aggrieved by the criminal offence;
- 2) where the judge is the spouse or person with whom he lives in a common law marriage or other permanent

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.

2)

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 Authority

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.

Handover of the Received Protocol or Appropriate Gift to the Body of Public

Kosovo*

Declaration, Origin and Control of Gifts of All Public Officials

Criminal Procedure Code

Law no. 06/L-011 ON PREVENTION OF CONFLICT OF INTEREST IN DISCHARGE OF A PUBLIC FUNCTION

Question 227

Montenegro

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 conflict with the performance of the prosecutorial function.

North Macedonia

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 participate in scientific and professional projects in that area, only after a prior accord provided by the Public

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 Chief Public Prosecutor of the

Serbia

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.

About 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 this work, i.e., activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit a 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, i.e., mediation, an official (judge, public prosecutor, deputy prosecutor) is

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, publications, ie mediation, an official (judge, public prosecutor,

Kosovo*

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 ".

And of course, they can conduct these activities without remuneration, if they wish.

activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Question 228

Bosnia and Herzegovina

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 remuneration for

Question 229

Serbia

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, humanitarian and sports activities, without prior approval of the Agency for Anti-Corruption if it doesn't endanger the impartial carrying of their work.

Question 231

Albania

breaches of rules on conflict of interest in respect of prosecutors, as follows:

Article 101

Disciplinary violations

1. The Magistrate commits a disciplinary offense, wilfully or negligently, when:

- a) commits acts or omissions which constitute a breach of duty, unprofessional or unethical conduct in the exercise of his or her office, which discredit the position and image of the magistrate, or impair public confidence in the judicial or prosecutorial system;
- b) in the exercise of his function does not refer to the law or to facts, intentionally or because of gross negligence, or where there is manifest professional disabilities."

Article 102

Disciplinary violations related to the exercise of function

1. Disciplinary violations in the exercise of office shall be, in particular, but not limited to, the actions, omissions or behaviours of the magistrate, as follows:

- a) failure to file a request for waiver of proceedings or adjudication of the case, where is mandatory, by law, if the Magistrate was aware or should have been aware of such circumstances;
- b) filing a request for waiver of the proceeding or adjudication of the case, if such action:
 - i. is not based on the reasons provided by law;
 - ii. done with the intent to create unjust benefits for the parties and third parties or aims at avoiding the legal obligation to examine the case or to enable the case to be examined by another magistrate;
 - iii. it is not carried out immediately after becoming aware of the cause;

.....

dh) the action, inaction or conduct of the magistrate, which brings unfair benefits or damages to the parties in a judicial or investigative proceeding contrary to the law;

.....

g) serious or repeated violation of the legal and sub-legal provisions regulating the organization and functioning of the courts or the prosecution;

.....

i) to notify the Head and the Council, as well as the competent authorities, by law, of interference or other forms 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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

Montenegro

(General Comment): "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 of

(2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Serbia

causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance with 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 are measures of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of second 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 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 announcement of recommendation for dismissal. The measure of caution and the measure of public announcement

Question 232

Albania

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

"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.

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.
- (2) 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.
- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question,

Montenegro

(General Comment): "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 of

(2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Kosovo*

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 this rules, the disciplinary case is initiated by the chief prosecutor of that particular prosecution service. If the prosecutor is aware that he/she has committed

Question 233

Albania

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.

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

Bosnia and Herzegovina

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 impartiality or credibility of the public prosecutor", for leasing the flat for office to defence attorneys representing the clients

Serbia

(2020): 2 cases initiated in 2019

Question 234**Albania**

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.

Montenegro

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 Commission for Monitoring the Implementation of

North Macedonia

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 office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have

Serbia

(2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC

Kosovo*

PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

Question 235**Montenegro**

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 members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against

North Macedonia

Dismissal of a judge

Article 74

- (1) The judge shall be dismissed from the judicial office: ^[1]~~[2]~~ 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 notify the Judicial Council of the Republic of Macedonia in writing within a period of eight days from the day of recognizing the committed violation, but not longer than three months from the committed violation.

Question 237

Bosnia and Herzegovina

only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

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.

Montenegro

(2021): Does not submit data on property and income in accordance with the regulations governing the prevention

(2020): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three cases;

North Macedonia

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 the request:

Serbia

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 :

line 17- unjustifiable change in the court's annual schedule of judges activities, and the violation of the principle of

Kosovo*

timely perform official duties required by Law or when in continuity fails to participate in disciplinary procedures and to respond to disciplinary investigations, unless permitted by Law.

Question 238

North Macedonia

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 dismissal, two decisions are final. The other two are in appeal procedure in front of the Supreme court. For one judge the sanction was reprimand.

Question 239

Albania

(2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant councils.

Bosnia and Herzegovina

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 addition, 2 judges remain suspended as a result of criminal proceedings initiated before 2020.

North Macedonia

(2020): In 2020 five judges were dismissed with a final decision and for one judge JC issued a reprimand.

Serbia

(2021): Other: ban on promotion for a period of 3 years

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 prolonging of proceedings. In 1 case a prohibition of advancement for a period of 1 year was imposed due to a disciplinary offense of Article 90 Paragraph 1

Question 240

North Macedonia

Right to appeal

Article 72

(1) The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia (hereinafter: the Appeals Council) 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.

(2) The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of Northern 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.

(3) The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

(4) In the cases referred to in paragraph (3) of this Article, 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.

(5) If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

(6) An appeal or a lawsuit shall not be allowed against the decision referred to in paragraph (5).

(7) The President of the Supreme Court of the Republic of North Macedonia and a judge or a president of a court, a participant in the procedure before the Council, may not be members of the Appeals Chamber referred to in paragraph (2) of this Article.

Re-opening of the procedure on a final judgment of the European Court of Human Rights in Strasbourg

Article 73

(1) When the European Court of Human Rights finds a violation of a human right or fundamental freedoms envisaged under the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Additional Protocols, which the Republic of North Macedonia has ratified, in accordance with the Constitution of the Republic of North Macedonia, in a proceedings before the Council and the Supreme Court of the Republic of North Macedonia, the judge or the president of the court whose right has been violated in the proceedings may, within a period of 30

Question 241

North Macedonia

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. 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.

If the Council of Appeal abolishes the decision, the Council shall repeat the procedure, obligatory in compliance with

Kosovo*

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.

Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against

Question 242

North Macedonia

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. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council of the Republic of Macedonia by a written, explained decision and it shall immediately notify the president of the court from which the judge is transferred and the president of the court to which the judge is temporary transferred.
- (11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within

Serbia

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

1 of the Law on Judges provides that a judge may be transferred with his/her consent 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. The High Judicial Council, in 2021 passed 10 decisions on the transfer of judges, as follows: 5 decisions on the transfer of basic court judges, 1 decision on the transfer of judge of higher court, 3 decisions on the transfer of misdemeanor court judge, and 1 decision on the transfer of commercial court judge. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type and same or directly lower instance for a period no longer than one year. Exceptionally, a judge may be assigned to an immediately superior court if meeting the statutory requirements for election as a judge of the court to which he/she is assigned. A judge is assigned to court in which the lack, absence,

Kosovo*

court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

Question 243

Albania

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

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.

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 and Commission for

North Macedonia

(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. Proceeding for establishment of public prosecutors' liability for

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. Proceeding for establishment of public prosecutors' liability for

Serbia

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 Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency. Therefore, we could choose only "Other"; State

(2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC

(2020): The reply was changed due to more specific interpretation given in the Explanatory Note

Kosovo*

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 transfers the complaint to the competent authority

Question 244

Bosnia and Herzegovina

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 office of a prosecutor can be requested until

Montenegro

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.

The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted

North Macedonia

(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.

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.

Serbia

(General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the second

Question 245

Bosnia and Herzegovina

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

Question 246

Bosnia and Herzegovina

counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The number of disciplinary proceedings initiated against prosecutors increased considerably in 2021 compared to 2020. The most significant cause for this development was the increased number of complaints received in 2021 by

determined 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.

Number of initiated cases is significantly lesser in 2020 than in the previous report (11). 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).

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 Prosecutor's Office.

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, -~~H~~ 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~~bvvious 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, -~~H~~ 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
- ~~H~~ 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,
- ~~H~~ 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,
- ~~P~~recluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, -~~H~~ 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,
- ~~H~~ 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 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:

Serbia

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;

Question 247**Bosnia and Herzegovina**

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).

Montenegro

(2021): Od 5 etičkih postupaka u 2 etička postupka je utvrđena povreda Etičkog kodeksa, dok u ostala 3 nije

Question 248**Albania**

not based in law from the majority of members of the Council and the proposal was rejected by the Decision no. 269, dated 17.12.2020, of High Prosecutorial Council.

Bosnia and Herzegovina

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.

Serbia

(2021): Other: ban on promotion in 3 years period

Kosovo*

offence were founded. From 14 requests for initiating disciplinary procedures, for 13 KPC established the investigative panels. Out of these, for 5 cases there were final decisions made regarding disciplinary liability. 1 cases was suspended due to criminal procedures.

For 2 other cases the decision will be made in one of KPC meetings in 2022.

5 other cases are ongoing.

Question 251**Albania**

competent court.

Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

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 Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European

North Macedonia

(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

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

9. Alternative Dispute Resolution - Overview

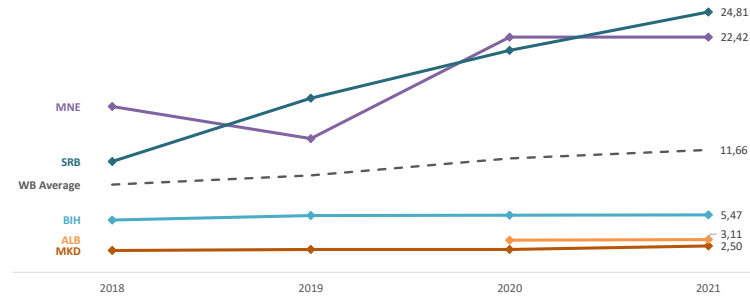
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variation between 2018 and 2021 and between 2020 and 2021 (Table no. 9.1.3)

Beneficiaries	Number of accredited mediators			
	2021		Variation 2018 - 2021 (%)	Variation 2020 - 2021 (%)
	Absolute number	Per 100 000 inhabitants		
Albania	87	3,1	NA	NA
Bosnia and Herzegovina	190	5,5	9,2%	0,5%
Montenegro	139	22,4	41,8%	75,9%
North Macedonia	46	2,5	7,0%	2,2%
Serbia	1 705	24,8	192,0%	47,5%
Kosovo*	NA	NA	NA	NA
WB Average	433	11,7	47,5%	31,5%
WB Median	139	5,5	25,5%	24,9%

For reference only: the 2020 EU median is 14,4 number of mediators per 100 000 inhabitants.

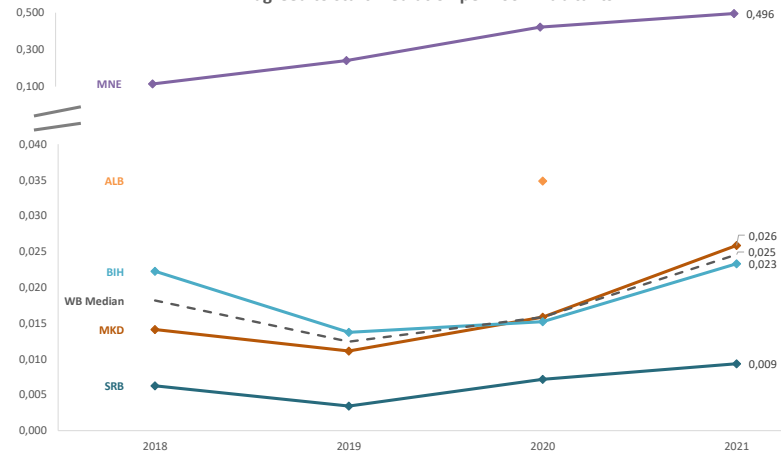
Figure 9.1 Evolution of the number of accredited mediators per 100 000 inhabitants



Number of cases of court-related mediations and its variation between 2020 and 2021 (Tables no. 9.1.5 and 9.1.6)

Beneficiaries	Cases in court related mediation for which:					
	Agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2021	Variation 2020 - 2021 (%)	2021	Variation 2020 - 2021 (%)	2021	Variation 2020 - 2021 (%)
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	810	52,5%	660	33,1%	594	29,7%
Montenegro	3 073	17,4%	1 903	10,0%	1 315	3,6%
North Macedonia	475	44,4%	475	44,4%	155	18,3%
Serbia	642	28,9%	NA	NA	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	1 250	35,8%	1 013	29,1%	688	17,2%
WB Median	726	36,6%	660	33,1%	594	18,3%

Figure 9.2 Evolution of the number of court-related mediation for which parties agreed to start mediation per 100 inhabitants



North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

* 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*

9. ADR - List of tables

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2021 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Type of providers of court-related mediation services by case types in 2021 (Q255)

Table 9.1.3 Number of accredited mediators between 2018 and 2021 and their gender distribution in 2021 (Q1, Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2018 and 2021 (Q1 and Q257)

Table 9.1.5 Number of cases of court related mediation in 2021 (Q258)

Table 9.1.6 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2021 (Q258)

Table 9.1.7 Existence of other alternative dispute resolution methods in 2021 (Q259)

Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2021 (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	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	No	No	No	Yes
Kosovo*	Yes	No	No	No	Yes

* 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.



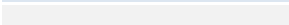
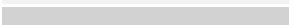
Yes	
No	
NA	
NAP	

Table 9.1.2 Type of providers of court-related mediation services by case types in 2021 (Q255)

Beneficiaries	Type of providers of court-related mediation services					
	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 Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority Judge	Private mediator Public authority 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 between 2018 and 2021 and their gender distribution in 2021 (Q1, Q257)

Beneficiaries	Number of accredited mediators							Gender distribution of mediators in 2021	
	2018	2019	2020	2021	Variation 2018 - 2021 (%)	Variation 2019 - 2021 (%)	Variation 2020 - 2021 (%)	% Males	% Females
Albania	NA	NA	87	87	NA	NA	NA	42,5%	57,5%
Bosnia and Herzegovina	174	189	190	190	9,2%	0,5%	0,5%	44,7%	55,3%
Montenegro	98	79	139	139	41,8%	75,9%	75,9%	30,2%	69,8%
North Macedonia	43	45	45	46	7,0%	2,2%	2,2%	43,5%	56,5%
Serbia	735	1 156	1 470	1 705	132,0%	47,5%	47,5%	33,0%	67,0%
Kosovo*	-	189	190	NA	NA	NA	NA	NA	NA
Average	263	367	386	433	47,5%	31,5%	31,5%	38,8%	61,2%
Median	136	134	139	139	25,5%	24,9%	24,9%	42,5%	57,5%
Minimum	43	45	45	46	7,0%	0,5%	0,5%	30,2%	55,3%
Maximum	735	1 156	1 470	1 705	132,0%	75,9%	75,9%	44,7%	69,8%

* 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 accredited mediators per 100 000 inhabitants between 2018 and 2021 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants			
	2018	2019	2020	2021
Albania	NA	NA	3,1	3,1
Bosnia and Herzegovina	5,0	5,4	5,4	5,5
Montenegro	15,8	12,7	22,4	22,4
North Macedonia	2,1	2,2	2,2	2,5
Serbia	10,6	16,6	21,1	24,8
Kosovo*	-	10,6	10,7	NA
Average	8,4	9,2	10,8	11,7
Median	7,8	9,1	5,4	5,5
Minimum	2,1	2,2	2,2	2,5
Maximum	15,8	16,6	22,4	24,8

* 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*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 9.1.5 Number of cases of court related mediation in 2021 (Q258)

Beneficiaries	Number of cases of court related mediation																				
	Total 1+2+3+4+5+6			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)		
	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	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	810	660	594	405	330	297	399	324	291	0	0	0	6	6	6	0	0	0	0	0	0
Montenegro	3 073	1 903	1 315	2 294	1 379	933	238	207	146	NAP	NAP	NAP	519	295	214	22	22	22	0	0	0
North Macedonia	475	475	155	318	318	29	0	0	0	NAP	NAP	NAP	156	156	126	0	0	0	1	1	0
Serbia	642	NA	NA	319	NA	NA	151	NA	NA	8	NA	NA	117	NA	NA	19	NA	NA	28	NA	NA
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	1 250	1 013	688	834	676	420	197	177	146	-	-	-	200	152	115	10	7	7	7	0	0
Median	726	660	594	362	330	297	195	207	146	-	-	-	137	156	126	10	0	0	1	0	0
Minimum	475	475	155	318	318	29	0	0	0	-	-	-	6	6	6	0	0	0	0	0	0
Maximum	3 073	1 903	1 315	2 294	1 379	933	399	324	291	-	-	-	519	295	214	22	22	22	28	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 9.1.6 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2021 (Q258)

Beneficiaries	Total number of cases of court related mediation per 100 inhabitants											
	2018			2019			2020			2021		
	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	NA	NA	NA	NA	NA	NA	0,035	NA	0,034	NA	NA	NA
Bosnia and Herzegovina	0,022	0,021	0,018	0,014	0,013	0,013	0,015	0,014	0,013	0,023	0,019	0,017
Montenegro	0,114	0,106	0,061	0,241	0,146	0,136	0,422	0,279	0,205	0,496	0,307	0,212
North Macedonia	0,014	NA	0,007	0,011	NA	0,003	0,016	0,016	0,006	0,026	0,026	0,008
Serbia	0,006	NA	NA	0,003	0,003	0,002	0,007	0,001	NA	0,009	NA	NA
Kosovo*	-	-	-	-	-	-	-	-	-	-	-	-
Average	0,039	-	0,029	0,067	0,054	0,039	0,099	0,078	0,065	0,139	0,117	0,079
Median	0,018	-	0,018	0,012	0,013	0,008	0,016	0,015	0,024	0,025	0,026	0,017
Minimum	0,006	-	0,007	0,003	0,003	0,002	0,007	0,001	0,006	0,009	0,019	0,008
Maximum	0,114	-	0,061	0,241	0,146	0,136	0,422	0,279	0,205	0,496	0,307	0,212

* 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.

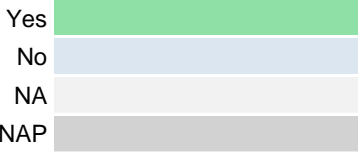
Kosovo is not included in the calculation of summary statistics*

North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.

Table 9.1.7 Existence of other alternative dispute resolution methods in 2021 (Q259)

Beneficiaries	Other alternative dispute resolution methods			
	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other alternative dispute resolution
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

* 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 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 mediator?

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 free of

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

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.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed

family case, criminal case,
work case.

family case, criminal case,
work case.

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 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 their dispute with the assistance of a mediator.

Bosnia and Herzegovina

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 issuing educational

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. procedure set forth in that law. Parties to an individual procedure jointly select a mediator from the list of mediators established by the association of mediators.

The Law on mediation procedure determines the requirements for conducting the mediation as follows.

The mediator may be a person meeting general requirements for employment.

In addition, the mediator must meet the following requirements:

- a) a university degree,
- b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
- c) entry into the registry of mediators held by the association.

The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Q258 (2021): 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 enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the 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 dispute or on future possible disputes that could stem from certain legal relation.

Q259 (2020): Other: ADR procedures handled by the various public agencies: The Consumer Ombudsman, The Public

Montenegro

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),

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 mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with **Q254 (2020)**: As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.


in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

receive a licence to be a mediators, a person has to hold Montenegrin nationality or nationality of a Member State of the European Union; VII1 level of educational qualification; general health capacity; minimum five years of work experience in the jobs where the VII1 level of education qualification is required; completed a basic training programme for mediators. In addition to these requirements the license should be granted to the person who has not been convicted of any offence which makes him unworthy of conducting mediation; has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty; against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio The person mediators went through the basic training for mediators and they were accredited by the Ministry of Justice, Human and Minority Rights in the beginning of 2022.

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 female than male mediators.

was mainly caused by the new solutions foreseen in the Law on ADR and the Law on Civil Procedure. When it comes to the labour cases, decrease happened due to the fact that in 2020 there was a great number of cases, on the same basis, related to the same Responding party. In general, statistics does not depend only on the interests of the parties and legal solutions, but also on the fact that some types of disputes appear and are characteristic for a 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, but this still is not on satisfactory level.

Q259 (2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020. 

North Macedonia

Q252 (2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.

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 .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation,

According to the Law on Civil Procedure, the parties (in the commercial disputes up to 1.000.000,00 denars) are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court. Also, according to this law, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the

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 Budget.

Q256 (2021): An exception of this is prescribed in the Article 85 of the Law on Juvenile justice - all the expenses for mediation for children in criminal procedures are covered from the State Budget.

experience after graduation, with passed psychological test and integrity test, who attended 70 hours of accredited training, passed the exam before the Mediation Board, and obtained a license from the Mediation Board. VII. MEDIATOR Conditions for mediator and mediation Article 46 (1) A mediator may be a legally capable natural person who has a license to perform mediation activities (hereinafter: license for mediator). (2) A license for mediator shall be issued to the person who will pass the exam for checking the theoretical knowledge and practical skills of mediation (hereinafter: exam for mediators) before the Board for ensuring, monitoring and evaluating the quality of mediation activities (hereinafter: the Board) will present a concluded contract for liability insurance in accordance with Article 24 paragraph (4) of this Law. (3) The issued license is valid for five years and it can be extended or revoked depending on the results of the evaluation of the quality of the mediator. (4) The evaluation of the quality of the work of the mediators shall be performed by the Board at least once in five years in accordance with the methodology and the procedure for performing monitoring and evaluation of the quality of the work of the mediators. (5) The form and the content of the license for mediator shall be prescribed by the Minister of Justice. Exam for mediators Article 47 (1) The exam for mediator can be taken by the persons who have submitted an application for taking the exam to the Board together with a proof for: a) completed Faculty education VII / I or 300 credits according to the European Credit Transfer System (ECTS) in the Republic of North Macedonia or a decision for recognition of an appropriate higher education qualification acquired abroad issued by the Ministry of Education and **Q257 (2020):** There are no changes in the number of registered mediators between 2019 and 2020. 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 the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not mediators are obliged to record the mediations. The number of court related mediations (in 2021) is from the Register (on March 3, 2022). Still, there is possibility this data to be changed as the mediators fulfill the Register.

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 mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

The electronic register in which the mediators themselves enter the data is one of the key factors that led to the stimulation of the mediators to record all the procedures that were given to them to act. As of December 31, 2021, they were given the opportunity to import all old cases from 2016 to 2021 in order to gain a realistic picture of the number of mediations they had at work. At the same time, the determination of the Government determined by the these procedures are mediations between administrative servants and the state institutions related to the employment rights.

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 otherwise agreed.

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 as *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

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

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 signing of a written agreement between the disputed parties; 2) By a decision of the mediator, after consultation with the parties, to terminate the proceedings because further proceedings are not justified; 3) By a withdrawal statement of a disputed party from further proceedings. Due to justified reasons, the deadline for the completion of the mediation process can be extended to a maximum of 30 days from the date of determination or choice of the mediator. Also, a mandatory attempt at peaceful dispute resolution before initiating civil proceedings is prescribed in some Serbian laws (but not mediation per se). The Law on Compulsory Traffic Insurance ("Official Gazette RS", no. 51/2009, 78/2011, 101/2011, 93/2012 and 7/2013 – CC decision) provides that a person entitled to a claim under third party motor liability insurance must file the claim directly to the insurance company - if the contract provides for this possibility and if this is in accordance with the business policy of the insurance company. In case the insurance company fails to submit a reasoned offer of compensation for damages within 90 days from the date of claim receipt, or in case the insurance company fails to pay the small claim within the deadline, the claimant may file a lawsuit against the company and notify the National Bank of Serbia of such proceedings. Therefore, in this specific situation, the lawsuit is considered to be filed prematurely, unless the claimant previously addresses the insurance company in an attempt at out-of-court settlement.

Further, under the provisions of the Criminal Procedure Code a person who intends to file a lawsuit for compensation for unlawful deprivation of liberty, or wrongful conviction, before the filing of the complaint, shall submit a request. If the responsible person in the legal entity is not charged with abuse, ie the employer with the status of a natural person, the employee who considers that he is exposed to abuse submits a reasoned request to initiate proceedings for protection against abuse directly to that person. There is a certain obligation in consumer disputes. There is an obligation for the trader in consumer disputes if the consumer initiates an out-of-court dispute resolution procedure which is by its nature mediation (Article 151 of the Law on Consumer Protection). Initiation and conduct of out-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 mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right 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 Peaceful Settlement of Labour Disputes ("Official Gazette of RS", no. 125/04, 104/09) provides that the competences of the Republic Agency for

Q255 (2021): Nota bene: In criminal cases with mediation only refers to property claims and claims for damages.

Q255 (2020): Registered mediators ,including judges. Such mediators may be private mediators (lawyers , etc) or

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 exempting them from paying all relevant court fees if they achieve a settlement by the

Q256 (2021): Free legal aid is given by 57 registered mediators

citizens in performing the work of mediators, which is probably due to the documents adopted by the Republic of Serbia to improve the application of mediation in Serbia.

Q258 (2021): Annual report submitted by mediators to the Ministry of Justice

therefore the total number of cases in which the parties agreed to initiate mediation proceedings is slightly higher 498 including other types of disputes that are not included in these 6 listed in the report.

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 consensual financial restructuring of companies, conducted before the Serbian Chamber of Commerce pursuant to the Law on Consensual Financial Restructuring of Companies ("Official Gazette of RS", no. 36/2011) and relevant bylaws which were enacted in 2012. The Law on Consumer Protection ("Official Gazette of RS" no. 62/2014) provides that a

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 well as other ways in which

Kosovo*

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

cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry 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.

Q258 (2020): We can not divide cases based on these categories, but only based on regions.

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 mediator?

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 free of

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

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 issuing educational

North Macedonia

(2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.

Serbia

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

Kosovo*

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 cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of

Question 253

Albania

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.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed

Montenegro

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),

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 mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with

North Macedonia

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 .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation,

According to the Law on Civil Procedure, the parties (in the commercial disputes up to 1.000.000,00 denars) are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court. Also, according to this law, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the

Serbia

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 signing of a written agreement between the disputed parties; 2) By a decision of the mediator, after consultation with the parties, to terminate the proceedings because further proceedings are not justified; 3) By a withdrawal statement of a disputed party from further proceedings. Due to justified reasons, the deadline for the completion of the mediation process can be extended to a maximum of 30 days from the date of determination or choice of the mediator. Also, a mandatory attempt at peaceful dispute resolution before initiating civil proceedings is prescribed in some Serbian laws (but not mediation per se). The Law on Compulsory Traffic Insurance ("Official Gazette RS", no. 51/2009, 78/2011, 101/2011, 93/2012 and 7/2013 – CC decision) provides that a person entitled to a claim under third party motor liability insurance must file the claim directly to the insurance company - if the contract provides for this possibility and if this is in accordance with the business policy of the insurance company. In case the insurance company fails to submit a reasoned offer of compensation for damages within 90 days from the date of claim receipt, or in case the insurance company fails to pay the small claim within the deadline, the claimant may file a lawsuit against the company and notify the National Bank of Serbia of such proceedings. Therefore, in this specific situation, the lawsuit is considered to be filed prematurely, unless the claimant previously addresses the insurance company in an attempt at out-of-court settlement.

Further, under the provisions of the Criminal Procedure Code a person who intends to file a lawsuit for compensation for unlawful deprivation of liberty, or wrongful conviction, before the filing of the complaint, shall submit a request

If the responsible person in the legal entity is not charged with abuse, ie the employer with the status of a natural person, the employee who considers that he is exposed to abuse submits a reasoned request to initiate proceedings for protection against abuse directly to that person. There is a certain obligation in consumer disputes. There is an obligation for the trader in consumer disputes if the consumer initiates an out-of-court dispute resolution procedure which is by its nature mediation (Article 151 of the Law on Consumer Protection). Initiation and conduct of out-of-

Question 254

Albania

case, criminal case,
work case.

case, criminal case,
work case.

Montenegro

(2020): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

Serbia

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 mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right

Question 255

Albania

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

Serbia

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 Peaceful Settlement of Labour Disputes ("Official Gazette of RS", no. 125/04, 104/09) provides that the competences of the Republic Agency for Peaceful Settlement

(2021): Nota bene: In criminal cases with mediation only refers to property claims and claims for damages.

(2020): Registered mediators ,including judges. Such mediators may be private mediators (lawyers , etc) or

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

accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

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.

(2021): An exception of this is prescribed in the Article 85 of the Law on Juvenile justice - all the expenses for mediation for children in criminal procedures are covered from the State Budget.

Serbia

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 exempting them from paying all relevant court fees if they achieve a settlement by the

(2021): Free legal aid is given by 57 registered mediators

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.

Question 257

Bosnia and Herzegovina

procedure set forth in that law. Parties to an individual procedure jointly select a mediator from the list of mediators established by the association of mediators.

The Law on mediation procedure determines the requirements for conducting the mediation as follows.

The mediator may be a person meeting general requirements for employment.

In addition, the mediator must meet the following requirements:

- a) a university degree,
- b) completed training in mediation according to the program of the association or according to another training programs recognized by the association,
- c) entry into the registry of mediators held by the association.

The person who is successful in completing the training program for mediators shall be issued an appropriate certificate serving as a basis for entry into the registry of mediators in Bosnia and Herzegovina.

Montenegro

receive a licence to be a mediators, a person has to hold Montenegrin nationality or nationality of a Member State of the European Union; VII1 level of educational qualification; general health capacity; minimum five years of work experience in the jobs where the VII1 level of education qualification is required; completed a basic training programme for mediators. In addition to these requirements the license should be granted to the person who has not been convicted of any offence which makes him unworthy of conducting mediation; has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty; against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio The person

went through the basic training for mediators and they were accredited by the Ministry of Justice, Human and Minority Rights in the beginning of 2022.

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 female than male mediators.

North Macedonia

experience after graduation, with passed psychological test and integrity test, who attended 70 hours of accredited training, passed the exam before the Mediation Board, and obtained a license from the Mediation Board. VII. MEDIATOR Conditions for mediator and mediation Article 46 (1) A mediator may be a legally capable natural person who has a license to perform mediation activities (hereinafter: license for mediator). (2) A license for mediator shall be issued to the person who will pass the exam for checking the theoretical knowledge and practical skills of mediation (hereinafter: exam for mediators) before the Board for ensuring, monitoring and evaluating the quality of mediation activities (hereinafter: the Board) will present a concluded contract for liability insurance in accordance with Article 24 paragraph (4) of this Law. (3) The issued license is valid for five years and it can be extended or revoked depending on the results of the evaluation of the quality of the mediator. (4) The evaluation of the quality of the work of the mediators shall be performed by the Board at least once in five years in accordance with the methodology and the procedure for performing monitoring and evaluation of the quality of the work of the mediators. (5) The form and the content of the license for mediator shall be prescribed by the Minister of Justice. Exam for mediators Article 47 (1) The exam for mediator can be taken by the persons who have submitted an application for taking the exam to the Board together with a proof for: a) completed Faculty education VII / I or 300 credits according to the European Credit Transfer System (ECTS) in the Republic of North Macedonia or a decision for recognition of an appropriate higher education qualification acquired abroad issued by the Ministry of Education and

(2020): There are no changes in the number of registered mediators between 2019 and 2020.

Serbia

citizens in performing the work of mediators, which is probably due to the documents adopted by the Republic of Serbia to improve the application of mediation in Serbia.

Question 258

Bosnia and Herzegovina

(2021): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.

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 enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation

Montenegro

mainly caused by the new solutions foreseen in the Law on ADR and the Law on Civil Procedure. When it comes to the labour cases, decrease happened due to the fact that in 2020 there was a great number of cases, on the same basis, related to the same Responding party. In general, statistics does not depend only on the interests of the parties and legal solutions, but also on the fact that some types of disputes appear and are characteristic for a

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, but this still is not on satisfactory level.

North Macedonia

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 the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not

obliged to record the mediations. The number of court related mediations (in 2021) is from the Register (on March 3, 2022). Still, there is possibility this data to be changed as the mediators fulfill the Register.

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 mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

The electronic register in which the mediators themselves enter the data is one of the key factors that led to the stimulation of the mediators to record all the procedures that were given to them to act. As of December 31, 2021, they were given the opportunity to import all old cases from 2016 to 2021 in order to gain a realistic picture of the number of mediations they had at work. At the same time, the determination of the Government determined by the

procedures are mediations between administrative servants and the state institutions related to the employment rights.

Serbia

(2021): Annual report submitted by mediators to the Ministry of Justice

the total number of cases in which the parties agreed to initiate mediation proceedings is slightly higher 498 including other types of disputes that are not included in these 6 listed in the report.

Kosovo*

(2020): We can not divide cases based on these categories, but only based on regions.

Question 259

Albania

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 their dispute with the assistance of a mediator.

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 dispute or on future possible disputes that could stem from certain legal relation.

(2020): Other: ADR procedures handled by the various public agencies: The Consumer Ombudsman, The Public

Montenegro

(2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020.☒

North Macedonia

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 otherwise agreed.

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 as *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

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 consensual financial restructuring of companies, conducted before the Serbian Chamber of Commerce pursuant to the Law on Consensual Financial Restructuring of Companies (“Official Gazette of RS”, no. 36/2011) and relevant bylaws which were enacted in 2012. The Law on Consumer Protection (“Official Gazette of RS” no. 62/2014) provides that a

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 well as other ways in which

10. European Convention of Human Rights (ECHR) - Overview

Tables no. 10.1.2 and 10.1.3

Beneficiaries	Applications allocated to a judicial formation		Number of judgments finding at least one violation of the ECHR		Number of cases considered as closed	
	2021	% Variation 2020 - 2021	2021	% Variation 2020 - 2021	2021	% Variation 2020 - 2021
Albania	75	-1,3%	2	-33,3%	3	-70,0%
Bosnia and Herzegovina	784	-9,9%	14	75,0%	19	-18,8%
Montenegro	381	74,8%	4	-60,0%	13	-62,5%
North Macedonia	394	43,3%	8	-42,9%	4	-63,6%
Serbia	1 993	8,6%	5	25,0%	31	-22,5%
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
WB Average	725	23,1%	7	-7,2%	14	-15,0%

Figure 10.1 Applications allocated to a judicial formation in 2021 and % variation between 2020 and 2021

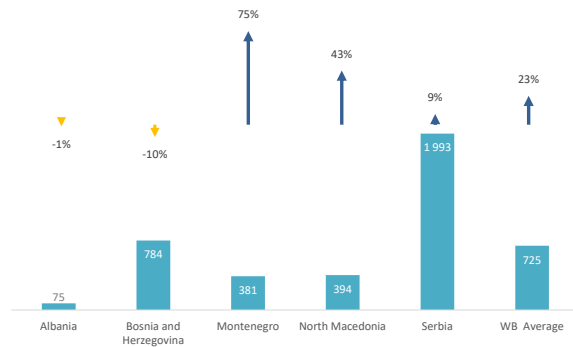
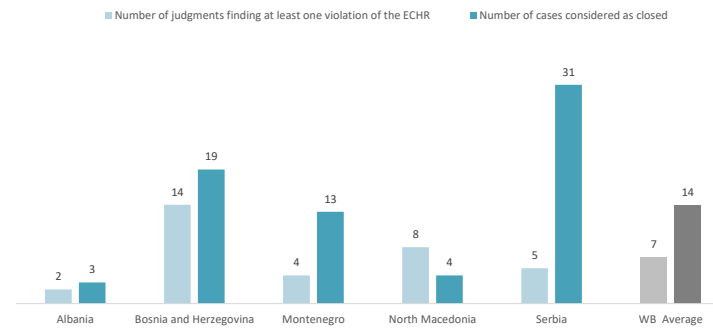


Figure 10.2 Number of judgements finding at least one violation of the ECHR and number of cases considered closed in 2021



Source: European Court of Human Rights and 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

10. European Convention of Human Rights (ECHR) - List of tables

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2021 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements, 2019 to 2021 (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, 2019 to 2021 (Q264***)

Table 10.1.1 Monitoring system of Article 6 violations of the European Convention on Human Rights in 2021 (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	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes
North Macedonia	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes
Kosovo*	NA	NA	NA	NA

Yes	Yes
No	No
NA	NA
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.

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements, 2019 to 2021 (Q262 and Q263)**

Beneficiaries	Number of applications allocated to a judicial formation of the European Court of Human Rights			Number of judgements					
				Total number			Judgements finding at least one violation		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Albania	88	76	75	1	3	3	1	3	2
Bosnia and Herzegovina	1 784	870	784	21	8	14	21	8	14
Montenegro	427	218	381	3	10	5	2	10	4
North Macedonia	262	275	394	12	14	11	9	14	8
Serbia	2 160	1 836	1 993	24	5	6	22	4	5
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	944	655	725	12	8	8	11	8	7
Median	427	275	394	12	8	6	9	8	5
Minimum	88	76	75	1	3	3	1	3	2
Maximum	2160	1836	1993	24	14	14	22	14	14

** 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, 2019 to 2021 (Q264*)**

Beneficiaries	Total number of cases considered as closed after a judgement of the European Court of Human Right		
	2019	2020	2021
Albania	4	10	3
Bosnia and Herzegovina	7	16	19
Montenegro	3	8	13
North Macedonia	26	11	4
Serbia	35	40	31
Kosovo*	NAP	NAP	NAP
Average	15	17	14
Median	7	11	13
Minimum	3	8	3
Maximum	35	40	31

*** 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*

Indicator 10- ECtHR

by country

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European

Albania

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 undertaken in this regard. Law amendments in function of domestic effective remedy:

created a monitoring system as a remedy in case of violation of article 6 specifically: “Just satisfaction” 1. 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, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code.

For civil procedures (timeframe) The timeframe of Civil procedures are prescribed at the code of Civil Procedure, specifically in article 399/2/b “Reasonable timing” –“b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years.”

For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at the Code of Civil Procedure, specifically in article 399/2/d “Reasonable timing” – “d) In criminal trials at first instance, the time limit - 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 fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”.

Bosnia and Herzegovina

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 safe-guard 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 Herzegovina. Appellants, who believe that the judgment or other decision of any court is in violation of their rights, shall have the right to file an appeal after all legal remedies have 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 the Court of BiH, proceedings were reopened before the said court both, in their favour, as well as in favour of all persons convicted with finality and who were in the same/similar situation.

Montenegro

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 Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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 Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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 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 such violation, provided that the reopening of

North Macedonia

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

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.

In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights (Procedure and the Law on Administrative Disputes). Also, there is a provision in the Law on the Judicial Council (article 73) for repeating the disciplinary procedure for the judge or the president of the court after the final judgment of the European Court of Human Rights for violation.

Q261 (2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil

Serbia

(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. Moreover, on the request of the Agent's office, all domestic 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, enable the review of cases following the Court's decision's establishing infringement of rights and freedoms set in the Convention.

Indicator 10- ECtHR

by question No.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European

Question 260

Albania

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 undertaken in this regard. Law amendments in function of domestic effective remedy:

monitoring system as a remedy in case of violation of article 6 specifically: "Just satisfaction" 1. 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, and/or compensation of the damage, according to the provisions of this Chapter. 2. Anyone who is involved in a legal process, as a party in the process, has the right to just satisfaction as determined by Article 399/3 of this Code.

For civil procedures (timeframe) The timeframe of Civil procedures are prescribed at the code of Civil Procedure, specifically in article 399/2/b "Reasonable timing" –"b) The completion of a process in a civil trial at first instance within two years, in a civil trial on appeal within two years; and in a civil trial at the High Court within two years."

For criminal procedures (timeframe) The timeframe of criminal procedures are prescribed at the Code of Civil Procedure, specifically in article 399/2/d "Reasonable timing" – "d) In criminal trials at first instance, the time limit

Bosnia and Herzegovina

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 safe-guard 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 Herzegovina. Appellants, who believe that the judgment or other decision of any court is in violation of their rights, shall have the right to file an appeal after all legal remedies have

Montenegro

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 Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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 Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

North Macedonia

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

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.

In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human

Serbia

(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. Moreover, on the request of the Agent's office, all domestic

Question 261

Albania

- 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 fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”.

Bosnia and Herzegovina

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 the Court of BiH, proceedings were reopened before the said court both, in their favour, as well as in favour of all persons convicted with finality and who were in the same/similar situation.

Montenegro

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

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 such violation, provided that the reopening of

North Macedonia

and the Law on Administrative Disputes). Also, there is a provision in the Law on the Judicial Council (article 73) for repeating the disciplinary procedure for the judge or the president of the court after the final judgment of the European Court of Human Rights for violation.

(2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and

Serbia

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, enable the review of cases following the Court's decision's establishing infringement of rights and freedoms set in the Convention.

11. Council for the judiciary - Overview

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
Albania	NAP	11	11
Bosnia and Herzegovina	15	NAP	NAP
Montenegro	NAP	10	11
North Macedonia	NAP	15	11
Serbia	NAP	11	11
Kosovo*	NAP	13	13

Figure 11.1 Composition of the Council for judges in 2021

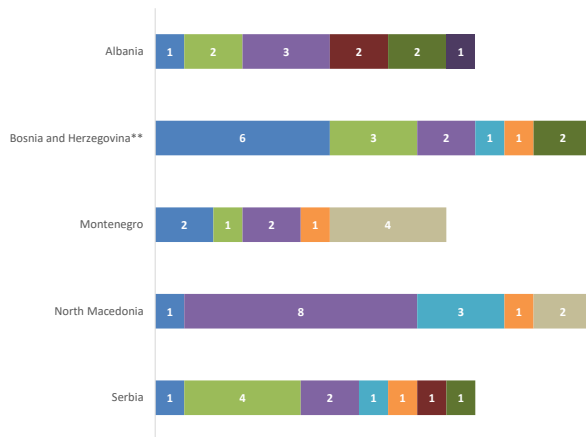
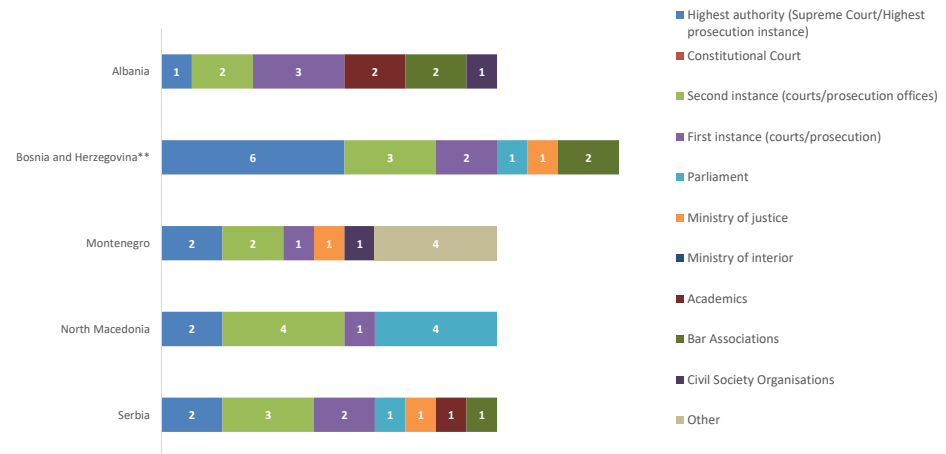


Figure 11.2 Composition of the Council for prosecutors in 2021



** 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.

11. Council for the judiciary - List of tables

Table 11.1.1 Competence of the Council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2021 (Q265 and Q268)


Table 11.1.2 Number of members and composition of the Council(s) for judiciary and in 2021 (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 2021 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2021 (Q273 and Q274)

Table 11.1.1 Competence of the Council for the judiciary and selection criteria for non-judge/non-prosecutors members in 2021 (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	Yes

Yes 
 No 
 NA 
 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.





Table 11.1.2 Number of members and composition of the Council(s) for judiciary and in 2021 (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 prosecution instance)	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 prosecution instance)	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 prosecution instance)	Constitutional Court	Second instance (courts/prosecution offices)	First instance (courts/prosecution)	Parliament	Ministry of justice	Ministry of interior	Academics	Bar Associations	Civil Society Organisations
Albania	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
Montenegro	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	2	1	NAP	1	NAP	NAP	NAP	1	4
North Macedonia	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	4	1	4	NAP	NAP	NAP	NAP	NAP	NAP
Serbia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	4	2	1	1	NAP	1	1	NAP	NAP	11	2	NAP	3	2	1	1	NAP	1	1	NAP	NAP
Kosovo*	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

* 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 11.1.3 Term of office and conditions for the term of office for the members of the Council(s) for judiciary in 2021 (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									

Yes 
 No 
 NA 
 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.

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2021 (Q273 and Q274)

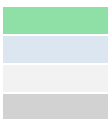
Beneficiaries	Accountability measures in place regarding the activities of the Council(s)												Council(s) competent when it is established that there is a breach of the independence or impartiality of a judge or prosecutor		
	Single council for the judiciary				Council for judges only				Council for prosecutors only				Single council for the judiciary		Council for judges 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	
Albania															
Bosnia and Herzegovina															
Montenegro															
North Macedonia															
Serbia															
Kosovo*															

Yes
No
NA
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.

vident that
ence or the
ure on a

Council for prosecutors only



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 relevant

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)

powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Albania

composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from academia, 2 lawyers and 1 from civil society organizations)

Q265 (2021): There are two councils, the High Judicial Council, which ensures the independence, accountability and appropriate functioning

of the judicial power in the Republic of Albania (only for judges) The High Judicial Council is composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are selected by the Assembly among the ranks of non-judge jurists.

The High Prosecutorial Council Tguarantees the independence, accountability, discipline, status and career of prosecutors in the Republic of Albania. The High Prosecutorial Council is composed of 11 members, six of whom are elected by the

Q266 (General Comment): As for the election and appointment of the members who are not judges or prosecutors the constitution provides that 5 members are elected by the Assembly in a procedure prescribed by the constitution 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 of 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 establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list 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.

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 disciplinary action;
- j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil

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 disciplinary action;

members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”.

Q273 (General Comment): Meetings’ minutes and recordings published in their respective websites.

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.

The justice system in the Republic of Albania is governed based on the principles of independence, accountability, transparency, and efficiency. The Council has the obligation to react publicly and take any legal action to protect the 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

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.

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 court 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;
 9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
 10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by the District level prosecutors.
- Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.

Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.

Members of the HJPC are elected for a term of four (4) years and may have a maximum of two (2) consecutive mandates 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 the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall

body. Decisions are made by a majority vote of the members present and voting. The quorum requires the presence of at least 11 Council members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the casting vote. In a case that the Council member who is present but abstains from voting, it will be deemed to have cast an abstention vote, and this abstention vote will not be included in the vote count.

The Council may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to standing committees. The powers of standing committees to make decisions relate to less complex issues (eg simpler queries on compatibility

of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc).

In disciplinary proceedings against judges and prosecutors, decisions are taken by the competent disciplinary commissions, as well as by the Council when in the third instance, the Council decides on appeal against the decision of the second instance disciplinary

commission. Members of the First Instance and the Second Instance Disciplinary Committees have the right to participate in the

decision making process of the Council as a whole, unless their exemption is requested for reasons other than their earlier participation in the decision on the same matter.

In accordance with the Rules of Procedure of the HJPC, the Council members are required to inform the President of the Council on

any possible conflict of interest it may arise during their work, and must state the reasons for the exemption in writing or orally in the minutes of the Council session. If any the Council member considers that another member should be exempted from participating in the proceedings, he/she informs the President of the Council on that issue.

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 conferences which are open to journalists and to the public, and by which the public is informed about the work of the judiciary and other topics of interest to the judiciary and to the public.

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.

The criminal laws contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the

Montenegro

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, 10/2018, 76/20 and 59/21)

„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) four state prosecutors who have a permanent position and at least five years of work experience in performing the prosecutorial function, of which three from the Supreme State Prosecutor's Office, Special State Prosecutor's Office and higher state prosecutor's offices, and one from basic state prosecutor's offices elected and dismissed by the Conference of State prosecutors;
- 2) four reputable lawyers elected and dismissed by the Parliament of Montenegro (hereinafter: the Parliament), at the proposal of the competent working body;
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter: the Ministry of Justice), appointed by the Minister of Justice from among the employees of the Ministry of Justice;
- 4) a reputable lawyer as a representative of non-governmental organizations in the field of rule of law, work of the state prosecutor's office or fight against corruption and organized crime, proposed by non-governmental

Q267 (General Comment): 267/3 Unofficial translation.

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 appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

Q273 (General Comment): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

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) propose to the

North Macedonia

candidates Article 18 (1) The Council, from among its members, shall form a three-member Commission for preparation of candidate lists. (2) The Commission shall prepare candidate lists out of the duly submitted candidacies of the candidates that fulfill the requirements referred to in Article 16 of this Law and shall submit them to the Council. (3) The candidate lists shall be prepared according to electoral units where only one candidate is elected, as follows: - as a general list for a candidate from the region of the Higher Public Prosecution Office in Bitola, polling place number 1, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Gostivar, polling place number 2, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Skopje, polling place number 3, - as a general list for a candidate from the region of the Higher Public Prosecutor's Office in Shtip, with election district number 4, - as a general list for a candidate from the region of the Public Parliament and 2 on the proposal of the President of the Republic of North Macedonia. 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.

- 4 members of the Council of Public Prosecutors elected by the Parliament, are from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges. The system for election of the member of Council (it is similar for the Judicial Council or for the Council of Public Prosecutors) among public prosecutors/judges. 4 of them (judges or public prosecutors) are elected from the courts/public prosecution offices that are part of the appellate regions (Skopje, Gostivar, Stip and Bitola). The judge

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 or on a proposal of the President 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.

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.

2. Criteria for non-prosecutor members in the Council of Public Prosecutors (article 32 Law on the Public Prosecutors)

(1) A member of the Council elected by the Parliament may be a person who meets the following requirements:

- to be a citizen of the Republic of North Macedonia,

- to be Bachelor of law with at least 15 years of work experience in the legal profession, having passed the bar exam and has excelled in the performance of the legal profession with scientific or professional work or with their public

Q269 (2021): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

http://www.sud.mk/wps/portal/ssrm/sud!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwwwA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBIS9nQSEh/

<http://sjorm.gov.mk/>

p.(6) The decisions of the Council must be reasoned and shall be published on the Council's website. Article 10-a p.(4)

When the Council decides on the election of a public prosecutor of a public prosecutor's office or the election of a public prosecutor in a public prosecutor's office, the public may not be excluded in any case. (5) The Council shall

draw up minutes of the voting on the decision referred to in paragraph (3) of this Article and shall publish them

publicly on the Council's website. (6) Minutes shall be taken of the work at the session of the Council and the session

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 for a stated opinion and manner of deciding during the adoption of a court decision. A judge cannot be taken in without an approval from the Judicial Council, unless caught in commission of a crime for which an imprisonment sentence in

Serbia

Q265 (General Comment): Two councils exist: the High Court Council (Competent only for judges) and the State from the following public prosecutor's offices:

- one from the Republic Public Prosecutor's Office;
- one of the Appellate Prosecutor's Offices, the Prosecutor's Office for Organized Crime and the Prosecutor's Office for War Crimes;
- one of the higher prosecutor's offices;
- two from the basic prosecutor's offices;
- one of the public prosecutor's offices from the territory of the autonomous province.

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 at least 15 years of professional experience, one of whom is a lawyer and the other is a law professor.

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.

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 (2021): The elective members may be re-elected, but not consecutively.

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 in 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 Republic of Serbia Constitution and by the

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 behaviour, the confidence in independence and impartiality of judges and courts.

At the session held on April 15, 2021. The High Judicial Council adopted Amendments to the Rules of Procedure of the High Judicial Council, which prescribes the manner of work and decision-making of the Council not only in cases of political influence on the judiciary - but also in cases of any influence on judges and judiciary (from media, lawyers, business community, civil servants and others).

At the session held on May 13, 2021 the High Judicial Council appointed a judge competent to act in cases of undue influence on judges and the judiciary.

The competent judge is in charge and authorized to: acts upon the requests of judges for protection against undue influence, examines the existence of undue influence expressed in public, through the media, social networks, at public gatherings or in any other public way, obtains the necessary evidence and information on the existence of undue influence, submits a reasoned proposal for convening a session of the Council to decide on the existence of undue influence, at the session of the Council, presents the factual situation and gives a proposal for a decision, cooperates with the competent institutions in conducting training of judges on recognizing and reacting to undue influence, proposes to the Council measures to prevent undue influence, cooperates with the Ethics Committee and disciplinary bodies, keeps records of all cases of undue influence and submits to the Council an annual report on the undue influence on judges and the judiciary.

An important new solution is that the competent judge has the authority to order to the person who is stated in the request to have committed an undue influence to respond to the allegations from the request for protection against

Kosovo*

members according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.

Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:

3.1. one (1) member from the Kosovo Chamber of Advocates;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3 "one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.

The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Q274 (2021): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

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 relevant

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)

powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 265

Albania

composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from academia, 2 lawyers and 1 from civil society organizations)

appropriate functioning

of the judicial power in the Republic of Albania (only for judges) The High Judicial Council is composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are selected by the Assembly among the ranks of non-judge jurists.

The High Prosecutorial Council Tguarantees the independence, accountability, discipline, status and career of prosecutors in the Republic of Albania. The High Prosecutorial Council is composed of 11 members, six of whom are elected by the

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

Question 266

Albania

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 establish a subcommittee for the further assessment and selection of candidates not later than three days from the submission of the list. The subcommittee is composed of five members of the Assembly, three members nominated by the parliamentary majority and two by the parliamentary minority. The subcommittee may, with at least four votes, include in the list of candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to

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.

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 4.
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;
9. one (1) member who is a prosecutor from a Cantonal level prosecutor's office of the Federation of BiH, elected by the Cantonal prosecutors;
10. one (1) member who is a prosecutor from a District level prosecutor's office of the Republika Srpska, elected by

Montenegro

„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, 10/2018, 76/20 and 59/21)

„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) four state prosecutors who have a permanent position and at least five years of work experience in performing the prosecutorial function, of which three from the Supreme State Prosecutor's Office, Special State Prosecutor's Office and higher state prosecutor's offices, and one from basic state prosecutor's offices elected and dismissed by the Conference of State prosecutors;
- 2) four reputable lawyers elected and dismissed by the Parliament of Montenegro (hereinafter: the Parliament), at the proposal of the competent working body;
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter: the Ministry of Justice), appointed by the Minister of Justice from among the employees of the Ministry of Justice;
- 4) a reputable lawyer as a representative of non-governmental organizations in the field of rule of law, work of the state prosecutor's office or fight against corruption and organized crime, proposed by non-governmental organizations that meet the requirements of this law, and elected and dismissed by the Parliament.

North Macedonia

candidates Article 18 (1) The Council, from among its members, shall form a three-member Commission for preparation of candidate lists. (2) The Commission shall prepare candidate lists out of the duly submitted candidacies of the candidates that fulfill the requirements referred to in Article 16 of this Law and shall submit them to the Council. (3) The candidate lists shall be prepared according to electoral units where only one candidate is elected, as follows: - as a general list for a candidate from the region of the Higher Public Prosecution Office in Bitola, polling place number 1, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Gostivar, polling place number 2, - as a general list for a candidate from the region of the Higher Public Prosecution Office in Skopje, polling place number 3, - as a general list for a candidate from the region of the Higher Public Prosecutor's Office in Shtip, with election district number 4, - as a general list for a candidate from the region of the Public

and 2 on the proposal of the President of the Republic of North Macedonia. 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.

- 4 members of the Council of Public Prosecutors elected by the Parliament, are from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges. The system for election of the member of Council (it is similar for the Judicial Council or for the Council of Public Prosecutors) among public prosecutors/judges. 4 of them (judges or public prosecutors) are elected from the courts/public prosecution offices that are part of the appellate regions (Skopje, Gostivar, Stip and Bitola). The judge

Serbia

from the following public prosecutor's offices:

- one from the Republic Public Prosecutor's Office;
- one of the Appellate Prosecutor's Offices, the Prosecutor's Office for Organized Crime and the Prosecutor's Office for War Crimes;
- one of the higher prosecutor's offices;
- two from the basic prosecutor's offices;
- one of the public prosecutor's offices from the territory of the autonomous province.

Kosovo*

according to the table above. However, at the moment the Council has 11 members (10 prosecutors and 1 from the ranks of professors of law faculties), as the other 2 members (1 from the Bar Association and 1 from civil society) have not yet been elected by the Assembly of Kosovo.

Question 267**Montenegro**

(General Comment): 267/3 Unofficial translation.

Question 268**Albania**

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 disciplinary action;
- j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil

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 disciplinary action;

Bosnia and Herzegovina

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 gender structure, and

Representatives of the Parliamentary Assembly of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Parliamentary Assembly of Bosnia and Herzegovina.

Also, One member of the HJPC who is elected by the Council of Ministers of Bosnia and Herzegovina must not be a member of the judiciary or a member of the Council of Ministers of Bosnia and Herzegovina.

Montenegro

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

North Macedonia

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 or on a proposal of the President 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.

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.

2. Criteria for non-prosecutor members in the Council of Public Prosecutors (article 32 Law on the Public Prosecutors)

(1) A member of the Council elected by the Parliament may be a person who meets the following requirements:

- to be a citizen of the Republic of North Macedonia,

- to be Bachelor of law with at least 15 years of work experience in the legal profession, having passed the bar exam and has excelled in the performance of the legal profession with scientific or professional work or with their public

Serbia

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 at least 15 years of professional experience, one of whom is a lawyer and the other is a law professor.

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.

Kosovo*

Constitution, shall be elected by secret ballot, by a majority vote of the Deputies present and voting, based on a list of two (2) candidates for each position proposed by the relevant bodies, which includes:

3.1. one (1) member from the Kosovo Chamber of Advocates;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3 “one (1) representative from civil society. The representative of the civil society is selected through a public competition announced by the Assembly, which must have high professional training, proven knowledge in the field of justice, knowledge in the field of human rights, work experience in legal matters of five (5) years, and the support of at least five (5) civil society organizations in the field of justice.

Question 269

Albania

serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

North Macedonia

(2021): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

Serbia

(2020): The term of office of Council members is five years, except for the ex officio members.

Question 270

Albania

circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”.

Bosnia and Herzegovina

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 the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall

Montenegro

appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

Serbia

(General Comment): Elected members of the Council may be re-elected, but not consecutively.

(2021): The elective members may be re-elected, but not consecutively.

Kosovo*

The position of a member of the Council is full time only for the following members: Chairman of the Council, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, Chairman of the Commission for Evaluation of Performance of Prosecutors and Chairman of the Commission for the administration of prosecution offices. These members suspend the position of prosecutor during the exercise of these functions.

The other members of the Council continue their work as prosecutors and their performance is evaluated according to the regulation on the evaluation of the performance of prosecutors.

Question 272

Bosnia and Herzegovina

Decisions are made by a majority vote of the members present and voting. The quorum requires the presence of at least 11 Council members. In matters on which the votes are divided, a vote shall be taken by roll call of the members, and the vote of the President or the Vice-President has the casting vote. In a case that the Council member who is present but abstains from voting, it will be deemed to have cast an abstention vote, and this abstention vote will not be included in the vote count.

The Council may delegate certain decisions within its jurisdiction, with the exception of appointment decisions, to standing committees. The powers of standing committees to make decisions relate to less complex issues (eg simpler queries on compatibility of functions, opinions on laws that are not systemic and organizational and do not regulate the status of judicial office holders, shorter absences from office etc).

In disciplinary proceedings against judges and prosecutors, decisions are taken by the competent disciplinary commissions, as well as by the Council when in the third instance, the Council decides on appeal against the decision of the second instance disciplinary commission. Members of the First Instance and the Second Instance Disciplinary Committees have the right to participate in the decision making process of the Council as a whole, unless their exemption is requested for reasons other than their earlier participation in the decision on the same matter.

In accordance with the Rules of Procedure of the HJPC, the Council members are required to inform the President of the Council on any possible conflict of interest it may arise during their work, and must state the reasons for the exemption in writing or orally in the minutes of the Council session. If any the Council member considers that another member should be exempted from participating in the proceedings, he/she informs the President of the Council on that issue.

Question 273

Albania

(General Comment): Meetings' minutes and recordings published in their respective websites.

Bosnia and Herzegovina

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 conferences which are open to journalists and to the public, and by which the public is informed about the work of the judiciary and other topics of interest to the judiciary and to the public.

Montenegro

(General Comment): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

North Macedonia

http://www.sud.mk/wps/portal/ssrm/sud/lut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwsvA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBISEvZ0FBIS9nQSEh/
<http://sjorm.gov.mk/>

The decisions of the Council must be reasoned and shall be published on the Council's website. Article 10-a p.(4) When the Council decides on the election of a public prosecutor of a public prosecutor's office or the election of a public prosecutor in a public prosecutor's office, the public may not be excluded in any case. (5) The Council shall draw up minutes of the voting on the decision referred to in paragraph (3) of this Article and shall publish them publicly on the Council's website. (6) Minutes shall be taken of the work at the session of the Council and the session

Question 274

Albania

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.

The justice system in the Republic of Albania is governed based on the principles of independence, accountability,

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

Bosnia and Herzegovina

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.

The criminal laws contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the

Montenegro

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) propose to the

North Macedonia

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 for a stated opinion and manner of deciding during the adoption of a court decision. A judge cannot be taken in without an approval from the Judicial Council, unless caught in commission of a crime for which an imprisonment sentence in

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 Republic of Serbia Constitution and by the

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 behaviour, the confidence in independence and impartiality of judges and courts.

At the session held on April 15, 2021. The High Judicial Council adopted Amendments to the Rules of Procedure of the High Judicial Council, which prescribes the manner of work and decision-making of the Council not only in cases of political influence on the judiciary - but also in cases of any influence on judges and judiciary (from media, lawyers, business community, civil servants and others).

At the session held on May 13, 2021 the High Judicial Council appointed a judge competent to act in cases of undue influence on judges and the judiciary.

The competent judge is in charge and authorized to: acts upon the requests of judges for protection against undue influence, examines the existence of undue influence expressed in public, through the media, social networks, at public gatherings or in any other public way, obtains the necessary evidence and information on the existence of undue influence, submits a reasoned proposal for convening a session of the Council to decide on the existence of undue influence, at the session of the Council, presents the factual situation and gives a proposal for a decision, cooperates with the competent institutions in conducting training of judges on recognizing and reacting to undue influence, proposes to the Council measures to prevent undue influence, cooperates with the Ethics Committee and disciplinary bodies, keeps records of all cases of undue influence and submits to the Council an annual report on the undue influence on judges and the judiciary.

An important new solution is that the competent judge has the authority to order to the person who is stated in the request to have committed an undue influence to respond to the allegations from the request for protection against

Kosovo*

(2021): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender and its variation between 2018 and 2021 (Tables no. 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Professional judges				Court presidents				Non-judge staff			
	Male	Female	Variation 2018 - 2021		Male	Female	Variation 2018 - 2021		Male	Female	Variation 2018 - 2021	
			Male	Female			Male	Female			Male	Female
Albania	45,3%	54,7%	-7,0	7,0	57,1%	42,9%	-11,3	11,3	30,8%	69,2%	-1,2	1,2
Bosnia and Herzegovina	35,8%	64,2%	-0,3	0,3	46,3%	53,8%	-3,1	3,1	25,4%	74,6%	1,0	-1,0
Montenegro	43,3%	56,7%	3,6	-3,6	68,0%	32,0%	0,0	0,0	26,4%	73,6%	1,2	-1,2
North Macedonia	37,8%	62,2%	-2,7	2,7	52,9%	47,1%	-14,7	14,7	37,9%	62,1%	-0,7	0,7
Serbia	27,7%	72,3%	-1,1	1,1	43,4%	56,6%	-2,0	2,0	27,9%	72,1%	-1,4	1,4
Kosovo*	67,3%	32,7%	-	-	-	-	-	-	53,3%	46,7%	-	-
WB Average	38,0%	62,0%	-1,5	1,5	53,6%	46,4%	-6,2	6,2	30%	70%	-0,2	0,2

For reference only: the 2020 EU median is 61,6% for total female judges and 76% for total female non-judge staff.

Figure 12.1 Distribution of the total male and female judges in 2021

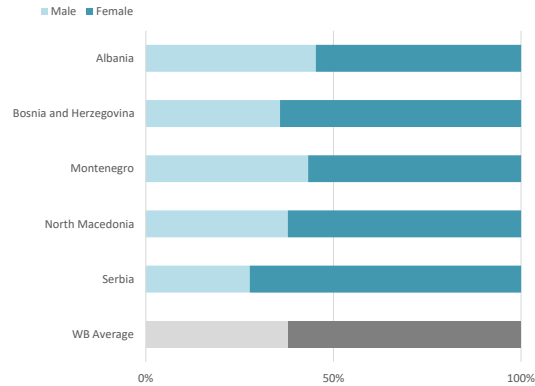


Figure 12.2 Distribution of the total male and female court presidents in 2021

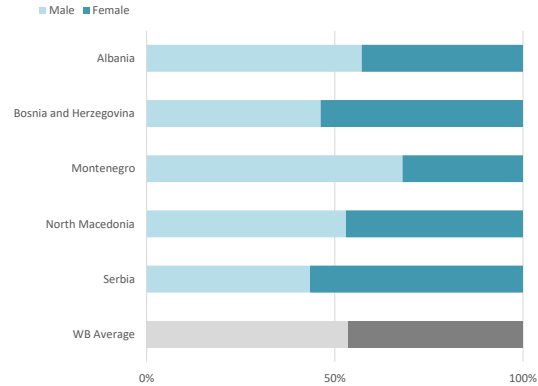
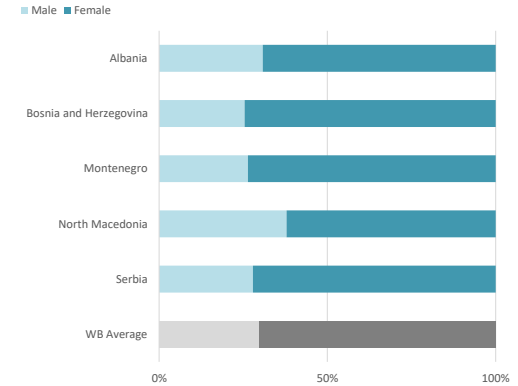


Figure 12.3 Distribution of the total male and female non-judge staff in 2021



* 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

Distribution of prosecution services professionals by gender

Distribution of prosecution services professionals by gender and its variation between 2018 and 2021 (Tables no. 12.1.6, 12.1.8 and 12.1.10)

Beneficiaries	Prosecutors				Heads of prosecution services				Non-prosecutor staff			
	Male	Female	Variation 2018 - 2021		Male	Female	Variation 2018 - 2021		Male	Female	Variation 2018 - 2021	
			Male	Female			Male	Female			Male	Female
Albania	67,8%	32,2%	NA	NA	96,2%	13,8%	NA	NA	44,8%	55,2%	NA	NA
Bosnia and Herzegovina	48,2%	51,8%	-0,2	0,2	61,1%	38,9%	-2,0	2,0	27,2%	72,8%	-2,2	2,2
Montenegro	34,2%	65,8%	-3,6	3,6	52,9%	47,1%	-5,9	5,9	28,7%	71,3%	-3,5	3,5
North Macedonia	43,9%	56,1%	-0,4	0,4	54,5%	45,5%	-13,3	13,3	29,4%	70,6%	-2,6	2,6
Serbia	40,7%	59,3%	-3,6	3,6	54,0%	46,0%	-4,9	4,9	24,5%	75,5%	1,5	-1,5
Kosovo*	53,9%	46,1%	-	-	100,0%	0,0%	-	-	45,0%	55,0%	-	-
WB Average	47%	53%	-1,9	1,9	62%	38%	-6,5	6,5	31%	69%	0,0	0,0

For reference only: the 2019 EU median is 59,5% for total female prosecutors and 71,9% for total female non-prosecutor staff.

Figure 12.4 Distribution of the total male and female prosecutors in 2021

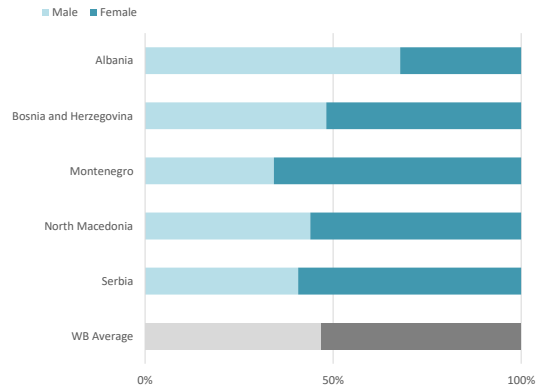


Figure 12.5 Distribution of the total male and female heads of prosecution services in 2021

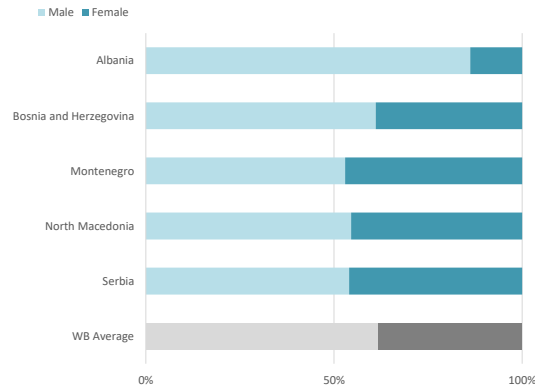
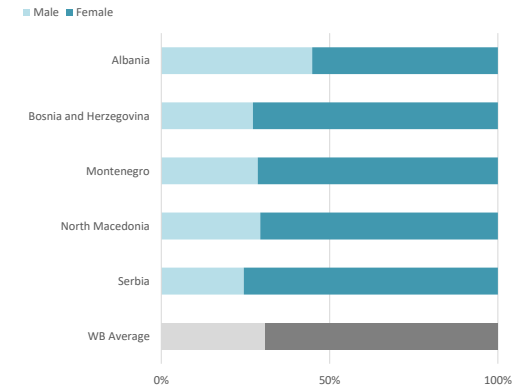


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2021



* 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

12. Gender Equality - List of tables

Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2021 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance in 2018 and 2021 (Q19)

Table 12.1.3 Distribution of total male and female court presidents in 2018 and 2021 (Q19-1)

Table 12.1.4 Distribution of male and female court presidents by instance in 2018 and 2021 (Q19-1)

Table 12.1.5 Distribution of male and female non-judge staff in 2018 and 2021 (Q26)

Table 12.1.6 Distribution of total male and female prosecutors in 2018 and 2021 (Q28)

Table 12.1.7 Distribution of male and female prosecutors by instance in 2018 and 2021 (Q28)

Table 12.1.8 Distribution of total male and female heads of prosecution offices in 2018 and 2021 (Q28-1)

Table 12.1.9 Distribution of male and female heads of prosecution offices by instance in 2018 and 2021 (Q28-1)

Table 12.1.10 Distribution of male and female non-prosecutor staff in 2018 and 2021 (Q32)

Table 12.1.11 Distribution of male and female lawyers in 2018 and 2021 (Q33)

Table 12.1.12 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2021 (Q275 and Q276)

Table 12.1.13 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2021 (Q277)

Table 12.1.14 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021 (Q278 and Q279)

Table 12.1.15 Policies for males/females equality at court and prosecution services level in 2021 (Q283 and Q284)

Table 12.1.16 Measures to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility and existence of evaluation studies or official reports regarding the main causes of possible inequalities in 2021 (Q286 and Q287)

Table 12.1.17 Implemented and planned measures in order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021 (Q285)

Table 12.1.18 Open-ended questions in Indicator 12 (Q280, 281 and 282)

Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2021 (Q19)

Beneficiaries	Total professional judges					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	52,3%	47,7%	45,3%	54,7%	-7,0	7,0
Bosnia and Herzegovina	36,0%	64,0%	35,8%	64,2%	-0,3	0,3
Montenegro	39,7%	60,3%	43,3%	56,7%	3,6	-3,6
North Macedonia	40,5%	59,5%	37,8%	62,2%	-2,7	2,7
Serbia	28,8%	71,2%	27,7%	72,3%	-1,1	1,1
Kosovo*	-	-	67,3%	32,7%	-	-
Average	39,5%	60,5%	38,0%	62,0%	-1,5	1,5
Median	39,7%	60,3%	37,8%	62,2%	-1,1	1,1
Minimum	28,8%	47,7%	27,7%	54,7%	-7,0	-3,6
Maximum	52,3%	71,2%	45,3%	72,3%	3,6	7,0

* 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 2018 and 2021 (Q19)

Beneficiaries	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	49,0%	51,0%	44,3%	55,7%	-4,7	4,7	58,4%	41,6%	42,4%	57,6%	-16,0	16,0	87,5%	12,5%	90,0%	10,0%	2,5	-2,5
Bosnia and Herzegovina	37,1%	62,9%	37,9%	62,1%	0,8	-0,8	31,7%	68,3%	29,1%	70,9%	-2,5	2,5	38,1%	61,9%	36,2%	63,8%	-1,9	1,9
Montenegro	40,0%	60,0%	43,6%	56,4%	3,6	-3,6	42,1%	57,9%	44,8%	55,2%	2,7	-2,7	26,3%	73,7%	16,7%	83,3%	-9,6	9,6
North Macedonia	37,9%	62,1%	36,5%	63,5%	-1,5	1,5	43,6%	54,5%	40,2%	59,8%	-5,3	5,3	42,1%	57,9%	52,6%	47,4%	10,5	-10,5
Serbia	29,6%	70,4%	28,6%	71,4%	-1,0	1,0	22,2%	77,8%	20,8%	79,2%	-1,4	1,4	39,0%	61,0%	30,2%	69,8%	-8,8	8,8
Kosovo*	-	-	67,3%	34,2%	-	-	-	-	73,5%	26,5%	-	-	-	-	71,4%	28,6%	-	-
Average	38,7%	61,3%	38,2%	61,8%	-0,5	0,5	39,6%	60,0%	35,5%	64,5%	-4,5	4,5	46,6%	53,4%	45,1%	54,9%	-1,5	1,5
Median	37,9%	62,1%	37,9%	62,1%	-1,0	1,0	42,1%	57,9%	40,2%	59,8%	-2,5	2,5	39,0%	61,0%	36,2%	63,8%	-1,9	1,9
Minimum	29,6%	51,0%	28,6%	55,7%	-4,7	-3,6	22,2%	41,6%	20,8%	55,2%	-16,0	-2,7	26,3%	12,5%	16,7%	10,0%	-9,6	-10,5
Maximum	49,0%	70,4%	44,3%	71,4%	3,6	4,7	58,4%	77,8%	44,8%	79,2%	2,7	16,0	87,5%	73,7%	90,0%	83,3%	10,5	9,6

* 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 total male and female court presidents in 2018 and 2021 (Q19-1)

Beneficiaries	Total court presidents					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	68,4%	31,6%	57,1%	42,9%	-11,3	11,3
Bosnia and Herzegovina	49,4%	50,6%	46,3%	53,8%	-3,1	3,1
Montenegro	68,0%	32,0%	68,0%	32,0%	0,0	0,0
North Macedonia	67,6%	32,4%	52,9%	47,1%	-14,7	14,7
Serbia	45,5%	54,5%	43,4%	56,6%	-2,0	2,0
Kosovo*	-	-	-	-	-	-
Average	59,8%	40,2%	53,6%	46,4%	-6,2	6,2
Median	67,6%	32,4%	52,9%	47,1%	-3,1	3,1
Minimum	45,5%	31,6%	43,4%	32,0%	-14,7	0,0
Maximum	68,4%	54,5%	68,0%	56,6%	0,0	14,7

* 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 male and female court presidents by instance in 2018 and 2021 (Q19-1)

Beneficiaries	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	64,3%	35,7%	54,5%	45,5%	-9,7	9,7	77,8%	22,2%	66,7%	33,3%	-11,1	11,1	100,0%	0,0%	-	-	-	-
Bosnia and Herzegovina	49,1%	50,9%	45,8%	54,2%	-3,4	3,4	47,1%	52,9%	50,0%	50,0%	2,9	-2,9	66,7%	33,3%	33,3%	66,7%	-33,3	33,3
Montenegro	65,0%	35,0%	65,0%	35,0%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
North Macedonia	71,4%	28,6%	57,1%	42,9%	-14,3	14,3	40,0%	60,0%	40,0%	60,0%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	100,0	100,0
Serbia	44,9%	55,1%	42,8%	57,2%	-2,1	2,1	50,0%	50,0%	66,7%	33,3%	16,7	-16,7	100,0%	0,0%	0,0%	100,0%	100,0	100,0
Kosovo*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Average	58,9%	41,1%	53,0%	47,0%	-5,9	5,9	63,0%	37,0%	64,7%	35,3%	1,7	-1,7	73,3%	26,7%	8,3%	91,7%	-58,3	58,3
Median	64,3%	35,7%	54,5%	45,5%	-3,4	3,4	50,0%	50,0%	66,7%	33,3%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	-66,7	66,7
Minimum	44,9%	28,6%	42,8%	35,0%	-14,3	0,0	40,0%	0,0%	40,0%	0,0%	-11,1	-16,7	0,0%	0,0%	0,0%	66,7%	-100,0	0,0
Maximum	71,4%	55,1%	65,0%	57,2%	0,0	14,3	100,0%	60,0%	100,0%	60,0%	16,7	11,1	100,0%	100,0%	33,3%	100,0%	0,0	100,0

* 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 non-judge staff in 2018 and 2021 (Q26)

Beneficiaries	Total non-judge staff					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	29,8%	68,0%	30,8%	69,2%	-1,2	1,2
Bosnia and Herzegovina	24,4%	75,6%	25,4%	74,6%	1,0	-1,0
Montenegro	25,3%	74,7%	26,4%	73,6%	1,2	-1,2
North Macedonia	38,6%	61,4%	37,9%	62,1%	-0,7	0,7
Serbia	29,3%	70,7%	27,9%	72,1%	-1,4	1,4
Kosovo*	-	-	53,3%	46,7%	-	-
Average	29,4%	70,1%	29,7%	70,3%	-0,2	0,2
Median	29,3%	70,7%	27,9%	72,1%	-0,7	0,7
Minimum	24,4%	61,4%	25,4%	62,1%	-1,4	-1,2
Maximum	38,6%	75,6%	37,9%	74,6%	1,2	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 calculation of summary statistics*

Table 12.1.6 Distribution of total male and female prosecutors in 2018 and 2021 (Q28)

Beneficiaries	Total prosecutors					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	67,8%	32,2%	NA	NA
Bosnia and Herzegovina	48,4%	51,6%	48,2%	51,8%	-0,2	0,2
Montenegro	37,8%	62,2%	34,2%	65,8%	-3,6	3,6
North Macedonia	44,3%	55,7%	43,9%	56,1%	-0,4	0,4
Serbia	44,3%	55,7%	40,7%	59,3%	-3,6	3,6
Kosovo*	-	-	53,9%	46,1%	-	-
Average	43,7%	56,3%	47,0%	53,0%	-1,9	1,9
Median	44,3%	55,7%	43,9%	56,1%	-2,0	2,0
Minimum	37,8%	51,6%	34,2%	32,2%	-3,6	0,2
Maximum	48,4%	62,2%	67,8%	65,8%	-0,2	3,6

* 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 prosecutors by instance in 2018 and 2021 (Q28)

Beneficiaries	First instance prosecutors						Second instance (court of appeal) prosecutors						Supreme Court prosecutors					
	2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	68,9%	31,1%	NA	NA	NA	NA	50,0%	50,0%	NA	NA	NA	NA	75,0%	25,0%	NA	NA
Bosnia and Herzegovina	48,3%	51,7%	47,1%	52,9%	-1,2	1,2	NAP	NAP	NAP	NAP	NAP	NAP	48,7%	51,3%	51,9%	48,1%	3,2	-3,2
Montenegro	38,2%	61,8%	34,5%	65,5%	-3,7	3,7	33,3%	66,7%	35,0%	65,0%	1,7	-1,7	44,4%	55,6%	28,6%	71,4%	-15,9	15,9
North Macedonia	40,5%	59,5%	40,3%	59,7%	-0,3	0,3	53,6%	46,4%	50,0%	50,0%	-3,6	3,6	77,8%	22,2%	87,5%	12,5%	9,7	-9,7
Serbia	43,0%	57,0%	38,8%	61,2%	-4,2	4,2	60,4%	39,6%	53,7%	46,3%	-6,7	6,7	50,0%	50,0%	50,0%	50,0%	0,0	0,0
Kosovo*	-	-	52,0%	48,0%	-	-	-	-	80,0%	20,0%	-	-	-	-	75,0%	25,0%	-	-
Average	42,5%	57,5%	45,9%	54,1%	-2,3	2,3	49,1%	50,9%	47,2%	52,8%	-2,9	2,9	55,2%	44,8%	58,6%	41,4%	-0,7	0,7
Median	41,8%	58,2%	40,3%	59,7%	-2,4	2,4	53,6%	46,4%	50,0%	50,0%	-3,6	3,6	49,3%	50,7%	51,9%	48,1%	1,6	-1,6
Minimum	38,2%	51,7%	34,5%	31,1%	-4,2	0,3	33,3%	39,6%	35,0%	46,3%	-6,7	-1,7	44,4%	22,2%	28,6%	12,5%	-15,9	-9,7
Maximum	48,3%	61,8%	68,9%	65,5%	-0,3	4,2	60,4%	66,7%	53,7%	65,0%	1,7	6,7	77,8%	55,6%	87,5%	71,4%	9,7	15,9

* 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 Distribution of total male and female heads of prosecution offices in 2018 and 2021 (Q28-1)

Beneficiaries	Total heads of prosecution offices					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	86,2%	13,8%	NA	NA
Bosnia and Herzegovina	63,2%	36,8%	61,1%	38,9%	-2,0	2,0
Montenegro	58,8%	41,2%	52,9%	47,1%	-5,9	5,9
North Macedonia	67,9%	32,1%	54,5%	45,5%	-13,3	13,3
Serbia	58,9%	41,1%	54,0%	46,0%	-4,9	4,9
Kosovo*	-	-	100,0%	0,0%	-	-
Average	62,2%	37,8%	61,8%	38,2%	-6,5	6,5
Median	61,0%	39,0%	54,5%	45,5%	-5,4	5,4
Minimum	58,8%	32,1%	52,9%	13,8%	-13,3	2,0
Maximum	67,9%	41,2%	86,2%	47,1%	-2,0	13,3

* 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*

Table 12.1.9 Distribution of male and female heads of prosecution offices by instance in 2018 and 2021 (Q28-1)

Beneficiaries	First instance heads of prosecution offices						Second instance (court of appeal) heads of prosecution offices						Supreme Court heads of prosecution offices					
	2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021		2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	86,4%	13,6%	NA	NA	NA	NA	83,3%	16,7%	NA	NA	NA	NA	100,0%	0,0%	NA	NA
Bosnia and Herzegovina	64,7%	35,3%	56,3%	43,8%	-8,5	8,5	NAP	NAP	NAP	NAP	NAP	NAP	50,0%	50,0%	100,0%	0,0%	50,0	50,0
Montenegro	57,1%	42,9%	53,8%	46,2%	-3,3	3,3	50,0%	50,0%	66,7%	33,3%	16,7	16,7	100,0%	0,0%	0,0%	100,0%	-100,0	100,0
North Macedonia	65,2%	34,8%	47,1%	52,9%	-18,2	18,2	75,0%	25,0%	75,0%	25,0%	0,0	0,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Serbia	58,8%	41,2%	55,3%	44,7%	-3,5	3,5	75,0%	25,0%	50,0%	50,0%	25,0	25,0	0,0%	100,0%	0,0%	100,0%	0,0	0,0
Kosovo*	-	-	100,0%	0,0%	-	-	-	-	100,0%	0,0%	-	-	-	-	100,0%	0,0%	-	-
Average	61,5%	38,5%	59,8%	40,2%	-8,4	8,4	66,7%	33,3%	68,8%	31,3%	-2,8	2,8	62,5%	37,5%	60,0%	40,0%	-12,5	12,5
Median	61,8%	38,2%	55,3%	44,7%	-6,0	6,0	75,0%	25,0%	70,8%	29,2%	0,0	0,0	75,0%	25,0%	100,0%	0,0%	0,0	0,0
Minimum	57,1%	34,8%	47,1%	13,6%	-18,2	3,3	50,0%	25,0%	50,0%	16,7%	-25,0	-16,7	0,0%	0,0%	0,0%	0,0%	-100,0	-50,0
Maximum	65,2%	42,9%	86,4%	52,9%	-3,3	18,2	75,0%	50,0%	83,3%	50,0%	16,7	25,0	100,0%	100,0%	100,0%	100,0%	50,0	100,0

* 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 12.1.10 Distribution of male and female non-prosecutor staff in 2018 and 2021 (Q32)

Beneficiaries	Total non-prosecutor staff					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	44,8%	55,2%	NA	NA
Bosnia and Herzegovina	29,4%	70,6%	27,2%	72,8%	-2,2	2,2
Montenegro	25,2%	74,8%	28,7%	71,3%	3,5	-3,5
North Macedonia	32,1%	67,9%	29,4%	70,6%	-2,6	2,6
Serbia	23,0%	77,0%	24,5%	75,5%	1,5	-1,5
Kosovo*	-	-	45,0%	55,0%	-	-
Average	27,4%	72,6%	30,9%	69,1%	0,0	0,0
Median	27,3%	72,7%	28,7%	71,3%	-0,3	0,3
Minimum	23,0%	67,9%	24,5%	55,2%	-2,6	-3,5
Maximum	32,1%	77,0%	44,8%	75,5%	3,5	2,6

* 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 Distribution of male and female lawyers in 2018 and 2021 (Q33)

Beneficiaries	Lawyers					
	2018		2021		Variation (in percentage points) 2018 - 2021	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA		NA	NA	NA
Bosnia and Herzegovina	69,6%	30,4%	68,1%	31,9%	-1,5	1,5
Montenegro	67,6%	32,4%	66,3%	33,7%	-1,3	1,3
North Macedonia	48,6%	51,4%	49,9%	50,1%	1,3	-1,3
Serbia	65,0%	35,0%	NA	NA	NA	NA
Kosovo*	-	-	77,5%	22,5%	-	-
Average	62,7%	37,3%	61,5%	38,5%	-0,5	0,5
Median	66,3%	33,7%	66,3%	33,7%	-1,3	1,3
Minimum	48,6%	30,4%	49,9%	31,9%	-1,5	-1,3
Maximum	69,6%	51,4%	68,1%	50,1%	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*

Table 12.1.12 Specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2021 (Q275 and Q276)

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedure of recruiting						Specific provisions for facilitating gender equality within the framework of the procedures for promoting				
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries
Albania											
Bosnia and Herzegovina											
Montenegro											
North Macedonia											
Serbia											
Kosovo*											

Yes
No
NA
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.

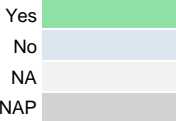
within the

Enforcement agents



Table 12.1.13 Existence of specific provisions for facilitating gender equality within the framework of the procedures for the appointment of court presidents and heads of prosecution services in 2021 (Q277)


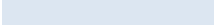
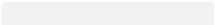

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment	
	Court presidents	Heads of prosecution services
Albania		
Bosnia and Herzegovina		
Montenegro		
North Macedonia		
Serbia		
Kosovo*		



* 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.

Table 12.1.14 Existence of an overarching document on gender equality that applies specifically to the judiciary and existence of a specific person/institution dealing with gender issues in the justice system in 2021 (Q278 and Q279)


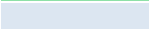
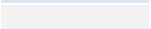

Beneficiaries	At national level						
	Existence of an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary	Existence of specific person/institution dealing with gender issues in the justice system concerning:					
		Recruitment of judges	Promotion of judges	Recruitment of prosecutors	Promotion of prosecutors	Recruitment of non-judge staff	Promotion of non-judge staff
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							

Yes 
 No 
 NA 
 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.

Table 12.1.15 Policies for males/females equality at court and prosecution services level in 2021 (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*										

Yes 
 No 
 NA 
 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.

Table 12.1.16 Measures to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility and existence of evaluation studies or official reports regarding the main causes of possible inequalities in 2021 (Q286 and Q287)

Beneficiaries	Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons	Evaluation studies or official reports regarding the main causes of possible inequalities with regard to:				
		Recruitment procedures	Appointment to the position of court president	Appointment to the position of head of prosecution services	Promotion procedures and access to the functions of responsibility	Other studies
Albania						
Bosnia and Herzegovina						
Montenegro						
North Macedonia						
Serbia						
Kosovo*						

Yes	
No	
NA	
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.

Table 12.1.17 Implemented and planned measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility in 2021 (Q285)

Beneficiaries	Measures In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility		
	Implemented	Planned	In case the situation has changed since the reference year
Albania	NAP	NAP	NAP
Bosnia and Herzegovina	NAP	NAP	NAP
Montenegro	NAP	NAP	NAP
North Macedonia	See answers Q275 and Q278	See answers Q275 and Q278	See answers Q275 and Q278
Serbia	<p>As statistics point out, gender balance in Serbian judiciary is generally present in terms to access to different judicial professions.</p> <p>With respect to the promotion of non-judge staff, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues in 2016 and 2018. Namely, on 1 June 2018, the Commissioner for Protection of Equality in Serbia issued 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/). This is a follow-up on the recommendations issued on April 20, 2016 by the Commissioner, following an application filed by S.V. and A.M.M. from Kragujevac against the Basic Court in Kragujevac. The applicants were denied promotion under same conditions as other employees due to maternity leave and childcare parental leave. The applicants stated in their complaints that during 2012 and 2013 they received maximum job performance marks but that in 2015 they failed to be promoted as they were not given a job performance mark in 2014 since they were on maternity and childcare parental leave respectively. The Basic Court in Kragujevac stated in its justification that applicants were not eligible for promotion as they had not received the highest job performance mark for the second year in the row since they were not assessed in 2014. The Commissioner for the Protection of Equality has issued a recommendation to the Basic Court in Kragujevac instructing them to implement the regulations governing the promotion of civil servants correctly and in such a way as to prevent putting them in a disadvantaged position due to a protected characteristics, that is, the Court is advised to consider the possibilities for</p>	N/A	N/A
Kosovo*	Based on Article 9 paragraph 4 of the Law on the Kosovo Prosecutorial Council and Article 5 of the Regulation on the Election of Prosecutorial Members of the Prosecutorial Council, the Council ensures that there is gender and ethnic representation in the composition of the members. At the moment, out of 11 members of the KPC, 4 are women.	NA	NA

* 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 12.1.18 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.	Question 281.	Question 282.
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	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 of labor and social policy. (2)The procedure in the Ministry shall be led by the representative. (3)The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and men. Act of the legal representative has a character of opinion and recommendation.	1. Ombudsman - Independent 2. Commission for Anti-discrimination - Independent Commission formed by Law (Law on prevention and protection against discrimination) 3. Regular courts 4. Constitutional court See also answers Q279 and Q280	1. Act of the legal representative in the Ministry of labor and social policy has a character of opinion and recommendation. 2. Recommendations by Ombudsman 3. Commission for Anti-discrimination: - Act upon applications, and give opinions, recommendations and conclusions on specific cases of discrimination; - Initiate ex officio proceedings for protection against discrimination; - Provide information to any person interested in his/her rights and opportunities of initiating judicial or other proceedings for protection against discrimination; - Monitor the implementation of opinions and recommendations given regarding particular cases of discrimination up until the fulfillment of such recommendations made by the Commission; - Initiate and appear as an intervener in court proceedings for protection against discrimination; - On request by the party or on its own initiative may request the court to allow the Commission to act as a friend of the court (amicus curiae); - Quarterly inform the public about discrimination cases in a manner determined by an act of the Commission; - Share its opinions, findings and recommendations and address the public through any media 4. Courts - block a decisions and allow an appeal 5. Constitutional court - protection of individual human rights (annuls the decision)
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://ravkopravnost.gov.rs/en/gender-equality-in-serbia-and-prevention-of-discrimination-against-women/ .
Kosovo*	Statute of the Forum of Women Judges and Prosecutors, June 2019	Independent association	Its opinions/decisions have no legal consequences and it has more consultative function.

* 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 12-Gender Equality

by country

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

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. Are there evaluation studies or official reports regarding the main causes of possible inequalities with Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims,

Albania

Q277 (2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

Q279 (2021): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Bosnia and Herzegovina

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 promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender 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 promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender Strategy on Improving Gender Equality in the Judiciary of Bosnia and Herzegovina, based on which all judicial institutions will prepare their implementation plans.

The Strategy is available here: <https://pravosudje.ba/vstvfo/E/141/article/95500> 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 2021, the HJPC has carried out the piloting phase of implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH, in order to create good practices, which will be applied to other judicial institutions.

The piloting phase of implementation of the Strategy was carried out in four judicial institutions in the period March – October 2021.

In cooperation with pilot judicial institutions and Swedish experts, the HJPC has commenced the preparation of activities, with the purpose of implementing the Strategy in the entire judiciary of BiH, within the Project Improving

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.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

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.

initiated in 2021 - Plaintiffs: 62% (Male), 38% (Female).

First instance civil litigious cases initiated in 2021 - Defendants: 63% (Male), 37% (Female).

First instance administrative cases initiated in 2020 - Plaintiffs: 69% (Male), 31% (Female).

First instance criminal cases - Defendants: 92% (Male), 8% (Female).

First instance criminal cases Injured by Criminal Offence: 66% (Male), 34%(Female).

Montenegro

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 the heads of the state

prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate

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 the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the

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 the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the

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

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 Council and Total Balance in the Judiciary, which are public.

Q287 (2021): The mentioned categories of persons are entered through the information system (PRIS).

North Macedonia

article 3 of the draft Law on Gender Equality, " The Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorizations and all other legal entities in the area of: ... 4) Judiciary and administration". (see also comment and attachment for Q278)

Q276 (2021): See answers Q275 and Q278

Q277 (2021): See answers Q275 and Q278

Q277 (2020): Attachments: "Law on Equal Opportunities for women and men promulgated in 2012" and "Strategy on 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 for gender equality is in the final stage of preparation.

promulgated in 2012" (in attach documents 2 and 3) are implemented.

The Government of the Republic of North Macedonia on July 19, 2021 adopted the text of the new Strategy for Gender Equality 2021-2026, now in the parliamentary procedure for adoption. The Strategy is the basic strategic document of the Republic of North Macedonia, which establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. The Strategy is adopted for a period of six years 2021 - 2026, as a fourth strategic document in this area. According to the new Strategy 2021-2026, one of the priority areas is Policy and Decision making. It is necessary to increase the number of women in decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established and where women's participation is very low, according to the Commitment 50 -50. The increase in the number of women decision-makers should be done through incentive measures, and awareness rising, as well as binding legal measures. It is especially important to encourage women to participate in the decision-making structures in the local self-government units, where decisions and measures are made that directly affect the quality of life in the local self-government units. In order to improve the position of

Q278 (2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men promulgated in 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 representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Q286 (2021): There are no problems in these areas.

Serbia

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 regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public 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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on 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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on 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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on 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 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 candidates for court 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

Q278 (2020): NAP

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 of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

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 of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

Q287 (2021): Relevant statistics do not exist.

Q287 (2020): Relevant statistics do not exist.

Kosovo*

Q275 (2020): Prosecutors : Article 7, paragraph 5 and article 20 par. 6 of the Law on Kosovo Prosecutorial Council 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 can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.

Q277 (2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.

The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by

Q286 (2021): Report of British Project "Institutional Gender and social inclusion assessment of the Kosovo

Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

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. Are there evaluation studies or official reports regarding the main causes of possible inequalities with Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims,

Question 275

Bosnia and Herzegovina

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 promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender

Montenegro

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 the heads of the state

prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate

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 the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the

North Macedonia

article 3 of the draft Law on Gender Equality, " The Law shall be applied by all state bodies, units of the local self-government, legal entities with public authorizations and all other legal entities in the area of: ... 4) Judiciary and administration". (see also comment and attachment for Q278)

Serbia

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 regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public

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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on

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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on

Kosovo*

(2020): Prosecutors : Article 7, paragraph 5 and article 20 par. 6 of the Law on Kosovo Prosecutorial Council

Question 276

Bosnia and Herzegovina

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 promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender

Montenegro

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 the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the

North Macedonia

(2021): See answers Q275 and Q278

Serbia

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 the High Judicial Council ("Official Gazette of RS", No.7/18) Article 46-g prescribes that in the process of proposing a candidate and election of judge, discrimination on

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 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 candidates for court

Kosovo*

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 can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.

Question 277

Albania

(2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

Montenegro

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

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

Council and Total Balance in the Judiciary, which are public.

North Macedonia

(2021): See answers Q275 and Q278

(2020): Attachments: "Law on Equal Opportunities for women and men promulgated in 2012" and "Strategy on

Serbia

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

Kosovo*

(2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: <https://gzk.rks->

Question 278

Bosnia and Herzegovina

on Improving Gender Equality in the Judiciary of Bosnia and Herzegovina, based on which all judicial institutions will prepare their implementation plans.

The Strategy is available here: <https://pravosudje.ba/vstvfo/E/141/article/95500> 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 2021, the HJPC has carried out the piloting phase of implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH, in order to create good practices, which will be applied to other judicial institutions.

The piloting phase of implementation of the Strategy was carried out in four judicial institutions in the period March – October 2021.

In cooperation with pilot judicial institutions and Swedish experts, the HJPC has commenced the preparation of activities, with the purpose of implementing the Strategy in the entire judiciary of BiH, within the Project Improving

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.

North Macedonia

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 for gender equality is in the final stage of preparation.

promulgated in 2012" (in attach documents 2 and 3) are implemented.

The Government of the Republic of North Macedonia on July 19, 2021 adopted the text of the new Strategy for Gender Equality 2021-2026, now in the parliamentary procedure for adoption. The Strategy is the basic strategic document of the Republic of North Macedonia, which establishes a comprehensive framework of activities for the promotion of gender equality and the promotion of the status of women. The Strategy is adopted for a period of six years 2021 - 2026, as a fourth strategic document in this area. According to the new Strategy 2021-2026, one of the priority areas is Policy and Decision making. It is necessary to increase the number of women in decision-making positions in the executive branch, political parties, media, sports, local self-government, and also in all areas where no legal solutions or quotas are established and where women's participation is very low, according to the Commitment 50 -50. The increase in the number of women decision-makers should be done through incentive measures, and awareness rising, as well as binding legal measures. It is especially important to encourage women to participate in the decision-making structures in the local self-government units, where decisions and measures are made that directly affect the quality of life in the local self-government units. In order to improve the position of

(2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men promulgated in 2012"

Serbia

(2020): NAP

Question 279

Albania

(2021): At national level, there is an independent institution dealing with gender equality issues which is the

Commissioner against Discrimination.

Bosnia and Herzegovina

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

North Macedonia

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 representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of

between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Serbia

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 of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

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 of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

Kosovo*

independent association registered according to the legislation in force. The activities of this forum are based on the Statute approved by its members. All members belong to the female gender.

The executive of the forum is the board of representatives which has 9 members. The Board is chaired by the Chair of the Forum. The main purpose of this forum is to empower the presence of women in the justice system by

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.

Question 286

North Macedonia

(2021): There are no problems in these areas.

Kosovo*

(2021): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution

Question 287

Bosnia and Herzegovina

initiated in 2021 - Plaintiffs: 62% (Male), 38% (Female).

First instance civil litigious cases initiated in 2021 - Defendants: 63% (Male), 37% (Female).

First instance administrative cases initiated in 2020 - Plaintiffs: 69% (Male), 31% (Female).

First instance criminal cases - Defendants: 92% (Male), 8% (Female).

First instance criminal cases Injured by Criminal Offence: 66% (Male), 34%(Female).

Montenegro

(2021): The mentioned categories of persons are entered through the information system (PRIS).

Serbia

(2021): Relevant statistics do not exist.

(2020): Relevant statistics do not exist.

Annex 1

List of all tables presented in the Study

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

1. Budget - Overview

1. Budget - List of tables

Table 1.1.0 Approved court budget in 2021 in € (Q4)

Table 1.1.1 Implemented court budget in 2021 in € (Q4)

Table 1.1.2 Distribution of annual implemented court budget in 2021 (Q4)

(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 2021 (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 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

2021 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.7 Evolution of the implemented budget of the judicial system in € per capita from 2018 to 2021 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

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 and 2021 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.9 Estimated percentage of the external donor's contribution compared with the implemented judicial system and whole justice system budget between 2019 and 2021 (Q11)

Table 1.1.10 Whole justice system budget and its elements in 2021 (Q7, Q8 and Q9)

Table 1.1.11 Evolution of the whole justice system budget in € per capita between 2018 and 2021 (Q1 and Q7)

Indicator 1 - Budget

Indicator 1 - Budget

2. Profile of judiciary - Overview

2. Professionals - List of tables

Table 2.1.1 Salaries of judges and prosecutors in € in 2021 (Q15)

Table 2.1.2 Salaries of judges and prosecutors in local currency in 2021 (Q15)

Q15)

Table 2.1.4 Net annual salaries of judges (in €) between 2018 and 2021 (Q15)

(Q14, Q15)

Table 2.1.6 Net annual salaries of prosecutors (in €) between 2018 and 2021 (Q15)

Table 2.1.7 Additional benefits and productivity bonuses for judges and prosecutors in 2021 (Q16 and Q18)

Table 2.1.8 Other financial benefits for judges and prosecutors in 2021 (Q17)

Table 2.2.1 Number of professional judges by instance between 2018 and 2021 (Q19)

Table 2.2.2 Distribution of professional judges by instance between 2019 and 2021 (Q19)

Table 2.2.3 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2021 (Q19)

Table 2.2.4 Professional judges on occasional basis and non-professional judges in 2021 (Q20, Q21, Q22, Q23, Q24)

Table 2.2.5 Number of court presidents (professional judges) by instance in 2018 and 2021 (Q19-1)

Table 2.2.6 Number of court presidents (professional judges) per 100 000 inhabitants by instance in 2018 and 2021 (Q19-1)

Table 2.2.7 Number of professional judges per court presidents by instance in 2021 (Q19 and Q19-1)

Q30, Q31)

Table 2.2.9 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2021 (Q28)

Table 2.2.10 Number of heads of prosecution offices by instance in 2018 and 2021 (Q28-1)

Table 2.2.11 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2021 (Q28-1)

Table 2.2.12 Number of prosecutors per head of prosecution offices by instance in 2021 (Q28 and Q28-1)

Table 2.2.13 Number of non-judge staff by type between 2018 and 2021 (Q26)

Table 2.2.14 Number and distribution of non-judge staff by instance between 2018 and 2021 (Q27)

Table 2.2.15 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q1 and Q27)

Table 2.2.16 Ratio of non-judge staff and professional judges between 2018 and 2021 (Q19, Q27)
Q32)

Table 2.2.18 Ratio of non-prosecutor staff and prosecutors between 2018 and 2021 (Q28, Q32)

Table 2.2.19 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2021 (Q33 and Q34)

Table 2.2.20 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 - Overview

3. Efficiency - List of tables

3.1 First instance cases

Table 3.1.1 First instance courts: number of other than criminal law cases in 2021 (Q35)

Table 3.1.2 First instance courts: number of other than criminal law cases per 100 inhabitants in 2021 (Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal law cases between 2020 and 2021 (Q35)
2 years in 2021 (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 2020 and 2021 (Q38)

Table 3.1.6 First instance courts: number of Criminal law cases in 2021 (Q38)

Table 3.1.7 First instance courts: number of Criminal law cases per 100 inhabitants in 2021 (Q38)

Table 3.1.8 First instance courts: percentage variation of the number of criminal law cases between 2020 and 2021 (Q38)
2021 (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 2020 and 2021 (Q38)

3.1 Second instance courts

Table 3.1.11 Second instance courts (appeal): Number of "other than criminal law" cases in 2021 (Q39)

Table 3.1.12 Second instance courts (appeal): Number of other than criminal cases per 100 inhabitants in 2021 (Q39)
and 2021 (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 2021 (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 2020 and 2021 (Q39)

Table 3.1.16 Second instance courts (appeal): Number of criminal law cases in 2021 (Q40)

Table 3.1.17 Second instance courts (appeal): Number of Criminal law cases per 100 inhabitants in 2021 (Q40)

Table 3.1.18 Second instance courts (appeal): percentage variation in number of criminal law cases between 2020 and 2021 (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 2021 (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 2020 and 2021 (Q38)

3.1 Special category cases

Table 3.1.21 Special category cases: Civil and commercial litigious cases and Litigious divorce cases in 2021 (Q41)

Table 3.1.22 Special category cases: Employment dismissal cases and Insolvency cases in 2021 (Q41)

Table 3.1.23 Special category cases: Robbery cases and Intentional homicide cases in 2021 (Q41)

Table 3.1.24 Special category cases: Bribery cases and Trading in influence cases in 2021 (Q41)
appeal, variation of average length of proceedings and variation of cases perding for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.26 Employment dismissal cases and Insolvency cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases perding for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.27 Robbery cases and Intentional homicide cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases perding for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.28 Bribery and Trading in influence cases: Variation of the percentage of decisions subject to appeal, variation of average length of proceedings and variation of cases perding for more than 3 years between 2020 and 2021 (Q41)

Table 3.1.29 Open questions in Indicator 3.1: case categories included in Civil (and commercial) non-litigious cases and in other cases in the Other than criminal law cases (Q36 and Q37)

3.2 Monitoring and evaluation of courts', judges' and prosecutors' activities

Table 3.2.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2021 (Q42 and Q43)

Table 3.2.2 Performance and quality indicators at court level in 2021 (Q44 and Q45)

Table 3.2.3 Performance and quality indicators at public prosecution services level in 2021 (Q46 and Q47)

Table 3.2.4 Evaluation of the performance at court level in 2021 (Q48, Q49, Q50, Q51 and Q56)

Table 3.2.5 Evaluation of performance at public prosecution services level in 2021 (Q52, Q53, Q54, Q55 and Q57)

Table 3.2.6 Measuring courts' activity in 2021 (Q58)

Table 3.2.7 Measuring public prosecution services' activity in 2021 (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 2021 (Q60 and Q61)

Q70 and Q71)

Table 3.2.10 Existence of a process or a structure of dialogue implemented by courts in 2021 (Q72 and Q73)

Table 3.2.11 Performance and evaluation of judges in 2021 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.2.12 Performance and evaluation of public prosecutors in 2021 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

3.3 Electronic case management system and court activity statistics

Table 3.3.1 IT Strategy and Case management system in 2021 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.3.2 CMS Index in 2021 (Q83)

Table 3.3.3 Centralised national database of court decisions in 2021 (Q84, Q85)

Indicator 3 - Efficiency and productivity

Indicator 3 - Efficiency and productivity

4. Access to justice - Overview

4. Access to justice - List of tables

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2021 (Q12, Q13-1 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2021 (Q13, Q13-1 and Q13-2)
2021 (Q1 and Q13)

Table 4.1.4 Access to justice - Distribution of the Total implemented budget for legal aid between cases brought to court and cases not brought to court and between criminal cases and other than criminal cases in 2021 (Q1 and Q13)

Table 4.1.5 Access to justice - Number of cases for which legal aid was granted in 2021 (Q86)

Table 4.1.6 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2021 (Q1, Q86)

Table 4.1.7 Access to justice - Average amount per case for which legal aid was granted in 2021 (Q13 and Q86)

Table 4.1.8 Income and assets evaluation for granting full or partial legal aid in 2021 (Q87, Q88)

Table 4.1.9 Timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request in 2021 (Q88-1)

Table 4.1.10 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, to minors and victims of domestic violence in 2021 (Q163)

Table 4.1.11 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities, juvenile offenders and other victims in 2021 (Q163)

Indicator 4. Access to justice-legal aid

Indicator 4. Access to justice-legal aid

5. and 6. Appointment, recruitment and promotion of judges and prosecutors - Overview

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

Table 5.1.1 Recruitment of judges and prosecutors in 2021 (Q89 and Q111)

Table 5.1.2 Entry criteria to become a judge in 2021 (Q90)

Table 5.1.3 Entry criteria to become a prosecutor in 2021 (Q112)

Table 5.1.4 Authority competent for evaluation and decision during the entry selection of judges in 2021 (Q91 and Q96)

Table 5.1.6 Authority competent for evaluation and decision during the entry selection of prosecutors in 2021 (Q113) (Q117 and Q118)

Table 5.1.8 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2021 (Q92, Q93 and Q94)

Table 5.1.9 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2021 (Q114, Q115 and Q116)

Table 5.1.10 Criteria in the selection procedure (after exam/interview, etc) for judges in 2021 (Q97) in 2021 (Q97-1)

Table 5.1.12 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2021 (Q119) evaluation", in 2021 (Q119-1)

Table 5.1.14 Authority competent for selection of judges and prosecutors in 2021 (Q98 and Q120)

Table 5.1.15 Authority competent for the final appointment of judges in 2021 (Q99 and Q100)

Table 5.1.16 Authority competent for the final appointment of prosecutors in 2021 (Q121 and Q121-1)

Table 5.1.17 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q101 and Q102)

Table 5.1.18 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2021 (Q122 and Q123)

Table 5.1.19 Methods to check the integrity of candidate judges and prosecutors in 2021 (Q103 and Q124)

Table 5.1.20 Mandate of judges in 2021 (Q104, Q108 and Q109)

Table 5.1.21 Mandate of prosecutors in 2021 (Q125, Q129 and Q130) Q106 and Q107) (Q126, Q127 and Q128)

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2021 (Q132) Q136)

Table 6.1.3 Authority competent for the promotion of prosecutors in 2021 (Q137) Q141)

Table 6.1.5 Procedure and criteria for the promotion of judges in 2021 (Q133 and Q134)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2021 (Q138 and Q139)

Indicator 6- Promotion

Indicator 6- Promotion

7. Training - Overview

7.Training - List of tables

Table 7.1.1 Total budget of the training: training budget of training institutions and implemented courts and public prosecution services budget allocated to training in 2021 (Q4, Q6, Q142) between 2018 and 2021 (Q4, Q6, Q142)

Table 7.1.3 Evolution and variations of the total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2018 and 2021 (Q1, Q4, Q6, Q142)

Table 7.1.4 Types and frequency of training courses for judges in 2021 (Q143 and Q145)

Table 7.1.5 Types and frequency of training courses for prosecutors in 2021 (Q144 and Q146)

Table 7.1.6 Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)

Table 7.1.7 Number of in-service online training courses (e-learning) available and delivered by the public institution(s) responsible for training and number of participants in 2021 (Q147 and Q147-1)

Table 7.1.8 Sanctions for judges and prosecutors for not attending compulsory in-service trainings in 2021 (Q148 and Q149) (Q150, Q151 and Q152)

Table 7.1.10 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)

Table 7.2.1 Training courses on the EU law organised by institutions responsible for trainings in 2021 (Q154)

Table 7.2.2 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised by institutions responsible for trainings in 2021 (Q154) in 2021 (Q155)

Table 7.2.4 Training courses on the EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2021 (Q155)

Indicator 7- Training

Indicator 7- Training

8. Accountability and processes affecting public trust - Overview

8. Accountability - List of tables

2021 (Q156)

Table 8.1.2 System for compensating users: amounts by specific circumstances in 2021 (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 2021 (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 2021 (Q159)

Table 8.1.5 Procedure to effectively challenge a judge and ratio between the total number of initiated procedures and the total number of pronounced recusals in 2021 (Q160 and Q161)

Table 8.1.6 Status of public prosecution services in 2021 (Q162-0)

Table 8.1.7 Specific instructions to prosecute or not, addressed to a public prosecutor in 2021: existence and modalities (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4 and Q162-5)

Table 8.2.1 Type of legal provisions to guarantee the integrity of judges and prosecutors in 2021 (Q164 and Q166)

Table 8.2.2 Number of criminal cases against judges or prosecutors in 2021 (Q171)

Table 8.2.3 Specific measures to prevent corruption for judges and prosecutors in 2021 (Q172-0)

Table 8.2.4 Code of ethics for judges in 2021 (Q172, Q173 and Q173-1)

Table 8.2.5 Code of ethics for prosecutors in 2021 (Q174, Q175 and Q175-1)

Table 8.2.6 Institution or body responsible for ethical questions and public availability of opinions for judges and prosecutors in 2021 (Q176, Q177, Q178, Q179, Q180 and Q181)

Table 8.2.7 System to report attempt for influence/corruption on judges and prosecutors in 2021 (Q182)

Table 8.2.8 Transparency and organisation of distribution of court cases in 2021 (Q183, Q184)

Table 8.2.9 Transparency and organisation of reassignment of court cases in 2021 (Q185, Q186, Q187 and Q188)

Table 8.3.1 Declaration of assets for judges in 2021: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Table 8.3.2 Declaration of assets for judges in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Q200)

Table 8.3.4 Declaration of assets for judges in 2021: sanction in case of non-declaration (Q201)

Q205)

Table 8.3.6 Declaration of assets for prosecutors in 2021: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Q213)

Table 8.3.8 Declaration of assets for prosecutors in 2021: sanction in case of non-declaration of assets (Q214)

Table 8.3.9 Declaration of assets for judges and prosecutors in 2021: 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 2021 (Q217)

Table 8.4.2 Other functions/activities carried out by judges in 2021 (Q218, Q219, Q220 and Q221)

in 2021 (Q222 and Q223)

(Q226)

Table 8.4.5 Other functions/activities carried out by prosecutors in 2021 (Q227, Q228, Q229 and Q230)

prosecutors in 2021 (Q231 and Q232)

Q233)

Table 8.5.1 Initiation of a disciplinary procedure against judges and authority with disciplinary power in 2021 (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 2021 (Q236, Q240, Q241 and Q242)

2021 (Q237, Q238 and Q239)

Table 8.5.4 Initiation of a disciplinary procedure against prosecutors and authority with disciplinary power in 2021 (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 in 2021 (Q245, Q250 and Q251)

2021 (Q246, Q247 and Q248)